

Consultation protocol

For class 4 and 5 activities

February 2017



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1 ANO Code of Practice (NSW)

1.1 Authorised network operator

As a privately managed business, Ausgrid is now defined as an Authorised Network Operator (ANO) with certain obligations under the *Electricity Network Assets (Authorised Transactions) Act 2015 (Authorised Transactions Act)*.

An ANO is an Electricity Supply Authority under the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) which permits an ANO to undertake development for the purpose of electricity transmission or distribution on any land without consent (with some exceptions for land reserved under the *National Parks and Wildlife Act 1974*) and provides that certain development in connection with an electricity transmission or distribution network is exempt, Part 3, Division 5.

An ANO is prescribed as a determining authority under Section 111A of the *Environment Planning and Assessment Act 1979 (EP&A Act)* for the purposes of an electricity transmission or distribution network. As a determining authority, an ANO can assess and self-determine activities that are not likely to significantly affect the environment and are conducted by or on behalf of the ANO for the purpose of works associated with the construction, maintenance and operation of electricity transmission or distribution.

An ANO's access to the "without consent" provisions of the ISEPP and its role as a Part 5 determining authority requires the ANO to consider a proposal's impact on the environment. Proposals under Part 5 are referred to as an activity under the *EP&A Act*. While Part 5 Activities do not require development consent under Part 4 of the Act, the consideration of the proposal's environmental impact is required by section 111 of the *EP&A Act*. Section 112 of the same act requires an Environmental Impact Statement to be prepared if a proposal is likely to significantly affect the environment.

1.2 NSW Code of Practice for Authorised Network Operators

The NSW Government has identified that it is essential that ANOs continue to assess the impacts of activities under Part 5 for the continued delivery of the ANOs' core business and the efficient construction, operation and maintenance of the electricity infrastructure that is required to meet NSW's energy needs. As a result, the Government has developed the NSW Code of Practice for Authorised Network Operators (the Code) to ensure that assessments under Part 5 are conducted appropriately and in a manner that supports proper environmental assessment including appropriate community consultation.

The Code can be viewed here: <http://enviro.ausgrid.com.au/Documents/Regulatory.aspx>

The requirements of the Code are largely based on the existing environmental assessment practices of the former network operators which are considered to be best practice.

The Code seeks to:

- provide visibility around environmental assessments conducted under Part 5 and ensuring the ANO documents the steps associated with a determination
- identify and ensure best practice for environmental assessment of projects
- ensure community expectations about how assessments will be conducted, and how the community will be consulted are met
- ensure a determination provides clear, practical and enforceable conditions, where appropriate.

The Code provides a framework for the decision making process under Part 5 by addressing the following key points:

- procedures for carrying out assessments
- requirements for documentation
- protocols for consultation
- protocols for the availability of documentation to stakeholders
- capabilities required
- auditing and compliance arrangements.

The Government has developed the Code to ensure that assessments under Part 5 are conducted appropriately and in a manner that supports proper environmental assessment including appropriate community consultation. This document outlines Ausgrid's consultation protocol which has also been designed to meet the requirements of the Code.

2. Consultation protocol

Ausgrid prepares specific community engagement plans for new transmission lines and major substations proposals that are classified as Class 4 and 5 activities. Community engagement plans are prepared in accordance with Ausgrid's community engagement framework and are consistent with the best practice guidelines of the International Association for Public Participation (IAP2).

Ausgrid's community engagement framework includes any statutory requirements as the minimum engagement for any project and the principle that proposals that have more impact would require greater engagement with the surrounding community.

This consultation protocol outlines Ausgrid's approach and processes for engaging with the community in relation to environmental assessments (under Part 5 of the *EP&A Act*) for Class 4 and 5 activities, in accordance with the requirements of the Code.

Compliance with the Code is a condition of an ANO's licence issued under the *Electricity Supply Act 1995 (ES Act)*. Independent Pricing and Regulatory Tribunal (IPART) is responsible for monitoring an ANO's compliance with the Code. Part 5 of the Code addresses the audit and reporting requirements that an ANO must follow to facilitate the IPART's monitoring of compliance with the Code.

