

## Network Standard

### NETWORK

Document No : NW000-S0102  
Amendment No : 3  
Approved By : M–Environmental Services  
Approval Date : 14/02/2019  
Review Date : 14/02/2022

**(Supersedes Network Standard (NETWORK) Document No. NW000-S0102 Amdt No.2)**

NW000-S0102

NS174 ENVIRONMENTAL PROCEDURES



## ISSUE

For issue to all Ausgrid staff, Accredited Service Providers' and contractors involved with the construction, maintenance and operation of Ausgrid's network, and is for reference by field, technical and engineering staff.

Ausgrid maintains a copy of this and other Network Standards together with updates and amendments on [www.ausgrid.com.au](http://www.ausgrid.com.au).

Where this standard is issued as a controlled document replacing an earlier edition, remove and destroy the superseded document.

## DISCLAIMER

As Ausgrid's standards are subject to ongoing review, the information contained in this document may be amended by Ausgrid at any time. It is possible that conflict may exist between standard documents. In this event, the most recent standard shall prevail.

This document has been developed using information available from field and other sources and is suitable for most situations encountered in Ausgrid. Particular conditions, projects or localities may require special or different practices. It is the responsibility of the local manager, supervisor, assured quality contractor and the individuals involved to make sure that a safe system of work is employed and that statutory requirements are met.

Ausgrid disclaims any and all liability to any person or persons for any procedure, process or any other thing done or not done, as a result of this Standard.

All design work, and the associated supply of materials and equipment, must be undertaken in accordance with and consideration of relevant legislative and regulatory requirements, latest revision of Ausgrid's Network Standards and specifications and Australian Standards. Designs submitted shall be declared as fit for purpose. Where the designer wishes to include a variation to a network standard or an alternative material or equipment to that currently approved the designer must obtain authorisation from the Network Standard owner before incorporating a variation to a Network Standard in a design.

External designers including those authorised as Accredited Service Providers will seek approval through the approved process as outlined in NS181 Approval of Materials and Equipment and Network Standard Variations. Seeking approval will ensure Network Standards are appropriately updated and that a consistent interpretation of the legislative framework is employed.

**Notes:** 1. Compliance with this Network Standard does not automatically satisfy the requirements of a Designer Safety Report. The designer must comply with the provisions of the Workplace Health and Safety Regulation 2011 (NSW - Part 6.2 Duties of designer of structure and person who commissions construction work) which requires the designer to provide a written safety report to the person who commissioned the design. This report must be provided to Ausgrid in all instances, including where the design was commissioned by or on behalf of a person who proposes to connect premises to Ausgrid's network, and will form part of the Designer Safety Report which must also be presented to Ausgrid. Further information is provided in Network Standard (NS) 212 Integrated Support Requirements for Ausgrid Network Assets.

2. Where the procedural requirements of this document conflict with contestable project procedures, the contestable project procedures shall take precedent for the whole project or part thereof which is classified as contestable. Any external contact with Ausgrid for contestable works projects is to be made via the Ausgrid officer responsible for facilitating the contestable project. The Contestable Ausgrid officer will liaise with Ausgrid internal departments and specialists as necessary to fulfil the requirements of this standard. All other technical aspects of this document which are not procedural in nature shall apply to contestable works projects.

## INTERPRETATION

In the event that any user of this Standard considers that any of its provisions is uncertain, ambiguous or otherwise in need of interpretation, the user should request Ausgrid to clarify the provision. Ausgrid's interpretation shall then apply as though it was included in the Standard, and is final and binding. No correspondence will be entered into with any person disputing the meaning of the provision published in the Standard or the accuracy of Ausgrid's interpretation.

