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Kristy Chan
Director, Infrastructure Policy
Department of Planning, Housing and Infrastructure

Submitted online

Dear Kristy

Explanation of intended effect (EIE) – improving planning processes to deliver infrastructure faster

Transgrid welcomes the opportunity to comment on the NSW Government's proposed changes to the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP).

Transgrid operates and manages the high voltage electricity transmission network in NSW and the ACT, connecting generators, distributors and major end users. Our transmission network is at the heart of the National Electricity Market and is vital to achieving NSW Government net-zero emissions targets, by connecting geographically and technologically diverse, low-cost renewable generation to customers.

Transgrid supports the NSW Government's objective to make it easier to deliver essential infrastructure by improving the usability of the T&I SEPP to speed up planning for projects, whilst still protecting the environment. We suggest additional changes to the T&I SEPP to improve the efficient delivery of electricity transmission.

Our comments on the EIE are provided in Attachment A and additional suggested changes to the T&I SEPP are provided in Appendix B.

Thank you for the opportunity to provide a submission. If you require further information, please contact Suzanne Westgate, General Manager of Land Property and Approvals at suzanne.westgate@transgrid.com.au or 0436 426 049.

Yours faithfully



Suzanne Westgate
General Manager of Land Property and Approvals

Attachment A: Transgrid comments on the EIE

| Relevant section of the EIE | Proposed changes | Comment |
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| 3. Proposed changes for National Parks and Wildlife Service land | <p>“We propose to amend provisions in Division 5, Part 2.3, to make it clear that exempt development for specified purposes can only be carried out by or on behalf of an electricity supply authority or public authority on land reserved or acquired by the NPWS”.</p> <p>“We propose to amend s. 2.46(1) of the T&I SEPP to limit work done by private leaseholders that may affect environmentally sensitive areas”.</p> <p>“We propose to allow the following works (under Section 2.46) to be undertaken by or on behalf of an electricity supply authority or public authority only where undertaken on land reserved or acquired by NPWS.</p> <p>Other works such as maintaining infrastructure will still be permitted.”</p> | <p>Although we understand the intent of the proposed changes to limit the types of works that private leaseholders can undertake on NPWS land, the proposed wording in the EIE could be made clearer, to avoid confusion. We wish to ensure that all exempt development can be carried out by or on behalf of an electricity supply authority or public authority on any land (and not just on land reserved or acquired by the NPWS).</p> <p>We request making it clear that for certain work within land reserved or acquired by NPWS, these works can only be undertaken by or on behalf of an electricity supply authority or public authority. For all work outside land reserved or acquired by NPWS, exempt development under section 2.46(1) can be undertaken by any person.</p> |
| 9. Infrastructure in coastal areas | <p>“We propose certain electricity, water, wastewater and stormwater development of minor or nil impact to coastal wetlands and littoral rainforests be permitted without consent if it:</p> <ul style="list-style-type: none"> • Is carried out by or on behalf of a public authority or electricity supply authority • Does not involve clearing of native vegetation in the coastal wetland or littoral rainforest • Does not involve earthworks in the coastal wetland or littoral rainforest (other than for underground boring or directional drilling, replacing existing power poles, installing a gate on an existing fence, transitioning overhead powerlines to underground, or connecting to new network sections outside these areas) | <p>Transgrid supports enabling works within coastal wetlands and littoral rainforests to be permitted without consent where certain controls are met.</p> <p>To further facilitate the efficient infrastructure delivery, we request clarification that further earthworks in the coastal wetland or littoral rainforest to be permitted without consent:</p> <ul style="list-style-type: none"> • Replacing and maintaining existing electricity structures – not all Transgrid structures are poles. • Establishing or maintaining access tracks and construction benches to facilitate the replacement or maintenance of existing electricity structures. • Replacing existing structures (not just poles) |

| Relevant section of the EIE | Proposed changes | Comment |
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| | <ul style="list-style-type: none"> Minimises any adverse effect on the coastal wetland or littoral rainforest Is not likely to significantly impact on the biophysical or ecological integrity of the littoral rainforest. Is not likely to significantly impact on the biophysical, hydrological or ecological integrity of the coastal wetland, or the quantity and quality of surface and ground water flows to and from the wetland.” | <p>In addition, it may be difficult to fully avoid clearing of native vegetation. We suggest the following:</p> <ul style="list-style-type: none"> Does not involve clearing Involves minimal clearing of native vegetation in the coastal wetland or littoral rainforest. |
| | <p>“Consent for this development would therefore no longer be required. Instead, the environmental impacts would be assessed through a Review of Environmental Factors (REF) report as required by Part 5 of the EP&A Act. This REF must be prepared in accordance with published departmental guidelines. The EP&A Regulation requires publication of the REF if the proposal triggers certain other statutory approvals. This publication requirement may be expanded to capture these proposals in coastal wetlands and littoral rainforests.”</p> | <p>Transgrid (and other authorised network operators) undertake our activities in accordance with the <i>NSW Code of Practice for Authorised Network Operators</i> which has different requirements to the published departmental guidelines.</p> <p>Under the Code, Transgrid can undertake a Summary Environmental Report (SER) rather than a REF if the impacts are “<i>expected on a reasonable basis to be minor and neither extensive nor complex</i>”. The impacts on coastal wetlands and littoral rainforests should align with these impact thresholds on whether a SER or REF would be required.</p> |

