



**TransGrid**

## **TransGrid Consultation Protocol for Review of Environmental Factors (REFs) for Class 4 and 5 Activities**

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In accordance with the NSW Code of Practice  
for Authorised Network Operators

2020

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## Document History

Revision No. and Date	Prepared By	Approved By
1 15/3/16	Senior Environmental Officer, Asset Strategy	Property and Environment Asset Manager, Asset Strategy
2 9/10/20	Senior Environmental Officer, Network Planning and Operations	Head of Property and Environment, Network Planning and Operations

# 1. Introduction

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This Consultation Protocol (the Protocol) has been prepared in accordance with the NSW Code of Practice for Authorised Network Operators (the Code).

The Code was developed by the NSW Government as part of the process of leasing the NSW transmission and distribution networks to private interests. These privately managed network businesses are referred to as Authorised Network Operators (ANOs) by the Electricity Network Assets (Authorised Transactions) Act 2015 and TransGrid is now an ANO.

The NSW Government prepared the Code to ensure that assessments under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) are conducted appropriately, including appropriate community consultation. The Code states that:

‘An ANO must develop a Consultation Protocol...setting out the Additional Consultation Requirements it will observe when conducting environmental impact assessments for Class 4 and 5 Activities in respect of consultation with, and notification of, both Government Agencies and members of the public...’.

Further explanation of Class 4 and 5 proposals are outlined in Section 3.

The Table in Appendix A details all relevant requirements of the Code that relate to the Consultation Protocol, and references where they have been addressed within this document.

## 2. Purpose

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This Protocol outlines TransGrid’s approach and processes in relation to consultation when conducting environmental impact assessments (under Part 5 of the EP&A Act) for Class 4 and 5 Activities (as defined in the Code). TransGrid refers to these environmental impact assessments as a Review of Environmental Factors (REF). This Protocol provides a tailored and efficient approach to consultation when preparing REFs, in accordance with the requirements of the Code.

## 3. Scope of the Consultation Protocol

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This Protocol only applies to a small subset of TransGrid’s proposed activities and environmental assessments.

The Code classifies proposals into six classes and states that the Consultation Protocol only applies to those proposals classified as Class 4 or 5; these are proposals that are expected on a reasonable basis to have impacts: which 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 Section 2 of 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.

**Table 1 Definitions for Class 4 and 5 Proposals**

Class	Description (from the Code)
<p><b>Class 4:</b> A Review of Environmental Factors (REF) must be prepared for the proposal.</p>	<p>A Class 4 proposal:</p> <ul style="list-style-type: none"> <li>a. is expected on a reasonable basis to have impacts which go beyond minor impacts; or</li> <li>b. is expected on a reasonable basis to have impacts which are extensive and/or complex; or</li> <li>c. both (a) and (b) above; or</li> <li>d. is 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 REF. For example, an ANO may decide it is appropriate to prepare a REF for a proposal that is likely to be of considerable interest to the public.</li> </ul>
<p><b>Class 5:</b> An REF and a Species Impact Statement (SIS), but not an Environmental Impact Statement is required for the proposal.</p>	<p>A proposal belongs to Class 5 if a Species Impact Statement (SIS), but not an Environmental Impact Statement (EIS), is required for a proposal. The ANO is the determining authority for a Class 5 proposal. However, the concurrence of the CEO of OE<sup>1</sup> (and/or, the Secretary of Department of Industry, Skills and Regional Development in relation to fish or marine vegetation) is also required. The ANO is also required to comply with the public consultation requirements under section 5.8 of the EP&amp;A Act.</p> <p>A REF must be prepared for a Class 5 proposal.</p>

The Protocol applies to consultation with members of the public, the Secretary of the Department of Planning, Industry and Environment and Government Authorities, and specifies different requirements for each.

The consultation described in this Protocol is in addition to general law requirements relating to community consultation and notification, including the provisions in *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) and the EP&A Act and *the Electricity Supply Act 1995* relating to public notification. Appendix B summarises these general law requirements. This Protocol does not address or affect the general law requirements.

## 4. Context – TransGrid’s wider stakeholder engagement approach

This Protocol only relates to consultation for a subset of TransGrid’s activities, and therefore is only one component of TransGrid’s broader commitment and approach to stakeholder engagement. TransGrid’s broader approach is described below and has been used as a guide for developing this Protocol.