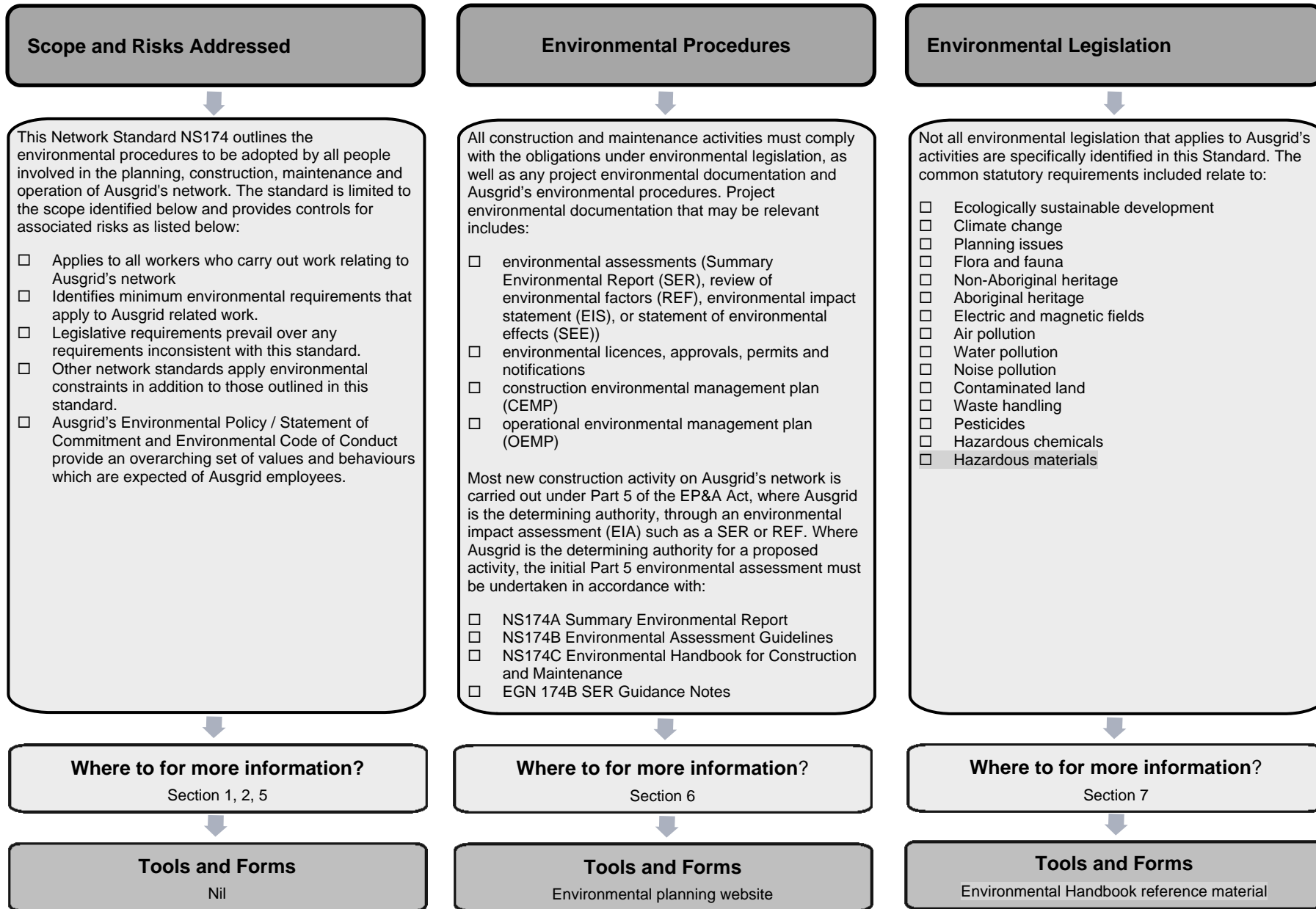
## KEYPOINTS

This standard has a summary of content labelled "KEYPOINTS FOR THIS STANDARD". The inclusion or omission of items in this summary does not signify any specific importance or criticality to the items described. It is meant to simply provide the reader with a quick assessment of some of the major issues addressed by the standard. To fully appreciate the content and the requirements of the standard it must be read in its entirety.

## AMENDMENTS TO THIS STANDARD

Where there are changes to this standard from the previously approved version, any previous shading is removed and the newly affected paragraphs are shaded with a grey background. Where the document changes exceed 25% of the document content, any grey background in the document is to be removed and the following words should be shown below the title block on the right hand side of the page in bold and italic, for example, Supersedes – document details (for example, "Supersedes Document Type (Category) Document No. Amendment No.").

# KEY POINTS OF THIS STANDARD



# Network Standard NS174 Environmental Procedures

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## 1.0 PURPOSE

Network Standard NS174 outlines the environmental procedures to be adopted by all people involved in the planning, construction, maintenance and operation of Ausgrid's network.

This Network Standard provides an overview of environmental legislative requirements to:

- assist workers in understanding their environmental responsibilities, and
- assist workers in locating information which will aid them in complying with their environmental responsibilities.

## 2.0 SCOPE

This Network Standard applies to all individuals who carry out any work related to Ausgrid's network and includes Ausgrid employees, Accredited Service Providers (ASPs), contractors, sub-contractors and associates.

This Network Standard does not attempt to cover all environmental legislative requirements but rather attempts to bring together the most common requirements that are likely to apply to Ausgrid's network related activities.

Where there is an inconsistency between this document and a legislative requirement, the legislative requirement will prevail. The requirements of other relevant Network Standards must also be complied with.

## 3.0 REFERENCES

### 3.1 General

All work covered in this document shall conform to all relevant Legislation, Standards, Codes of Practice and Network Standards. Current Network Standards are available on Ausgrid's Internet site at [www.ausgrid.com.au](http://www.ausgrid.com.au).

### 3.2 Ausgrid documents

- HS000-Y0034 Environment Board Policy
- EM 000 Environmental Statement of Commitment
- EM 001 Environmental Code of Conduct
- NS174A Summary Environmental Report
- NS174B Environmental Assessment Guidelines
- NS174C Environmental Handbook for Construction and Maintenance
- EGN 174B Summary Environmental Report Guidance Notes
- NS211 Working with Asbestos
- Pesticide Notification Plan
- Tree Safety Management Plan

### 3.3 Other standards and documents

- Australian and New Zealand Environment and Conservation Council (ANZECC), Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ), Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Canberra, 2000
- Department of Environment and Climate Change (DECC), Interim Construction Noise Guidelines, Sydney, 2009
- Department of Environment and Conservation (DEC), Guidelines for the assessment and management of groundwater contamination, 2007
- Department of Planning and Environment (DPE), NSW Code of Practice for Authorised Network Operators (Planning Code), 2015
- Environment Protection Authority (EPA), [EPA Compliance Policy](#), May 2013
- EPA, [Noise Policy for Industry](#), 2017
- EPA, Guidelines for the NSW Site Auditor Scheme, 3rd edition, 2017
- EPA, Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2015
- EPA, Sampling design guidelines (September 1995)
- EPA, Waste Classification Guidelines, 2014
- Office of Environment and Heritage, [Compliance Policy](#), March 2018
- SafeWork NSW, Code of Practice – How to Manage and Control Asbestos in the Workplace, 2016
- SafeWork NSW, Code of Practice – How to Safely Remove Asbestos, 2016

### 3.4 Key Acts and regulations with environmental requirements

Legislation is from NSW unless otherwise noted.

- Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)
- Aboriginal Land Rights Act 1983
- Australian Radiation Protection and Nuclear Safety Act 1998 (Cth)
- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Biosecurity Act 2015 (Cth)
- Census and Statistics Act 1905
- Coal Mine Subsidence Compensation Act 2017
- Coastal Management Act 2016
- Contaminated Land Management Act 1997
- Crimes Act 1914
- Dangerous Goods (Road And Rail Transport) Act 2008
- Electricity Network Assets (Authorised Transactions) Act 2015
- Electricity Supply Act 1995
- Environment Protection and Biodiversity Conservation Act 1999 (Cth)
- Environmental Planning and Assessment Act 1979
- Environmentally Hazardous Chemicals Act 1985
- Fisheries Management Act 1994
- Forestry Act 2012
- Hazardous Waste (Regulation of Exports and Imports) Act 1989 (Cth)
- Heritage Act 1977
- Hunter Water Act 1991
- Local Government Act 1993
- Local Land Services Act 2013
- Marine Estate Management Act 2014

- Marine Pollution Act 2012
- National Environment Protection Council (New South Wales) Act 1995
- National Environment Protection Council Act 1994 (Cth)
- National Greenhouse and Energy Reporting Act 2007 (Cth)
- National Parks and Wildlife Act 1974
- Native Title (New South Wales) Act 1994
- Native Title Act 1993 (Cth)
- Ozone Protection Act 1989
- Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 (Cth)
- Pesticides Act 1999
- Place Management NSW Act 1998
- Product Stewardship Act 2011 (Cth)
- Protection of the Environment Administration Act 1991
- Protection of the Environment Operations (Clean Air) Regulation 2010
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Noise Control) Regulation 2017
- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014
- Protection of the Environment Operations (Waste) Regulation 2014
- Protection of the Environment Operations Act 1997
- Radiation Control Act 1990
- Roads Act 1993
- Rural Fires Act 1997
- Scheduled Chemical Wastes Control Order 2004
- Soil Conservation Act 1938
- State Environmental Planning Policy (Coastal Management) 2018
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy No 19 - Bushland in Urban Areas
- State Environmental Planning Policy No 44 - Koala Habitat Protection
- State Environmental Planning Policy No 55 - Remediation of Land
- Sydney Olympic Park Authority Act 2001
- Sydney Regional Environmental Plans
- Sydney Water Act 1994
- Water Act 1912
- Water Act 2007 (Cth)
- Water Management Act 2000
- Water NSW Act 2014
- Wilderness Act 1987
- Work Health and Safety Act 2011

## 4.0 DEFINITIONS

<b>Accredited Service Provider (ASP)</b>	An individual or entity accredited by the NSW Department of Planning and Environment, Energy, Water and Portfolio Strategy Division, in accordance with the Electricity Supply (Safety and Network Management) Regulation 2014 (NSW).
<b>Business Management System (BMS)</b>	An Ausgrid internal integrated policy and procedure framework that contains the approved version of documents.
<b>CER</b>	Clean Energy Regulator (Federal)
<b>CLM Act</b>	<i>Contaminated Land Management Act 1997</i>
<b>DOEE</b>	Department of the Environment and Energy (Federal)
<b>DPE</b>	Department of Planning and Environment (State)
<b>DPI</b>	Department of Primary Industries (State)
<b>EIS</b>	Environmental impact statement
<b>EMF</b>	Electric and magnetic fields
<b>EHC Act</b>	<i>Environmentally Hazardous Chemicals Act 1985</i>
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EPA</b>	Environment Protection Authority (State)
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPL</b>	Environment protection licence
<b>ESD</b>	<u>Ecologically sustainable development</u>
<b>NES</b>	National environmental significance
<b>Network Standard</b>	A document, including Network Planning Standards, that describes the Company's minimum requirements for planning, design, construction, maintenance, technical specification, environmental, property and metering activities on the distribution and transmission network. These documents are stored in the Network Category of the BMS repository.
<b>NPW Act</b>	<i>National Parks and Wildlife Act 1974</i>
<b>NSW</b>	New South Wales
<b>OEH</b>	Office of Environment and Heritage (State)
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>REF</b>	Review of environmental factors
<b>Review date</b>	The review date displayed in the header of the document is the future date for review of a document. The default period is three years from the date of approval however a review may be mandated at any time where a need is identified. Potential needs for a review include changes in legislation, organisational changes, restructures, occurrence of an incident or changes in technology or work practice and/or identification of efficiency improvements.
<b>SER</b>	<u>Summary Environmental Report</u>
<b>SEPP</b>	State environmental planning policy
<b>SF<sub>6</sub></b>	sulfur hexafluoride



## 5.0 BACKGROUND

Legislative obligations can affect the conduct of activities associated with Ausgrid's network at all levels. They can impact on activities from long-term network planning decisions, through to line construction and maintenance. Consequences of non-compliance include large fines, convictions including of corporate officers, and remedial orders or injunctions that may delay a project or render it commercially unviable. This is in addition to reputational risks and potential publication orders.