Attachment B: Additional suggested changes to the T&I SEPP

The following suggestions are made to help support the efficient, effective delivery of transmission infrastructure and therefore assist the energy transition, while maintaining appropriate assessment and control provisions for maintenance and other routine activities on existing infrastructure.

| Section of the T&I SEPP | Comment | Proposed change |
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| <p>2.44 Development permitted without consent</p> <p>(2) In this section, a reference to development for the purpose of an electricity transmission or distribution network includes a reference to development for any of the following purposes if the development is in connection with such a network—</p> <p>(b) emergency works or routine maintenance works,</p> | <p><u>Emergency works</u></p> <p>Section 2.46(1)(h) provides that ‘<i>emergency works to maintain or restore a supply of electricity</i>’ is exempt development.</p> <p>Accordingly, it is confusing to which section applies for emergency works – 2.44(2)(b) development without consent or 2.46(1)(h) exempt development.</p> <p>Further, it is not considered practical or feasible in an emergency to prepare a Part 5 assessment and complete the required notification periods which apply (i.e. under section 2.45).</p> <p><u>Maintenance works</u></p> <p>Section 2.46(1) provides the following as exempt development: ‘(b) <i>maintenance of electricity lines or of poles (or associated structures) for electricity lines</i>’</p> <p>‘(d) <i>installation, maintenance or replacement of the following—</i></p> <p>(i) <i>existing plant or equipment in an existing fenced area or in an existing building (including pillars, fuses, control points, switches, regulators and protection equipment, but not including outdoor installation of equipment designed to operate (or convey electricity) at a voltage of more than 66kV),</i></p> <p>(ii) <i>street lighting if the lighting minimises light spill and artificial sky glow in accordance with the Lighting for Roads and Public Spaces Standard,</i></p> <p>(iii) <i>electricity metering,</i></p> | <p>2.44 (2) In this section, a reference to development for the purpose of an electricity transmission or distribution network includes a reference to development for any of the following purposes if the development is in connection with such a network—</p> <p>(b) emergency works or routine maintenance works (which is not otherwise exempt),</p> |

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| | <p><i>(iv) electrical conductors on existing structures if the primary purpose of the development is not to increase the capacity of the network'</i></p> <p><i>'(e) maintenance of existing access tracks in easements or rights of way, or on land subject to section 53 of the Electricity Supply Act 1995, if it is required to facilitate the maintenance of electricity lines'</i></p> <p><i>'(f) maintenance or replacement of pole substations, if—</i></p> <p><i>(i) the primary purpose of the development is not to increase the capacity of the network, and</i></p> <p><i>(ii) in the case of replacement of materials, the replacement materials are similar to the materials being replaced and the replacement does not involve any structural alterations'</i></p> <p>Accordingly, it is confusing to which section applies for maintenance works – 2.44(2)(b) development without consent or 2.46(1) exempt development.</p> <p>Transgrid considers it is more appropriate that maintenance works be classified as exempt development and has existing processes to ensure exempt activities are undertaken in a manner that protects the environment and meets compliance obligations. Transgrid undertakes environmental risk assessments prior to carrying out exempt development and considers it is inefficient to prepare a Part 5 assessment for maintenance activities.</p> | |
| <p>2.44 Development permitted without consent</p> <p>(2) In this section, a reference to development for the purpose of an electricity transmission or distribution network includes a reference to development for any of the following</p> | <p>When an outage of a transmission line is required, a temporary generating unit may be required in some limited cases to ensure the continued supply of electricity.</p> <p>Due to the minimal environmental impact and transitory nature of temporary generating units, we consider that the capacity of all units should be removed (or if a limit is placed, that it should be increased to 25 megawatts).</p> | <p>(f) an electricity generating unit to provide temporary support to the network, but only if—</p> <p>(i) the combined capacity of all units at the premises where the unit is located, or is intended to be located, does not exceed 5 megawatts, and</p> |