2.1 Engaging with the community

Ausgrid's community engagement framework provides the principles that guide all Ausgrid staff and business partners working on our behalf.

Our framework is built on the core values for public participation developed by IAP2. They state that public participation:

- is based on the belief that those who are affected by a decision have a right to be involved in the decision making process
- includes the commitment that the public's contribution will influence the decision
- promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers
- seeks out and facilitates the involvement of those potentially affected by or interested in a decision
- seeks input from participants in designing how they participate
- provides participants with the information they need to participate in a meaningful way
- communicates to participants how their input affected the decision.

Our framework also incorporates the best practice principles outlined by the AER's Consumer Engagement Guidelines for Network Service Providers. These principles include:

- clear, accurate and timely communication
- to be accessible and inclusive
- provide transparency
- ensure our actions are measurable.

These principles also reflect Ausgrid's organisational values:

- safety excellence
- respect for people
- customer and community focus
- continuous improvement
- act with integrity.

2.2 Scope of protocol

Ausgrid is committed to being a good neighbour and engaging with the community we serve as part of planning, constructing, operating and maintaining the electricity network. We work in good faith to communicate openly and clearly to ensure people are informed about our activities and decisions. Wherever possible, the engagement process provides opportunities to involve the community in decisions that affect them.

This protocol applies to Ausgrid's community engagement approach in relation to environmental assessments prepared for Class 4 or 5 activities; as required by the Code and it is aligned with Ausgrid's overall engagement approach.

While Ausgrid works to our community engagement framework, each project is assessed on a case by case basis to ensure the most effective and appropriate engagement is carried out and that a sustainable decision making process is followed.

Nothing in the Code is to be taken to limit any public consultation obligations arising from other aspects of an ANO's business. ANOs must abide by the general law in relation to community consultation and notification, including the provisions in the ISEPP,

the *EP&A Act* and the *ES Act* relating to agency and public notification.

In regard to this protocol, the NSW Government classifies proposals as Class 4 and 5 if they go beyond minor impacts, and/or impacts that are extensive and/or complex. Below is a summary of the definitions of Class 4 and 5 (refer to the Code for detailed descriptions of all the classes). Note, the Code and this protocol do not apply to Class 6 proposals where an environmental impact statement is required in accordance with Part 5.1 of the *EP&A Act*.

Class 4 activities

Proposals that produce an environmental assessment of a scale sufficient to match the anticipated impacts and:

- are expected on a reasonable basis to have impacts which go beyond minor impacts
- are expected on a reasonable basis to have impacts which are extensive and/or complex
- for any other reason considered by the ANO, in its discretion, to be a proposal for which it is appropriate for the ANO to produce a review of environmental factors (REF) (e.g. likely to be of considerable interest to the public).

Class 5 activities

Proposals that:

- the concurrence of the CEO of Office of Environment and Heritage (and/or, in connection with fish or marine vegetation, the Secretary of Department of Trade and Investment, Regional Infrastructure and Services [DTIRIS]) is required (in accordance with Division 3 of Part 5 of the *EP&A Act*)
- comply with the public consultation requirements under section 113 of the *EP&A Act*.

The protocol applies to consultation with members of the public, the Secretary of the Department of Planning and the Environment, and government authorities, and specifies requirements as outlined in the Code.

2.3 Summary of consultation protocol

This protocol has been prepared in accordance with the Code and has been published on Ausgrid's website. The Code took effect from 1 December 2016 and this protocol has been published within the three month time frame.

Section 4 outlines Ausgrid's process and approach to community engagement. The process provides an approach that is adapted on a project by project basis, and considers the nature and complexity of community impacts, IAP2 spectrum, potential stakeholders and likely issues of concern. It also outlines the requirements in respect of engagement with the community for Class 4 and 5 proposals. Consultation with government agencies is covered in section 5.

Section 6 covers the community engagement activities required when a proposal has been materially modified, either before or after a determination has been made in respect to the activity.

Ausgrid has prepared, endorsed and is committed to following the protocol.