Under environmental legislation, a business must, through its employees and contractors:

- conduct proper environmental assessments which take into account all matters affecting or likely to affect the environment
- obtain and comply with all the required approvals, licences and permits
- avoid harm and potential harm to the environment in the course of conducting business
- immediately report environmental incidents.

All Ausgrid workers must comply with our Environmental Policy/Statement of Commitment and Environmental Code of Conduct, which are both available on Ausgrid's website at [www.ausgrid.com.au](http://www.ausgrid.com.au). These documents provide the overarching values and behaviours expected of our workers.

State legislation can be found at the New South Wales (NSW) Government legislation website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

Commonwealth legislation can be found at the Federal Register of Legislation website at [www.legislation.gov.au](http://www.legislation.gov.au).

## 6.0 ENVIRONMENTAL PROCEDURES

### 6.1 Environmental planning

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the primary piece of legislation for regulating planning and development in NSW. An overview of environmental legislative and other requirements which relate to planning is provided in Section 7 of this Network Standard. Environmental planning is regulated by the:

- Environmental Planning and Assessment Regulation 2000 (EP&A Reg)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- NSW *Code of Practice for Authorised Network Operators* (Planning Code) (DPE, 2015).

Most new construction activity on Ausgrid's network is carried out under Part 5 of the EP&A Act, where Ausgrid is the determining authority, through an environmental impact assessment (EIA) Summary Environmental Report (SER) or review of environmental factors (REF). Where Ausgrid is the determining authority for a proposed activity, the initial Part 5 environmental assessment must be undertaken in accordance with:

- NS174A Summary Environmental Report
- NS174B Environmental Assessment Guidelines
- NS174C Environmental Handbook for Construction and Maintenance
- EGN 174B SER Guidance Notes.

All Part 5 environmental assessments must be determined by Ausgrid. Although Ausgrid may be the determining authority, it is required to consult with other government agencies (eg Council or the Office of Environmental and Heritage (OEH) prior to commencing certain works. This includes:

- with Council, prior to development with impacts on council-related infrastructure or services
- with Council, prior to development with impacts on local heritage
- with Council, prior to development with impacts on flood liable land, and

- with OEH, prior to development adjacent to land reserved under the *National Parks and Wildlife Act 1974* (NPW Act), or on land zoned for National parks use.

Activities that, by their scope or location, are likely to present greater environmental risk will require that this exposure be specifically assessed. Examples include activities that have the potential to affect threatened species, Aboriginal relics, Ramsar wetlands, and decommissioning substations. In these instances, the SER will be referred to Ausgrid's Environmental Services for detailed assessment. This detailed assessment may take the form of specific advice, a specialist assessment, an REF or if the activity is likely to significantly affect the environment, an Environmental Impact Statement (EIS) under Part 5.1 of the EP&A Act.

Most routine maintenance work is classified as 'Exempt development' and does not require an SER, REF or EIS.

## 6.2 Construction and maintenance activities

All construction and maintenance activities must comply with the obligations under environmental legislation, as well as any project specific environmental documentation and Ausgrid's environmental procedures, including Ausgrid's NS174C Environmental Handbook for Construction and Maintenance.

The Environmental Handbook specifies the minimum environmental controls for all construction and maintenance work on Ausgrid's network. It summarises the key requirements relating to pollution control, hazardous materials, emissions, contamination and waste, ecology, heritage and resources.

Project specific environmental documentation that may be relevant includes:

- environmental assessments (SER, REF, EIS, or statement of environmental effects (SEE))
- environmental approvals, licences, permits and notifications
- construction environmental management plan (CEMP)
- operational environmental management plan (OEMP).

Where there is an inconsistency between the handbook and a project specific condition in an environmental assessment, the condition in the environmental assessment prevails. Further, where there is an inconsistency between the handbook and requirements in environmental legislation, the requirement in the environmental legislation prevails.

Non Ausgrid employees must rely on their own systems to identify all environmental risks and sources of existing or potential environmental harm and introduce measures and procedures to address these risks or sources of harm. The Handbook may form part of that system.

## 7.0 ENVIRONMENTAL LEGISLATION

The following sections provide a brief overview of the key statutory requirements which apply to Ausgrid. It should be noted that in some cases exemptions will apply or, alternatively, other guidelines and standards may be applicable. A reference to an Act should be read as a reference to the Act and its associated Regulations.

### 7.1 Ecologically sustainable development

One of the objectives of the EP&A Act is to facilitate ecologically sustainable development (ESD) by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment. Similarly, one of the objectives of the *Protection of the Environment Operations Act 1997* (POEO Act) is to protect, restore and enhance the quality of the environment in NSW, having regard to the need to maintain ESD.