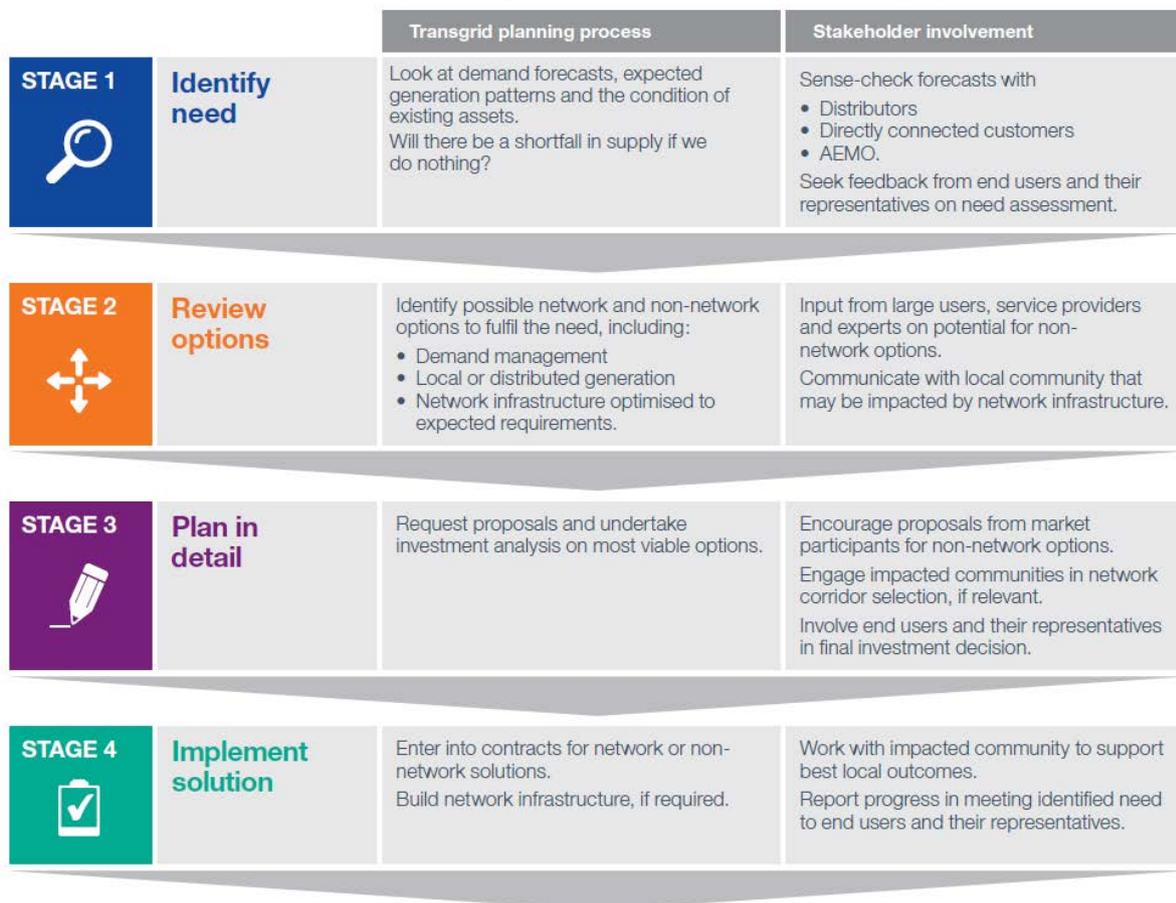
TransGrid recognises the importance of effective stakeholder engagement with consumers, community, customers, Government Authorities and the public. In all engagement activities, TransGrid is committed to

<sup>1</sup> Note, the *Biodiversity Conservation Act 2016* refers to CEO of OE<sup>1</sup>, however OE<sup>1</sup> is now the Environment, Energy and Science Group, within the Department of Planning, Industry and Environment.

meaningful, open and honest stakeholder engagement; listening to our stakeholders' feedback; incorporating and addressing stakeholder views; and responding to and acting upon stakeholder feedback.

TransGrid's wider project consultation process has four key stages: *Identify Need, Review Options, Plan in Detail and Implement Solution*. The following diagram outlines the wider planning process and stakeholder involvement.

**Figure 1 TransGrid's wider project planning process and stakeholder engagement**



The consultation described in this Protocol is mostly relevant to Stage 3 Plan in Detail.