3. Environmental assessment framework

The Code provides a framework of stages for the environmental assessment and determination process for ANOs. In relation to the environmental assessment framework, the community engagement requirements are outlined below. For more information on Ausgrid's regulations as an ANO our web site go to direct link - <http://enviro.ausgrid.com.au/Documents/Regulatory.aspx>.

3.1 Community engagement requirements

This consultation protocol relates to Class 4 or 5 activities only. As a minimum and to comply with the Code, an ANO's final environmental assessment must:

- contain a plain English description of the activity including geographic location, relationship to the site environment, an identification of landowners, and a description of current land uses
- explain the need for the activity and its justification including an assessment of any alternative options considered
- documents the ANO's consideration of whether early community consultation is required.

An ANO's final environmental assessment documentation must confirm the appropriate assessment and approvals process and contain adequate information to identify the extent and nature of the individual impacts associated with the activity. This must include identifying any potential community impacts and recording the steps taken by the ANO to address the outcomes required to be achieved under the Code.

ANO's final environmental assessment documentation must show evidence that the ANO has complied with the relevant aspects of a consultation protocol which is in force under the Code.

3.2 Decision statement requirements

A detailed decision statement is required, in the nature of a report which documents an authorised person's engagement with the environmental assessment, including the documentation of consultation with agencies and the community, and explains clearly the reasons why the key conclusions in the environmental assessment were or were not accepted.

The determination does not limit ongoing community consultation and communication that may be required throughout implementation.

3.3 Documentation requirements

It is a breach of the Code for an ANO to not retain a document which is sought by a member of the public in accordance with this protocol. See section 7 in this protocol for more information on public access and document retention.

4. Community engagement for class 4 and 5 activities

4.1 Overview

While this protocol incorporates the principles of Ausgrid's community engagement framework, this section provides an overview of community engagement requirements as outlined in the Code for environmental assessments for class 4 and 5 activities.

4.2 Planning approach

4.2.1 STEP 1 – Identify engagement objectives

The first step is to identify the objectives of the engagement process. Steps to achieve this include determining the scope of work, location, the time frame and potential impacts on the surrounding community. This information helps to determine which aspects of the project are negotiable and can be influenced by the community and which aspects are not negotiable. Doing this early in the planning phase of a project helps to avoid any confusion or misunderstanding about what can realistically be changed in the project scope. It will enable community expectations to be managed from the outset.

Negotiable aspects during planning can include input into the selection of a preferred route, urban design treatment of infrastructure, landscaping elements or the location of particular infrastructure such as poles or kiosks. Negotiable aspects during construction could include the travel route of construction vehicles, parking for construction staff, work hours (unless prescribed by a relevant road authority) or timing of construction to minimise impacts to sensitive neighbours.

Other matters to consider when determining the objectives of an engagement process include any legislative requirements, contractual requirements or conditions of approval relating to community engagement.

Community engagement objectives that are common to most projects are to:

- provide advance notice of work so there are no surprises
- identify and resolve potential issues relating to a project
- build relationships with neighbours and other stakeholders
- comply with legislative requirements.

In addition to these broad objectives, there are often specific objectives at different stages of a project from concept planning through to detailed design and construction.

4.2.2 STEP 2 – Identify key issues and risks

The next step is to identify all of the key issues and assess the level of risk they present to the project from a community perspective. Considering issues and risks from an early stage in the planning process means that appropriate mitigation strategies can be put in place. Ausgrid's experience in delivering major projects has helped to develop an understanding of the most common issues likely to be of interest or concern to the community but each proposal would have specific impacts. The environmental assessment process identifies issues, impacts and mitigation measures for activities that may affect the surrounding community.

4.2.3 STEP 3 – Identify stakeholders

Ausgrid engages with individuals and organisations that have an interest in or may potentially be impacted by a proposed activity. These individuals and organisations are commonly referred to as the 'community' or 'stakeholders'.

The community will vary from project to project, but generally includes residents, businesses, schools, electricity consumers, community groups and government. See next page for a table that lists typical stakeholders that Ausgrid may engage with in the course of proposals that are classified as a Class 4 or 5 activity.