For the purposes of those Acts, the *Protection of the Environment Administration Act 1991* states that ESD:

*“... requires the effective integration of social, economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:”*

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

Though its actions and policies, Ausgrid should promote the principles of ecologically sustainable development, particularly in guiding the exercise of its powers under Part 5 of the EP&A Act.

### 7.2 Climate change

The *National Greenhouse and Energy Reporting Act 2007*, administered by the Australian Government Clean Energy Regulator (CER), establishes the legislative framework for the National Greenhouse and Energy Reporting (NGER) scheme, which is the framework for reporting greenhouse gas emissions, greenhouse gas projects and energy consumption and production by corporations in Australia.

Ausgrid is required to report information on energy production, energy consumption and the amount of greenhouse gas emissions for the facilities under its operational control. The report is due to CER on an annual basis by 31 October following the financial year being reported. This includes greenhouse gas emissions of sulfur hexafluoride (SF<sub>6</sub>) from gas insulated switchgear and circuit breakers, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O).

### 7.3 Planning

The EP&A Act, administered by the DPE, regulates planning and development in NSW. It provides the overall framework under which approvals are obtained and applies to all new construction activities, such as the installation of new substations and power lines. Some maintenance work also gets captured.

The EP&A Act requires an assessment of all relevant environmental planning instruments (EPIs) to determine if and what type of planning approval is required. If the development is not considered exempt and a planning approval is required, the EP&A Act prescribes the assessment/approval process and requires project activities to comply with any controls/approval conditions stipulated in the approval. Most new construction activity on Ausgrid's network is carried out under Part 5 of the EP&A Act, where Ausgrid is the determining authority. However, some construction activities will require approval from a consent authority under Part 4 of the EP&A Act or will require approval from the Minister under Part 5.1 of the EP&A Act. Where the work is located in an infrastructure corridor that attracts concurrence obligations, Ausgrid would be required to obtain concurrence from the specified public authority before carrying out works or granting an approval.

The NSW Land and Environment Court has a wide discretion to restrain a breach of the EP&A Act and to restore the land to its earlier condition. Fines may be imposed for breaches of the EP&A Act to a maximum of \$5 million plus \$50,000 per day for a continuing offence.

Various other Acts require approvals for certain activities in specified areas. Examples include developments in wilderness areas, mine subsidence areas, special catchment areas, forestry areas, national parks and conservation areas, damaging seagrass and mangroves, dredging and working on classified roads.

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), administered by the Commonwealth Department of Environment and Energy (DOEE), regulates the protection of matters of national environmental significance (NES), such as world heritage, national heritage, Ramsar wetlands, Commonwealth listed threatened species, migratory birds, and Commonwealth land. Actions likely to have a significant impact on these areas will require Commonwealth approval in addition to NSW planning requirements. Fines may be imposed for breaches of the EPBC Act to a maximum of \$10.5 million for a corporation, and penalties including up to 7 years in prison or fines of \$1,050,000 for an individual. The *Crimes Act 1914* additionally allows for continuing offences for each day that an action which ought to have been done is outstanding.

## 7.4 Flora and fauna

The *Biodiversity Conservation Act 2016*, administered by the OEHL, makes it an offence to harm or attempt to harm threatened species of flora and fauna and their habitat, threatened ecological communities and their habitat, and areas of outstanding biodiversity value, unless in accordance with a defence such as approval under the EP&A Act or exempt development. Activities likely to significantly affect threatened species etc. require a Species Impact Statement (SIS) or Biodiversity Development Assessment Report (BDAR). Certain forms of development may additionally require Ausgrid to obtain biodiversity offsets.

The *Local Land Service Act 2016* makes an offence for clearing native vegetation in rural areas, unless a specific exemption applies, such as holding an approval under the EP&A Act or exempt development. The Act also defines a number of allowable activities including certain maintenance of public utilities associated with the transmission of electricity, which is more fully set out in Schedule 5 cl 24.

The following State Environmental Planning Policies (SEPPs) control development and other works which are in or near certain sensitive areas, due to the presence of protected flora or fauna:

- SEPP 19 Bushland in Urban Areas
- SEPP 44 Koala Habitat Protection
- SEPP Coastal Management, and
- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2, 1997).

Under the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* clearing of vegetation in non-rural areas requires a permit from the council unless in accordance with clearing of a kind that is authorised under the LLS Act, or another exemption applies. If the proposed clearing exceeds the biodiversity offsets scheme threshold, authorisation from the Native Vegetation Panel may be required.

The *Biosecurity Act 2015*, administered by the Department of Primary Industries (DPI), regulates the biosecurity risks from animal and plant pests and diseases, weeds and contaminants. The Act includes a general duty to prevent, eliminate or minimise biosecurity. Prohibited matter and biosecurity events must be notified to the DPI.

The *Electricity Supply Act 1995*, administered by the NSW Department of Industry, regulates the trimming of trees which could interfere with electricity networks and some other maintenance works. However, this allowance does not apply to trees subject to certain protection orders or in protected areas.

The *Electricity Supply (Safety and Network Management) Regulation 2014* requires any trimming that may substantially damage a tree to be done in accordance with a tree management plan and sets out the requirements for such a plan. This regulation also regulates the manner in which other forms of maintenance works can be performed.