TransGrid's approach to consultation and engagement is informed by The International Association of Public Participation (IAP2) Spectrum. Consultation or community engagement can also be referred to as public participation. The IAP2 Spectrum helps to define the public's role in any public participation process. IAP2 has identified five levels of engagement, ranging from providing information to empowering the community to make decisions. More details on the IAP2 Spectrum are included in Section 5.

# 5. Consultation with the public

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## 5.1 Overview

This section describes the process to be followed to identify the most suitable public consultation approach for Class 4 or 5 proposals.

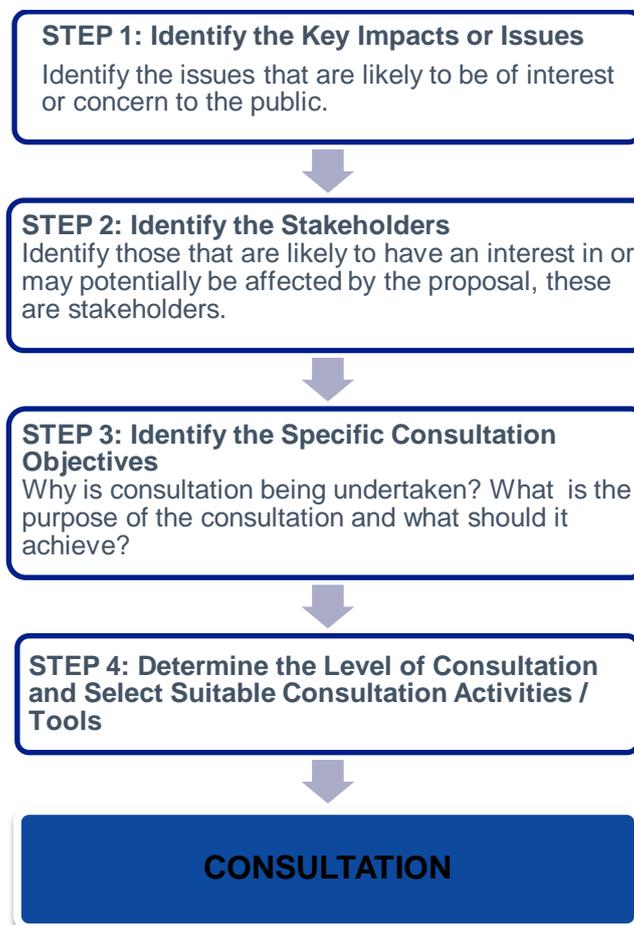
In developing this process, the Protocol has incorporated the principles of the IAP2 Spectrum and any requirements outlined in the Code.

## 5.2 Detailed process

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To determine the most suitable consultation approach, TransGrid will follow the process and steps shown in Figure 3 below and detailed in the following sections.

Figure 3 Process to determine the Consultation Approach



### 5.2.1 STEP 1: Identify the key impacts or issues of the proposal

This step involves identifying the issues that are likely to be of interest or concern to the public. The information gathered during the preliminary environmental assessment will be used to identify these issues.

Common issues likely to be of interest to the public for most Class 4 and 5 proposals are:

- > The long term environmental impacts of the proposal, for example visual, flora and fauna, electromagnetic fields (EMF), heritage, and
- > The short term impacts associated with the construction works, for example noise, out of hours works, traffic impacts and dust.

### **5.2.2 STEP 2: Identify the public stakeholders**

This step involves identifying members of the public that are likely to have an interest in or may potentially be affected by the proposal, these are the stakeholders. Public stakeholders will vary from project to project, depending on the potential impacts/issues (as identified in step 1), the proximity to stakeholders, and can also vary between different stages of the proposal. For Class 4 and 5 proposals, public stakeholders are likely to include residents, businesses, community or interest groups, schools and electricity consumers.

### **5.2.3 STEP 3: Identify the specific consultation objectives**

To determine the most suitable consultation approach, it is important to first be clear on the purpose of the consultation ie. Why is consultation being undertaken? What is the purpose of the consultation and what should it achieve?

As part of identifying the objectives and purpose of consultation, the aspects of the proposal that are able to be influenced and changed need to be determined. Conversely, the aspects that are not able to be changed or influenced also need to be identified. There will be some consultation objectives that will be common for most Class 4 and 5 proposals, such as:

- > To provide advance notice of work and to identify and resolve any potential issues relating to a proposal
- > To build relationships with those likely to be impacted by the proposals and other interested stakeholders

There may also be other specific objectives for a proposal and these may also vary depending on the stage of the project for example at the preliminary stage, the objectives will be different to once the proposal and environmental assessment has been determined (or approved) and construction works are being scheduled.