Table showing typical Ausgrid stakeholders

Stakeholder Category	Issues/Interests
Elected representatives (state and federal)	<ul style="list-style-type: none"> •Potential impacts on constituents during construction and operation •Community engagement process
Government departments, government-owned corporations, government agencies	<ul style="list-style-type: none"> •Environmental impacts, compliance with licence conditions •Surface and groundwater impacts •Crossing major roads, traffic impacts during construction •Approval for rail crossings, impact on rail infrastructure •Impact on bus services •Impact on water and sewerage infrastructure •Potential impact on educational facilities •Adjacent to land reserved under the <i>National Parks and Wildlife Act 1974</i> •Adjacent to a marine park under the <i>Marine Parks Act 1997</i> •Adjacent to an aquatic reserve declared under the <i>Fisheries Management Act 1994</i> •In the foreshore area within the meaning of the <i>Sydney Harbour Foreshore Authority Act 1994</i> •Comprising a fixed/floating structure in/over navigable waters
Local government	<ul style="list-style-type: none"> •Impact on local roads and traffic • Road restoration • Impact on recreational areas • Impact on flooding and drainage • Impact on local community • Community engagement process • Council engagement process • Project enquiries and complaints made directly to council • REF review/consultation
Utility stakeholders (electricity, gas, water, sewerage, telecommunications)	<ul style="list-style-type: none"> • Potential impact on infrastructure/ service during construction
Transport stakeholders (Roads Maritime Services, Traffic Management Centre, councils, bus operators, taxis, cyclists, Bus & Coach Association, NSW Taxi Council, Bicycle NSW)	<ul style="list-style-type: none"> •Impacts on local traffic movements, traffic delays, changes to local access, loss of parking and safety during construction •For cyclists, changes in the nature of the road surface (trenching, joint bays etc.), loss of access to cycle paths, alternate temporary routes • Advance notice of changes
Emergency service stakeholders (Ambulance Service of NSW, NSW Fire Brigades, NSW Police Force, Rural Fire Service)	<ul style="list-style-type: none"> • Emergency procedures • Impact on local traffic and access
Business stakeholders (businesses in the project area, major shopping centres/retail centres, local chambers of commerce)	<ul style="list-style-type: none"> • Impacts on local business during construction: noise, traffic, access, parking, work hours
Directly-affected residents (residents living in immediate and adjoining streets)	<ul style="list-style-type: none"> •Construction impacts: noise, traffic, access, parking, safety, dust • Night works (noise, lighting) • Disruption to services (planned & unplanned) • Potential for property damage • Operation impacts: health concerns regarding new electricity installation • Effectiveness of community engagement initiatives
Education stakeholders (preschools, primary schools, high schools, universities, TAFE)	<ul style="list-style-type: none"> • Potential noise impacts • Safety issues associated with increased traffic on local roads, including heavy vehicles
Health care stakeholders (hospitals, medical centres, aged care facilities, child care centres)	<ul style="list-style-type: none"> • Amenity impacts during construction: noise, traffic, access, parking • Emergency procedures

Stakeholder Category	Issues/Interests
Places of worship	<ul style="list-style-type: none"> • Construction impacts during religious services (noise, access, traffic, parking)
Recreation stakeholders (parks, sporting grounds, clubs)	<ul style="list-style-type: none"> • Impacts during construction – noise, traffic, access, parking, safety
Local environment and community groups (progress associations, precinct committees, bushcare groups)	<ul style="list-style-type: none"> • Impact of construction on local residents • Health and safety concerns regarding new electricity installation • Impact on vegetation • Local communities • Traffic impacts during construction (delays, local access, parking) • Construction vehicles using local road network • Noise impacts during construction • Duration of work in local area
Road users (vehicles, cyclists)	<ul style="list-style-type: none"> • Traffic impacts during construction • Changes to local access • Road restoration • For cyclists, changes in the nature of the road surface (trenching, joint bays etc.), loss of access to cycle paths, alternate temporary routes
Other projects in the area	<ul style="list-style-type: none"> • Coordination of construction activities • Cumulative impacts
Media	<ul style="list-style-type: none"> • Community issues and impacts • Community relations activities • Project milestones

4.2.4 STEP 4 – Determine the level of engagement

Level of project impact

Following the issue and stakeholder analysis, Ausgrid determines the overall level of impact of the project. This helps to identify the level of community engagement that is appropriate and the engagement tools which should be used. The table below provides a general guide to identifying the appropriate level of project impact.