| Section of the T&I SEPP | Comment | Proposed change |
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| <p>purposes if the development is in connection with such a network—</p> <p>(f) an electricity generating unit to provide temporary support to the network, but only if—</p> <p>(i) the combined capacity of all units at the premises where the unit is located, or is intended to be located, does not exceed 5 megawatts, and</p> <p>(ii) none of the units is operated, or is intended to be operated, for more than 200 hours in any 12 month period.</p> | | <p>(ii) none of the units is operated, or is intended to be operated, for more than 200 hours in any 12 month period.</p> |
| <p>2.45 Notification of certain electricity substation development that may be carried out without consent</p> <p>(1) This section applies to development (other than exempt development) that—</p> <p>(a) is carried out by or on behalf of an electricity supply authority or public authority, and</p> <p>(b) is for the purpose of a new or existing electricity substation of any voltage (including any associated yard, control building or building for housing plant), and</p> | <p>Notification is required for development that <i>'is for the purposes of a new or existing substation'</i>, however it is not clear whether all works at a substation require notifications (e.g. smaller scale works such as the installation of new equipment such as circuit breakers).</p> <p>Transgrid considers that the notification should capture larger scale changes to the substation rather than smaller scale works. This proposed change would also avoid unnecessary notifications to councils and occupiers of adjoining land for small scale works that are unlikely to affect or be of interest to these stakeholders. Transgrid recommends that this section is updated to reflect this.</p> | <p>(b) is for the purpose of a new or existing electricity substation of any voltage (including any associated yard, control building or building for housing plant) <u>substation, an increase in the area of the existing substation yard or a new building</u></p> |
| <p>2.46 Exempt development</p> <p>(1) Development for any of the following purposes is exempt development if the development is in connection with an electricity transmission or distribution</p> | <p>Transgrid installs new cable trenches and conduits within existing substation sites.</p> <p>These activities are considered low risk given that the site has already been previously disturbed during the earthworks and levelling for the construction of the substation.</p> | <p>(a) installation of cables in existing conduits if the installation involves no greater soil or vegetation disturbance than necessary, <u>or installation of new conduits or trenches and cables within an existing fenced area or in an existing building.</u></p> |

| Section of the T&I SEPP | Comment | Proposed change |
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| <p>network and complies with section 2.20—</p> <p>(a) installation of cables in existing conduits if the installation involves no greater soil or vegetation disturbance than necessary,</p> | <p>In addition, new cable trenches may be required when undertaking other exempt works such as replacing existing equipment within the substation.</p> <p>Transgrid has existing processes and procedures including environmental risk checklists to assess and manage the environmental impacts of activities classified as exempt development.</p> <p>We recommend that new trenches and conduits for cabling within an existing fenced area or in an existing building be classified as exempt development.</p> | |
| <p>2.46 Exempt development</p> <p>(1) Development for any of the following purposes is exempt development if the development is in connection with an electricity transmission or distribution network and complies with section 2.20—</p> <p>(d) installation, maintenance or replacement of the following—</p> <p>(i) existing plant or equipment in an existing fenced area or in an existing building (including pillars, fuses, control points, switches, regulators and protection equipment, but not including outdoor installation of equipment designed to operate (or convey electricity) at a voltage of more than 66kV)</p> | <p>We suggest that wording and exclusions in this section are clarified and made clearer.</p> | <p>(d) installation, maintenance or replacement of the following—</p> <p>(i) existing plant or equipment in an existing fenced area or in an existing building (including pillars, fuses, control points, switches, regulators and protection equipment, but not including new outdoor installation of equipment designed to operate (or convey electricity) at a voltage of more than 66kV)</p> |
| <p>2.46 Exempt development</p> <p>(1) Development for any of the following purposes is exempt development if the</p> | <p>Removal of individual pieces of substation equipment (such as post-insulators) would have a negligible impact (regardless of the voltage of the plant or equipment). It would be inefficient to</p> | <p>(g) demolition and removal of electricity works if—</p> |

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| <p>development is in connection with an electricity transmission or distribution network and complies with section 2.20—</p> <p>(g) demolition and removal of electricity works if—</p> <p>(i) the demolition is carried out in accordance with AS 2601— 2001, <i>Demolition of structures</i>, and</p> <p>(ii) the development is not associated with substations containing equipment designed to operate (or convey electricity) at a voltage of more than 66kV, and</p> <p>(iii) the development will not be carried out on sites where soil is likely to be contaminated,</p> | <p>conduct a Part 5 assessment for these works. We suggest that any removal of electricity works inside the fenced area of a substation/ switchyard be classified as exempt development.</p> <p>In addition, due to historical uses of the substation with oil-filled equipment, there is a likelihood that soils may contain localised contamination. We propose a clearer threshold for contaminated sites, being those regulated under the <i>Contaminated Land Management Act 1997</i>.</p> | <p>(i) the demolition is carried out in accordance with AS 2601— 2001, <i>Demolition of structures</i>, and</p> <p>(ii) the development demolition is not associated with substations containing equipment designed to operate (or convey electricity) at a voltage of more than 66kV and</p> <p>(iii) the development demolition will not be carried out on sites where soil is likely to be contaminated and regulated under the <i>Contaminated Land Management Act 1997</i>, and</p> <p>(v) the removal of electricity works is undertaken within an existing fenced area or in an existing building</p> |