### **5.2.4 STEP 4: Determine the level of consultation and select suitable consultation activities/tools**

TransGrid may utilise a wide range of consultation tools and activities. The factors identified in the process described above (ie. key impacts/issues, engagement objectives) will be used to determine the level of consultation (as per the IAP2 Spectrum) and the engagement activities to be used to consult with the stakeholders identified in step 2.

The IAP2 Spectrum assists to identify the purpose of any public participation in a consultation process. IAP2 has identified five levels of engagement, ranging from 'consult' - simply providing information to 'empower' - empowering the community to make decisions. The IAP2 Spectrum is shown in Figure 4 below, with the different levels of engagement shown in the first row.

### Figure 4 IAP2 Spectrum

(source: International Association for Public Participation – IAP2 Federation)



<span style="font-size: 1.2em; font-weight: bold;">INCREASING IMPACT ON THE DECISION</span> <span style="font-size: 2em;">➔</span>					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<b>Public Participation Goal</b>	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decisions making in the hands of the public.
<b>Promise to the Public</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendation into the decisions to the maximum extent possible.	We will implement what you decide.

The following table (Table 2) will be used to identify the appropriate level of consultation for Class 4 and 5 proposals, and the activities/tools that will be implemented. The table differentiates between Class 4 and 5 proposals that are considered to have ‘Moderate’ or ‘High’ impacts. Some proposals may not fit wholly within the categories outlined in the table and may require a hybrid approach between the two categories. Each project is assessed on a case by case basis to ensure the most effective and appropriate consultation is carried out.

**Table 2 Consultation Level and Tools**

Level of Environmental Impact	Typical Types of Proposals	IAP2 Spectrum Level Reference	Consultation Activities/Tools
<p><b>High</b> – (Class 4 or 5*)</p>	<p>New assets, such as:</p> <ul style="list-style-type: none"> <li>&gt; substations</li> <li>&gt; transmission lines</li> <li>&gt; cables</li> <li>&gt; communications towers</li> </ul>	<p>Inform to Involve</p>	<p>Website notice advising of the proposal, exhibition of the REF and inviting submissions.</p> <p>Letters to nearby residents that are likely to be impacted in some way e.g. visual impacts, disruption/disturbance from construction, advising of the exhibition of the REF, inviting submissions and feedback.</p> <p>Phone calls/letters/emails to any nearby directly impacted local residents.</p> <p>Submissions Report to be published on TransGrid’s website detailing any submissions and how they have been taken into account.</p> <p><i>Additional (may be undertaken):</i></p> <p>Letters to nearby residents and/or the wider community during early stages of the planning for the activity eg. prior to exhibition of the REF.</p> <p>Newsletters for key stages of the proposal.</p> <p>Letters to the wider community.</p> <p>One-on-one site meetings.</p> <p>Community information sessions.</p> <p>Fact sheets.</p> <p>Community Information Line.</p> <p>Social media channels.</p> <p>Media releases.</p>
<p><b>Moderate</b> – (Class 4 or 5*)</p>	<ul style="list-style-type: none"> <li>(i) Significant extensions or upgrades to substations, transmission lines, communications towers, or</li> <li>(ii) Upgrading transmission lines or cables, where the extension or upgrade will:                             <ul style="list-style-type: none"> <li>&gt; create a significant visual amenity</li> </ul> </li> </ul>	<p>Inform to Consult</p>	<p>Website notice advising of the proposal, exhibition of the REF and inviting submissions.</p> <p>Letters to nearby residents that are likely to be impacted in some way eg. visual impacts, disruption/disturbance from construction, advising of the exhibition of the REF, inviting submissions and feedback on the REF.</p> <p>Submissions Report to be published on TransGrid’s website detailing any submissions and how they have been taken into account.</p> <p><i>Additional (may be undertaken):</i></p>

Level of Environmental Impact	Typical Types of Proposals	IAP2 Spectrum Level Reference	Consultation Activities/Tools
	change (for the public), or > have impacts beyond minor and are expected to be extensive and/or complex, or > likely be of considerable interest to the public		Letters to nearby residents and/or the wider community during early stages of the planning for the activity eg. prior to exhibition of the REF. Phone calls/letters/emails to any nearby directly impacted local residents. One-on-one site meetings. Newsletters for key stages. Fact sheets. Social media channels.