Table showing levels of project impacts

Impact level	Criteria	Types of projects	Typical engagement activities/tools
Level 1 Low to moderate impact on small area (i.e. street)	<ul style="list-style-type: none"> • Low to moderate level of impact on a small area or a few stakeholders • Overall level of interest will be relatively low • Some concerns/complaints likely, but limited to a small area or a few stakeholders. 	<ul style="list-style-type: none"> • New pillar, kiosk or pole transformer • Remote/rural zone substation with no neighbours 	Statutory notifications, letterbox drops, door step visits, signs
Level 2 Low to moderate impact on large area (i.e. suburb/s)	<ul style="list-style-type: none"> • Low to moderate level of impact on a large area or multiple stakeholders • Overall level of interest will be relatively low • Some concerns/complaints likely 	<ul style="list-style-type: none"> • Distribution cable projects • Transmission cable projects in rural areas 	Stakeholder meetings, statutory notifications, letter box drops, door step visits, VMS, signs, 1800 community information phone number
Level 3 High impact on small area (i.e. street)	<ul style="list-style-type: none"> • High level of impact on a small area or a few stakeholders • High level of interest likely, but limited to a small area • High likelihood of concerns/complaints, but limited to a small area 	<ul style="list-style-type: none"> • New or upgraded zone substations in urban areas 	Stakeholder meetings, statutory notifications, community information sessions, newsletters, letterbox drops, door step visits, signs, website, 11800 community information phone number, social media, online engagement

Impact level	Criteria	Types of projects	Typical engagement activities/tools
Level 4 High impact on large area (i.e. suburb/s)	<ul style="list-style-type: none"> • High level of impact on a large area or multiple stakeholders • High level of interest likely • High likelihood of concerns/complaints 	<ul style="list-style-type: none"> • Transmission cable projects in urban areas 	Stakeholder meetings, statutory notifications, community information sessions, newsletters, advertising, media release, notification letters, door step visits, VMS, signs, website, 1800 community information phone number

Level of community engagement

Having decided on the level of impact, the next step is to determine the level of community engagement that is appropriate for the project. There are five levels of community engagement as defined by the IAP2 in its public participation spectrum which is in line with Ausgrid's community engagement framework. These levels are outlined below.

Inform

This level of engagement focuses on providing the community and stakeholders with information without asking for comments or feedback. The aim is to ensure they are informed about an issue, an activity, a project or a decision which has been made.

Consult

To 'consult' is a two way communication process whereby information is provided to the community and comments or feedback is invited. The information may describe a proposed project or may present several options on which the community is invited to comment. The scope is limited in that the community is not involved in identifying the need for the project or developing the options.

Involve

To 'involve' is a level of engagement whereby community input is sought to identify issues and possible solutions during an early stage to inform the planning process. Early input and local knowledge is used to develop a plan which may then be given back to the wider community for feedback and comment before being finalised.

Collaborate

To 'collaborate' is to work in partnership with stakeholders to understand the issues, help identify alternatives and find solutions that lead to an agreed outcome. This level of engagement would be selected where issues and solutions are unclear and Ausgrid needs to work closely with other stakeholders to find solutions.

Empower

To 'empower' is to enable the community to make the final decision and be committed to implementing what it decides. The community is provided with the information, authority and resources necessary to make the decision.

Different levels of engagement may be appropriate for different stages of a project, specific issues or different stakeholders. However, the aim at this stage is to select the appropriate level/s for the project as a whole. Generally, the level of engagement will increase as the level of project impact increases. Note that a mix of the above elements may be appropriate.

