

Managing vegetation and large wood in and around waterways: overview and approvals required

Large wood and native vegetation are important for waterways

Large wood (snags) and native vegetation (instream, bank and riparian) play an important role in influencing the health of rivers, estuaries and wetlands. Taking wood or removing trees, shrubs and reeds from the bed and banks of waterways and from riparian land typically leads to poorer water quality, eroded riverbanks and degraded ecosystems. In many parts of Victoria, catchment management authorities (CMAs) and Melbourne Water are working in partnership with local communities and landholders to put wood and vegetation back into our waterways and riparian areas.

The Victorian Government has developed strategies and policies that cover the management of large wood and vegetation in waterways, particularly:

- The *Victorian Waterway Management Strategy*¹ is the government's policy guide for managing waterways. The strategy states that large wood and native instream vegetation will not be removed from rivers unless it is demonstrated to pose a serious risk to public safety or public infrastructure. Realigning or anchoring large wood is an option where it can be demonstrated the benefits outweigh the environmental costs.



These photographs show: a healthy river with good riparian vegetation and instream wood (above) and a river where the riparian vegetation is in poor condition and large wood is absent (below). Photographs: Jim Barrett and Water Technology



¹ Department of Environment and Primary Industries. 2013. [Improving our waterways. Victorian Waterway Management Strategy.](#)

Definitions of waterway terms

Instream vegetation grows in the water and along the lower banks of waterways. Land that adjoins waterways is known as riparian land (often called 'streamside' or 'frontage'). It is the land along and adjoining the

top of the bank of the waterway but is outside the actual bed and banks. In the landscape, the riparian and bank vegetation grade into each other but their distinction has implications for the approvals discussed in this fact sheet.

- The Victorian Floodplain Management Strategy² outlines government policy as it relates to large-scale flood mitigation activities that may benefit urban communities, and small-scale activities that may benefit individual landholders. If large wood or vegetation is to be removed from a waterway for flood mitigation purposes, a flood study may be required to show that the benefits of the proposed works outweigh the costs to waterway health.

Managing waterway vegetation – roles and responsibilities

Several authorities are responsible for administering legislation and regulations for the management of vegetation in and around waterways.

In Victoria, planning approval is usually required to remove, destroy or lop native vegetation. The permitting is governed by the native vegetation removal regulations which are implemented through local planning schemes administered by local government. If you plan to remove native vegetation, your first contact is local council which can help you understand the requirements involved. Information is also available on the [DELWP native vegetation](#) web pages.

CMAs have a regulatory role in authorising individuals and organisations to carry out works and activities on waterways³. Works and activities such as instream vegetation removal or large wood removal will generally need a CMA works on waterways permit^{4,5}.

The granting of a works on waterways permit does not exempt an applicant from the need to comply with other legislation, e.g. to comply with Aboriginal cultural heritage legislation. Further information about Aboriginal cultural heritage requirements can be found on the [Aboriginal Victoria](#) website.

The Department of Environment, Land, Water and Planning (DELWP) will also need to give approval if the proposed works and activities occur on Crown land. Most beds and banks of Victorian waterways and nearly 30,000 kilometres of riparian land are Crown land. If you are uncertain whether the riparian land is your private property or Crown land, you can contact DELWP, which can advise you if Crown land abuts your property.

The requirement to obtain other approvals is ultimately the responsibility of the applicant.

² Department of Environment, Land, Water and Planning. 2016. [Victorian Floodplain Management Strategy](#).

³ Contact Melbourne Water (manager of designated waterways for the Port Phillip region) for advice about waterway and riparian management matters in that region. References to CMAs in this fact sheet mean Melbourne Water for the Port Phillip and Westernport region.

⁴ The Glenelg Hopkins CMA (GHCMA) does not issue works on waterways permits. It authorises works through issuing a licence under the Water Act. The types of works or activities that can be authorised by the GHCMA and the authorisation process differ from other CMAs.

⁵ Works on waterways permits are only required for 'designated' waterways. These are most waterways in a CMA's region, but your local CMA will be able to advise whether your waterway is designated.



Planting on the Buchan River in East Gippsland. This provides riparian and waterway habitat, reduces erosion and improves water quality by controlling stock access and filtering nutrients and sediment. Photograph: East Gippsland CMA

Managing waterway vegetation – works on waterways permits

Do all activities require a works on waterways permit?

A works on waterways permit will generally be required for all works and activities within the bed and banks of waterways.

If you undertake works on a waterway that have not been authorised by a CMA you may be guilty of an offence. Talk with your CMA to discuss your requirements for a works on waterways permit.

Do I need a works on waterways permit to plant vegetation?