The *Rural Fires Act 1997*, administered by the NSW Rural Fire Service (RFS), regulates the prevention of bush fires, hazard reduction, bush fire danger period, permits, total fire bans and development of bush fire prone land.

The EPBC Act, administered by DOEE, requires the approval of the Minister for actions that may have a significant impact on matters of NES. Matters of NES include wetlands of international importance, nationally threatened species and ecological communities, migratory species and Commonwealth marine areas. A Part 13 permit may be required where the activity will involve the death, injury or taking of a member of a threatened species, migratory species, or ecological community.

Under the NPW Act, it is an offence to damage or remove vegetation, rock, soil and stone without a licence, consent or approval under the EP&A Act.

## 7.5 Non-Aboriginal heritage

The *Heritage Act 1977*, administered by the OEH, regulates the protection of non-Aboriginal heritage which has State heritage significance. It establishes offences for damaging heritage items, if not in accordance with an approval. There are also requirements for maintaining heritage items, keeping heritage registers, notifying potential discoveries, and obtaining permits when working in areas where heritage relics could be discovered. Ausgrid is contractually obliged to maintain a section 170 register.

Local Environmental Plans (LEPs) and Development Control Plans (DCPs) may list places of local heritage significance, and regulate how works are carried out in proximity to those places. Where Ausgrid is self-determining works in accordance with the *State Environmental Planning Policy (Infrastructure)*, before impacting an item of local heritage significance, Ausgrid must provide a heritage assessment to the local council and give due consideration to any submission received from Council.

The EPBC Act, administered by DOEE, requires the approval of the Minister for actions that may have a significant impact on the national heritage values of a listed place, Commonwealth heritage values of certain places owned or leased by the Commonwealth, or world heritage values of a World Heritage property

## 7.6 Aboriginal heritage

The NPW Act, administered by the National Parks and Wildlife Service (NPWS), is the primary legislation regulating the protection of Aboriginal cultural heritage in NSW. Under the NPW Act it is an offence to harm or desecrate an Aboriginal object or Aboriginal place. Harm includes destroying, defacing or damaging an Aboriginal object or Aboriginal place, and in relation to an Aboriginal object, move the object from the land on which it has been situated. There are defences available in some specific circumstances. If a previously unknown Aboriginal object is discovered, it must be reported to OEH.

The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010) can be used to demonstrate due diligence when determining whether to apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

The EPBC Act, administered by DOEE, requires the approval of the Minister for actions that may have a significant impact on matters of NES. Matters of NES include national heritage which lists Aboriginal places.

Certain declared Aboriginal heritage is also protected by the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. This Act allows the Environment Minister, on the application of an Aboriginal person or group of persons, to make a declaration to protect an area, object or class of objects from a threat of injury or desecration. It also requires that people who discover anything that is reasonably suspected of being remains of an Aboriginal person, must notify the Commonwealth Environment Minister. This carries a penalty of \$1,050 for an individual, or \$5,250 for a body corporate, plus continuing offences for each day this obligation has not been fulfilled.

## 7.7 Electric and magnetic fields

Ausgrid's position on electric and magnetic fields (EMF) remains consistent with that of the Energy Networks Australia (ENA). It has been adopted in the light of authoritative reviews having concluded that no adverse health effects from exposure to low level EMF have been established, however, recognising that there is, within the community, some concern about the issue which must be addressed. This position involves providing balanced and accurate information, operating our electrical power system prudently within relevant health guidelines, and closely monitoring scientific research on the EMF health issue.

All works are to comply with the following guidelines and are to be conducted in a manner consistent with the principles of prudent avoidance:

- International Commission on Non-Ionizing Radiation Protection (ICNIRP), *Guidelines for limiting exposure to time-varying electric and magnetic fields*, 2010
- Institute of Electrical and Electronics Engineers (IEEE), *Standard for Safety Levels With Respect to Human Exposure to Electromagnetic Fields, 0-3 kHz*, 2002.

Prudent avoidance has been defined in an Australian context by the former Chief Justice of the High Court of Australia, Sir Harry Gibbs, as 'doing what can be done without undue inconvenience and at modest expense' to avert the possible risk to health from exposure to new high voltage transmission facilities. In practical terms, this means designing new transmission and distribution facilities having regard to their capacity to produce EMF, and siting them having regard to the proximity of houses, schools and the like.

Ausgrid's position on EMF is available on our website at [www.ausgrid.com.au](http://www.ausgrid.com.au).

## 7.8 Pollution

The POEO Act, administered by the Environment Protection Authority (EPA), regulates pollution control in NSW. The purpose of the POEO Act is primarily to prevent or minimise air pollution, water pollution, noise pollution, land pollution and waste through a system of licensing and regulations.

Prior to carrying out scheduled activities, a person must obtain an Environment Protection Licence (EPL). Scheduled activities include for example:

- electricity works for wind farms, metropolitan electricity works using gas turbines or internal combustion engines, and general electricity works (ie generation of electricity by means of electricity plant);
- storage of waste exceeding a listed capacity; and
- transportation of trackable wastes.

An EPL is subject to both statutory conditions, as well as any other conditions the EPA consider appropriate. It is an offence to fail to comply with a condition. Ausgrid holds two EPLs relating to storage of waste at the Homebush and Maitland Depots.