4.3 General law consultation and notification requirements

While Section 4 outlines the consultation and notification requirements for Class 4 and 5 proposals as specified in the Code, Ausgrid will continue to adhere to the general law consultation and notification requirements. There are also additional requirements for community engagement as outlined in Ausgrid's community engagement framework and these are also touched on in this protocol. The relevant general laws and requirements for Class 4 and 5 proposals are listed below:

Electricity Supply Act 1995

Section 45(4) of the Electricity Supply Act 1995 requires that the relevant local council be given a reasonable opportunity (40 days from the date on which the notice was given) to make submissions on the proposal. All submissions must be considered prior to the start of the works.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

- clauses 13-15 of the Infrastructure SEPP require that consultation is undertaken with the relevant local council if the development has impacts on council-related infrastructure or services, local heritage or flood liable land
- clause 16 of the Infrastructure SEPP requires that consultation is undertaken with relevant public authorities other than council, in certain circumstances
- clause 42 of the Infrastructure SEPP provides that written notification must be given to the relevant local council and the occupiers of adjoining land for development for the purpose of a new or existing electricity substation. Any responses received within 21 days after the notice is given must be taken into consideration.

Class 5 proposals (where an Species Impact Statement [SIS] is required)

Section 113 of the *EP&A Act* and clauses 233-235 of the *EP&A Regulation*, require:

- exhibition of the SIS for 30 days at various locations
- newspaper advertisements of the exhibition in a daily newspaper circulating throughout the state and a local newspaper
- provision for submissions to be made during the exhibition phase, and for those submissions to be considered.

4.4 Community engagement information

Ausgrid engages the community in areas where we plan to work to provide adequate and clear information so those potentially affected can understand the proposal and how it is relevant to them. This includes providing stakeholders with the opportunity to provide feedback.

As part of this process, Ausgrid provides:

- specific community engagement activities that are designed to ensure that potentially affected community can participate in
- information on how the community get involved in the project
- information on why the project is needed and what to expect during the project
- details on the public exhibition of the REF and how the public can make submissions on the proposed activity
- information on the proposed activity and its location and types of likely impacts
- contact details for any concerns about a project, this includes a 24 hour community information line and an email address.

4.5 Consideration of submissions from the public

Ausgrid considers all submissions and feedback on the proposal during all stages for the project. As part of the planning and assessment process, Ausgrid considers and responds to:

- local information
- issues raised by the community
- other community input into the project planning process
- whether the proposal needs to be altered or modified as a result of feedback received.

For new transmission lines and major substation projects, a community feedback summary is prepared and published on Ausgrid's website. The summary details all feedback received, including submissions and how they have been considered and taken into account as part of the planning of the project. Depending on the project, there may be several community engagement summaries as the project progresses through key stages. All summaries will be available on the project web page.

Ausgrid keeps written records of all engagement activities in accordance with the Code (see Section 7.3 for more information on document retention).

4.6 Following determination

Following determination of the environmental assessment and in line with the Code requirements, Ausgrid advises all community members that have shown an interest in the proposal that:

- the final environmental assessment documentation and decision statement for the activity is on Ausgrid's website
- the expected start of the construction works.

5. Engaging with government agencies

5.1 Government agencies

Ausgrid engages with individuals and organisations that have an interest in or may potentially be impacted by Ausgrid's network operations. This includes government agencies.

There are a number of acts of parliament that have traditionally governed the need for Ausgrid to consult with officers of councils and state government agencies, but regular liaison with these organisations about our projects is also an important part of the smooth running of works.

The definition of government agency in the Code for ANOs is a:

- public authority constituted by or under an Act
- government department
- statutory body representing the Crown
- statutory State owned corporation (and its subsidiaries) within the meaning of the State Owned Corporations Act 1989
- person, not being an ANO, prescribed by the EP&A Regulations for the purposes of the definition of "public authority" under the EP&A Act.

Ausgrid engages with government agencies throughout all stages of a proposal but some of the key stages are outlined below. The environmental assessment outlines government agencies that Ausgrid would be required to consult as part of a proposal.