You are exempt from the requirement to obtain a works on waterways permit if you are planting vegetation that does not obstruct or is not likely to obstruct a waterway. However, you would still need to submit a proposal to the CMA before commencing planting on the bed or banks of a waterway. You are not required to apply for a works on waterways permit or submit a proposal to the CMA for planting on riparian land adjacent to the bed or banks⁶. However, on licensed Crown frontage, you must obtain approval from DELWP of any intention to plant native vegetation whether this is on the bed or banks or on adjacent riparian land.

⁶ Unless the riparian land has been declared as designated land under the *Water Act 1989*. However, at the time of publication, this only applies in Melbourne Water's region. Contact MW for information about its authorisation requirements. No CMA has any legally designated riparian land.



Willow removal on the Happy Valley Creek, Myrtleford. Photograph: North East CMA

The type of plants that should be planted in and along waterways will vary for different regions. Your CMA can provide advice on plant selection and planting strategies appropriate for your waterway.

Your CMA may also provide financial support for planting vegetation and associated works (such as fencing and construction of off-stream stock watering infrastructure).

Do I need a works on waterways permit for weed control?

Landholders are currently required to manage certain weeds (and pest animals), under the *Catchment and Land Protection Act 1994* for private riparian land and through licence conditions for Crown frontages.

A works on waterways permit is typically not required from your local CMA to remove riparian weeds. However, under some circumstances and depending upon the CMA, a permit may be required. For example, willows often occur on the banks of waterways and on the riparian land. Their removal carries significant risks of transferring willow fragments downstream if not carried out appropriately. Therefore, willow removal will likely trigger the requirement for a works on waterways permit in most cases.

A permit may also be required depending upon the method of removal of the weeds. For example, large scale weed removal with heavy machinery on riparian land may require a permit because the removal may also be impacting on the bank of the waterway.

Talk with your CMA about what you are proposing to do. They can advise you on the requirements for a permit and appropriate techniques for weed removal. For some species, such as willows, removal works along a waterway should be staged to prevent excessive lengths of unprotected banks.

Further information about managing weeds is available on the [Agriculture Victoria weeds](#) web pages. More information on managing willows is available on [DELWP's willow management](#) web page.

How do I demonstrate the need for vegetation removal works?

If flood risk is the primary reason for wanting to remove vegetation and/or large wood in and around waterways, a flood study may be required to support the application. It would need to assess the influence of the vegetation and/or large wood (and its potential removal) on local water levels and flood duration. The study would need to demonstrate that management would have benefits in terms of reduced flood damage and that these benefits were greater than any costs to waterway health. As a general principle, the onus of proof in removing vegetation and/or large wood to reduce flood risk lies with those wanting to make the change.

Who will do the works? Who will pay for them?

The applicant for the works on waterways permit is responsible for undertaking the works (or responsible for engaging someone else to do this on their behalf) and paying for the works.

What does completing a works on waterways application involve?

Your CMA has information about the process you will need to follow to submit a works on waterways application. Typically, you will need to provide information about the location of the works, what you propose to do and how you propose to do it.

For large-scale works you may also need to complete a flood study. You would need to cover the costs of a flood study yourself, so it is best to talk to your CMA before you go ahead and organise one.

How is my application assessed?

The CMA will assess your site using their practical experience of dealing with similar management issues on waterways in the region. The CMA will also assess the risks the proposed works pose to waterway health.

Works on waterways permits are granted with conditions to minimise negative impacts of works on the health of waterways. Possible impacts of proposed works include restricting or preventing the natural migration of fish and loss of habitat for aquatic life. In some cases, a works on waterways permit will be refused if the negative impacts of a works proposal are likely to outweigh the benefits.

How long will the process take?

The time it takes for the application to be reviewed may vary, depending on the complexity of proposed works. Your CMA will generally provide a written response within 28 days of the works on waterways application being submitted.

Further information

This is one of four fact sheets available to provide information about the relationship between waterway vegetation and flooding. The series includes information about managing the vegetation and approvals that may be required for its management:

- Managing vegetation and large wood in and around waterways
- Large wood (snags) and flooding
- Instream vegetation and flooding
- Riparian (streamside) vegetation and flooding.

CMAs and Melbourne Water, as the floodplain and waterway manager for their regions, are the key point of contact to assist with information in this fact sheet and to provide advice and information in relation to local waterways and floodplains.

East Gippsland CMA	5152 0600
West Gippsland CMA	1300 094 262
Corangamite CMA	5232 9100
Glenelg Hopkins CMA	5571 2526
Wimmera CMA	5382 1544
Mallee CMA	5051 4377
Melbourne Water	131 722
North Central CMA	5448 7124
Goulburn Broken CMA	5822 7700
North East CMA	1300 216 513

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