Enforcement mechanisms include prosecution or the issuing of penalty infringement notices by the EPA. Fines may be imposed for breaches of the POEO Act. Tier 1 offences can attract penalties of up to \$5 million in the case of a corporation and \$1 million and/or seven years jail in the case of an individual. Further penalties of \$120,000 per day apply for failure to notify a continuing offence.

### 7.8.1 Air

Under the POEO Act, it is an offence to operate plant or handle materials in a way that causes air pollution. This includes the emission into the air of any impurity, including dust, smoke, cinders, solid particles, gases, fumes, odours and radioactive substances.

Under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*, it is an offence to discharge a scheduled substance (eg SF<sub>6</sub>, perfluorocarbon (PFCs)) into the atmosphere unless it occurs as a result of the substance being used for its designed purpose.

### 7.8.2 Water

Under the POEO Act, it is an offence to pollute waters. Pollution includes the introduction of a solid, liquid or gas into waters which changes the physical, chemical or biological condition of the water or makes, or is likely to make, the waters unclean, noxious, poisonous or impure, detrimental to the health of people, aquatic life, animals, birds or fish in or around the waters. It also includes the placing of a solid, liquid or gas where it might fall, descend, be washed or blown, into any waters.

The *Water Management Act 2000* (WM Act) establishes a statutory framework for managing water in NSW. An aquifer interference approval may be required for groundwater extraction or dewatering. A controlled activity approval is required to excavate within 40m of a water body, however, under the Water Management (General) Regulation 2011, Ausgrid as an authorised network operator, is exempt from controlled activity approvals they carry out in, on or under waterfront land, where the works have been assessed under Part 5 or are exempt per s5.4 of the EP&A Act. Where a waterway does not have an approved water sharing plan, it is regulated under the legacy legislation (*Water Act 1912*).

Where works are proposed in or around coastal areas, wetlands, or other waterways, a number of planning controls regulate works permitted in these areas, including whether or not consent would be required to carry out those works. Relevant controls include:

- SEPP Sydney Drinking Water Catchment
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and
- SEPP (Coastal Management).

Clauses 10, 11 and 19 of Coastal Management SEPP which require development consent for development in specified coastal zones will prevail over the ISEPP, aside from clause 48B of the ISEPP relating to bush fire hazard reduction work and maintenance of fire trails.

The *Coastal Management Act 2016* (CM Act) also regulates activities in coastal zones, which are defined as including:

- the coastal wetlands and littoral rainforests area,
- the coastal vulnerability area,
- the coastal environment area,
- the coastal use area.

Under the CM Act, public authorities are to have regard to coastal management programs which are relevant to the exercise of their functions. It does not currently appear that Ausgrid would be considered a public authority for the purposes of the CM Act, however for an abundance of caution, where Ausgrid is carrying out or self-determining works in a coastal zone, there should nonetheless be regard given to any relevant coastal management program relevant to those works.

The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC, 2000), administered by the Standing Council on Environment and Water (SCEW) and the National Health and Medical Research Council (NHMRC), provide a set of tools for assessing and managing ambient water quality. These guidelines are intended to be used to improve water quality management in Australia, and that the approach of cooperative and negotiated outcomes will be applied wherever possible.

### 7.8.3 Noise

Under the POEO Act, it is an offence to operate plant or handle materials in a way that causes noise pollution. This includes the emission of offensive noise that is harmful to or interferes unreasonably with the comfort of a person who is outside the premises from which it is emitted. The *Protection of the Environment Operations (Noise Control) Regulation 2017* further regulates emission of noise, including by prohibiting the use of power tools on or audible at residential premises between certain hours.

The Interim Construction Noise Guidelines (EPA, 2009) describe the process for assessing and managing construction noise in NSW. It outlines the two key processes to manage the impact of

construction noise and community expectations including the notion of using feasible and reasonable mitigation measures to reduce construction noise and undertaking consultation with potentially affected receivers and the community during the planning and construction stages of the project.

The *Noise Policy for Industry (EPA 2017)* focuses on the noise emitted from industrial sites and how this may affect the amenity of nearby receivers. It outlines an assessment procedure for industrial noise. The noise trigger levels are assessed against the project's:

- intrusiveness noise level, ie any significant changes in noise levels caused by the project, and
- amenity noise level, ie the cumulative noise impacts from industry and maintain amenity for particular land uses.

Ausgrid is guided by the Industrial Noise Policy for the assessment of noise impacts from electrical substations. The previous NSW Industrial Noise Policy (EPA 2000) will continue to apply to certain legacy sites and approvals.

#### 7.8.4 Contaminated land

Under the POEO Act, it is an offence for introducing substances on to land any matter that:

- causes or is likely to cause degradation of the land, resulting in actual or potential harm to the health or safety of human beings, animals or other terrestrial life or ecosystems, or actual or potential loss or property damage, that is not trivial, or
- is prescribed by the Act or Regulations.

*State Environmental Planning Policy 55 – Remediation of Land* identifies two categories of remediation works. Category 1 remediation works will require consent from Council, and are primarily remediation works which are proposed to be carried out in certain environmentally sensitive places. Otherwise, in most circumstances remediation works are Category 2 and do not require development consent. When undertaking category 2 remediation works, prior written notice is required to the local council before works can commence, and a further written notice must be provided within 30 days after completion of works. Assessment and management of the contaminated site must also be undertaken in accordance with EPA guidelines.