Stage 1 – early engagement seeking feedback on project options and local information/issues

Stage 2 – engagement seeking feedback on preferred option and any new or changed and local information/issues

Stage 3 – engagement on environmental assessment including opportunity to make a submission

Stage 4 – confirmation of project and seeking local information specifically to minimise construction impacts

Stage 5 – construction and seeking any new local information specifically to minimise construction impacts.

During the preparation of the environmental assessment (which is stage 3 above), Ausgrid notifies under *ES Act* and *ISEPP* with:

- a description of the proposal, including location
- a description of the types of environmental impacts that the proposal may have
- an invitation for the relevant authority to make a submission on the proposed activity within the prescribed period of time
- contact details of a nominated contact person at Ausgrid to receive submissions in writing.

Ausgrid considers all submissions received from a relevant government agency during the submission period as well as any submission received during the period that Ausgrid places a environmental assessment on public exhibition.

Submissions from government agencies are documented and addressed as part of the environmental assessment process. All other community submissions are summarised in the environmental assessment and documented and addressed in a community feedback summary. This summary is published on the project web page and sent to everyone who made a submission.

5.2 Proposals within environmentally sensitive areas of state significance

It is noted that Environmentally Sensitive Areas of State Significance are defined in the Code as having the same meaning as under the State Environmental Planning Policy (State and Regional Development) 2011. In the case of a proposed activity intended to take place within, or partially within, an Environmentally Sensitive Area of State Significance, Ausgrid would:

- notify the Secretary of the Department of Planning and Environment in writing that it proposes to carry out the activity in an Environmentally Sensitive Area of State Significance
- describe briefly the proposed activity, including its location
- identify the Environmentally Sensitive Area of State Significance in question.

5.3 Proposals within strategic transport land

The Code outlines certain requirements in regards to proposals that fall into areas known as strategic transport land. This relates to where a proposed activity is intended to be carried out within, or partially within strategic transport land and there is an objection from government agency that the proposed activity would materially interfere with a governments agency's present or future provision of transport infrastructure. The objection is to refer to a plan or strategy which has been adopted by a government agency.

Ausgrid will write to the Secretary of the Department of Planning and Environment to seek advice. Ausgrid will defer the final discharge of its duty under section 111 of the *EP&A Act* until either:

- the Secretary provides written advice in relation to the objection
- fifteen business days pass from the date upon which the Secretary has received Ausgrid's written notice.

5.4 Consideration of submissions from government agencies

Once the submission period has concluded, Ausgrid considers all submissions and feedback on the proposal. Factors considered by Ausgrid when responding to submissions would include:

- the issues raised as part of the project planning process
- how to address and respond to each issue
- whether the proposal needs to be further investigated, altered or modified as a result of feedback received.

Ausgrid will keep written records of all engagement undertaken as part of our community engagement policy and in accordance with the Code.

5.5 Following confirmation of project and construction approval

For new transmission lines and major substation projects, Ausgrid advises all potentially affected community, including relevant government agencies that the project is confirmed for construction via printed newsletters, direct email and the project web page. Information also includes updates on the project time frames, details on what to expect during construction, a listed 24 hour project community line and a project email and where the latest project information is kept including the final REF. Ausgrid generally offers government agencies briefings on the proposal as well at this stage.

5.6 Following completion of project

For new transmission lines and major substation projects, Ausgrid advises all potentially affected community, including relevant government agencies that the project has been completed and thanks everyone for the patience during construction. Ausgrid works with local councils or relevant road authorities during this time to complete any final reinstatement that may be required.

6. Modifications to projects

Sometimes it may be necessary or desirable to change a proposal. This may occur after the project has been approved for construction, or during construction. This could be a result of new requirements or information, issues raised by stakeholders, or some other consideration.

If a proposed activity is modified in a material way and the modification would increase the overall environmental impact, the ANO must repeat the steps outlined in Stages 1 to 3 and produce either an addendum to the environmental assessment or a new environmental assessment. Only the aspects of the activity which are proposed to be modified in a material way are required to be the subject of further consultation. If the change is substantial, the addendum to the environmental assessment or new environmental assessment would be placed again on public exhibition.

The previous determination made under the Code can then be modified or superseded by an authorised person issuing a further decision statement.

6.1 Key stages to be repeated

Stage 1 – early engagement seeking feedback on project options and local information/issues.

Stage 2 – engagement seeking feedback on preferred option and any new or changed and local information/issues.

Stage 3 – engagement on environmental assessment including opportunity to make a submission (if the modification is substantial).

7 Public access

7.1 Public interest

Although Ausgrid is no longer subject to the *Government Information (Public Access) Act 2009 (GIPA Act)*, as a determining authority under Part 5, Ausgrid recognises that there is an ongoing public interest in the documents that relate to the environmental assessment process.

7.2 Publishing online

It is a requirement of the Code that an ANO publishes on its website, and makes available for download, without cost, copies of all final environmental assessment documentation, including decision statements within 20 business days.

Under Ausgrid's community engagement framework, we will also publish documents that will facilitate public participation with the environmental assessment process such as project updates, newsletters, maps, contact information and other community engagement material.

7.3 Document retention

The Code mandates that Ausgrid as an ANO must retain the following documents for at least five years:

- final environmental assessment documentation including the decision statement
- consultation documentation
- implementation documentation.

7.4 Responding to public requests for documents

Ausgrid must respond to a request for access to a document within 20 business days by:

- providing a copy of the document/s to the applicant by any reasonable means
- writing to the applicant for the purpose of either imposing a processing fee or to decline to provide the applied for document/s
- if declined, Ausgrid must briefly explain in writing why, referencing the applicable provision of the Code
- an ANO is not required to respond to an application it reasonably believes is frivolous or vexatious, or where the ANO is unable to contact an applicant.

It is a breach of the Code for an ANO to fail to provide document/s sought by the application within 20 business days except if the following applies:

- the application is not a valid application because it does not meet the following formal requirements that a written letter:
 - be sent to or lodged at an office of the ANO
 - clearly indicates that it is an application under the Code
 - be accompanied by payment of \$30 as an application fee
 - state a postal address as the address for correspondence in connection with the application; and it must include such information as is reasonably necessary to enable the document/s applied for to be identified.
- the application seeks a document which, to the best of the ANO's knowledge after making reasonable attempts to investigate the matter, does not exist
- the application seeks a document to which Schedule 1 of the *GIPA Act* would have previously applied
- the ANO has written to the applicant within 20 business days of receiving the application to advise that the application will take more than one hour to process, and that the ANO has decided to impose a processing fee based on a reasonable estimate of how long it will take to process the application. In these cases:
 - the ANO is only obliged to provide the applicant with the document/s if the imposed processing fee is paid within 20 business days of the ANO giving notice in writing of the processing fee
 - the ANO must produce the applied for document/s within 20 business days of the payment of the fee
 - a processing fee is not to exceed \$30 for each employee-hour or part thereof required to process the application beyond the first hour
 - the correspondence advising the applicant of the imposition of a processing fee must contain an explanation as to how the fee amount has been assessed.
- the ANO believes on reasonable grounds that the application is frivolous or vexatious.

7.5 Appealing an ANO decision to not grant access

If a person who is dissatisfied with a decision of an ANO to not grant access to a document, they can apply to IPART for a direction that Ausgrid is to provide access to the document/s in question. An ANO is deemed to have declined access to a document or documents if it fails to respond to a request in a manner required by the Code within 20 business days of an application for access being made.

An application to IPART for such a direction must:

- be in writing addressed to an office of IPART
- attach the original application to the ANO; and any response to the application from the ANO
- contain any other information necessary for IPART to understand the reasons why the person is making the application to IPART should make the direction.

IPART considers all applications and may direct Ausgrid to provide a document. Such a direction must be in writing, and must be copied to the person who applied for the direction to be made. It is a breach of the Code for Ausgrid to fail to comply with a direction of IPART under Section 4 of the Code.