*State Environmental Planning Policy (Infrastructure)* does not allow demolition and removal of electricity works to be undertaken as exempt development where the soil is likely to be contaminated. In these cases a Part 5 assessment is likely to be required.

The *Contaminated Land Management Act 1997* (CLM Act), administered by the EPA, establishes a process for investigating and remediating land that the EPA considers to be contaminated significantly enough to require regulation. Under section 60 of the CLM Act, a person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination.

#### 7.8.5 Waste

Under the POEO Act, it is an offence to incorrectly classify, store, handle, transport or dispose of waste. Waste is any substance which has been discarded, rejected, unwanted, surplus or abandoned, even if it can be reprocessed, recycled, re-used or recovered.

Additionally, there are also requirements to ensure that waste disposal facilities are appropriately licensed, ensuring substances such as asbestos are only transported by licensed waste transporters, covering loads, and not littering. For certain scheduled substances, waste tracking needs to be undertaken and records kept.

Resource recovery must have a licence unless the material is Virgin Natural Excavation Material or the recovery meets all the requirements of a resource recovery order. As the definition of waste is very broad, there is potential for many substances to be captured by these requirements.

Licences are required for scheduled activities including transporting, generating, processing and storing of certain wastes. Licence holders must prepare, keep, test and implement a Pollution Incident Response Management Plan (PIRMP).



## 7.9 Pesticides

The *Pesticides Act 1999*, administered by the EPA, regulates the use of pesticides by creating offences relating to inappropriately using pesticides, such as harming non-target species, or using pesticides in a way which is not in accordance with the label. There are also requirements relating to training, keeping records, notifying neighbours and using only registered pesticides. Licences are required for prescribed pesticide work. Ausgrid's notification practices are documented in Ausgrid's Pesticide Notification Plan.

## 7.10 Hazardous chemicals

The *Environmentally Hazardous Chemicals Act 1985* (EHC Act), administered by the EPA, regulates the handling, storage, generation, transport, removal and disposal of scheduled chemicals and chemical wastes. Licences are required for certain activities such as storing, transporting and disposing of certain classes of chemicals.

The Polychlorinated Biphenyls (PCBs) Chemical Control Order 1997, made under the EHC Act regulates the manufacturing, processing, keeping, distributing, conveying, using, selling or disposing of PCBs. A licence is required for a number of activities involving this substance.

The Scheduled Chemical Waste (SCW) Chemical Control Order 2004 made under the EHC Act regulates the manufacturing, processing, keeping, conveying, using, selling or disposing of SCWs such as benzene, chlordane, heptachlor, dieldrin and endrin. A licence is required for a number of activities involving these substances.

## 7.11 Hazardous materials

The *Work Health and Safety Regulation 2017*, administered by SafeWork NSW, regulates the handling, storage, generation, transport, removal and disposal of hazardous materials such as asbestos and lead.

Requirements include identifying asbestos, keeping registers, management plans, monitoring health and training workers. Licences, supervision, notifications, air monitoring and clearance certificates are required for certain activities such as removal of friable asbestos. SafeWork NSW has developed Codes of Practice for the management and control of asbestos in the workplace, and for the safe removal of asbestos.

The POEO Act and Part 7 of the POEO Reg regulate the transport and disposal of asbestos waste. This includes that:

- certain asbestos wastes must be wet down or sealed during transport
- the transport of asbestos waste must be reported to the EPA prior to commencing transportation of the load, unless an exemption applies (eg the load is less than 100kg or less than 10m<sup>2</sup> of asbestos waste in a single load)
- asbestos must not be reused or recycled, and
- asbestos must only be disposed of at a licensed facility able to accept asbestos waste.

*NS211 Working with Asbestos* details the procedures for working with asbestos.

## 8.0 RECORDKEEPING

The table below identifies the types of records relating to the process, their storage location and retention period.

**Table 1 – Recordkeeping**

Type of Record	Storage Location	Retention Period*
Approved copy of the network standard	BMS Network sub process Standard – Company	Unlimited
Draft Copies of the network standard during amendment/creation	HPRM Work Folder for Network Standards (HPRM ref. 2014/21250/240)	Unlimited
Working documents (emails, memos, impact assessment reports, etc.)	HPRM Work Folder for Network Standards (HPRM ref. 2014/21250/240)	Unlimited

\* The following retention periods are subject to change eg if the records are required for legal matters or legislative changes. Before disposal, retention periods should be checked and authorised by the Records Manager.

## 9.0 AUTHORITIES AND RESPONSIBILITIES

For this network standard the authorities and responsibilities of Ausgrid employees and managers in relation to content, management and document control of this network standard can be obtained from the Company Procedure (Network) – Production/Review of Engineering Technical Documents within BMS. The responsibilities of persons for the design or construction work detailed in this network standard are identified throughout this standard in the context of the requirements to which they apply.

## 10.0 DOCUMENT CONTROL

**Content Coordinator** : Manager – Environmental Services

**Distribution Coordinator** : Senior Engineer – Guidelines, Policies and Standards