\*Note, for Class 5 proposals, the ANO is required to comply with the General Law public consultation requirements under section 5.8 of the EP&A Act and clause 233 of the EP&A Regulation, this includes:

- > exhibition of the SIS for 30 days at various locations,
- > a notice published on the NSW Planning Portal,
- > publication of the SIS on the website of the determining authority and the website of the council of each area affected by the activity, and
- > providing an opportunity for submissions to be made during the exhibition, and for those submissions to be considered.

### 5.3 Details to be included in consultation

Any consultation needs to provide adequate and clear information to the public so they can understand the proposal and how it is relevant to them. TransGrid will aim to provide stakeholders with the opportunity to learn and understand about the proposal and how the proposal may impact stakeholders, and to provide an opportunity for feedback.

As part of the consultation process, TransGrid will ensure the consultation activities/tools provide material that will include a description of:

- > the proposed activity and its location,
- > the types of environmental impacts that are likely,
- > how the public can make submissions on the proposed activity within a period of time ending no earlier than 20 business days from the date of the correspondence, and
- > the contact details of the nominated person at TransGrid to receive submissions in writing or general project enquiries.

### 5.4 Consideration of submissions from the public

Once the appropriate consultation has been undertaken, TransGrid will consider all submissions and feedback on the proposal.

TransGrid will consider:

- > the issues raised
- > how each issue is proposed to be addressed
- > whether the proposal needs to be altered or modified as a result of feedback received.

A Submissions Report will be prepared and published on TransGrid's website detailing any submissions and how they have been considered and taken into account.

TransGrid will keep written records of all consultation undertaken in accordance with this Code.

## 5.5 Following determination

Following determination of the REF, TransGrid will write to any members of the public that had earlier made submissions on the proposal, to advise:

- i. how they can obtain a copy of the REF, Submissions Report (and if applicable, the SIS) and Decision Statement for the Activity from TransGrid's website; and
- ii. the expected commencement date of the construction works.

It is a requirement of the Code that an ANO publishes on its website copies of all final environmental assessment documentation (eg. REF, Submissions Report, Decisions Statement) within 20 business days of the issue of a Decision Statement relating to the Activity.

# 6. Consultation with the Secretary and Government Agencies

## 6.1 Government Agencies

Consultation with Government stakeholders is important and can have many benefits. It can help to provide a preliminary view on the acceptability of the proposal within a strategic context and identify whether a proposal is consistent with strategic plans/policies.

### Definition of Government Agency in the Code

- (a) a public authority constituted by or under an Act;
- (b) a government Department;
- (c) a statutory body representing the Crown;
- (d) a statutory State owned corporation (and its subsidiaries) within the meaning of the State Owned Corporations Act 1989; or
- (e) a 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.

Typical Government Agencies and their likely interests in TransGrid proposals are listed in Appendix C. This table will be used as a tool to identify the Government agencies that are considered to have a relevant interest in a proposal.

Consultations with Government Agencies at different stages of a proposal are outlined below. Each project is assessed on a case by case basis to ensure the most effective and appropriate consultation is carried out.

## 6.2 Environmental assessment phase

### 6.2.1 Preparation of the REF

Depending on the nature of the proposed activity and the likely interests of Government Agencies, TransGrid may undertake early consultation during the preparation of the REF. This consultation would seek to obtain

early feedback on the proposed activity and may also provide an opportunity for agencies to provide information that may be of relevance to the preparation of the REF.

## 6.2.2 Exhibition of the REF

The REF will be exhibited on TransGrid's website. TransGrid will write to each of the Government Agencies that are considered relevant to advise them of the exhibition, and:

- i. include a brief description of the proposed Activity, including its location;
- ii. include a brief description of the types of environmental impacts that the proposed Activity may have;
- iii. invite the agencies to make submissions on the proposed Activity within a period of time ending no earlier than 20 business days from the date of the correspondence (the Government Agency Consultation Period); and
- iv. provide the contact details of a nominated contact person at TransGrid to receive submissions in writing.

TransGrid will take into account any submissions received from a Government Agency during the Government Agency Consultation Period (or any further period agreed by TransGrid) and any advice received from the Secretary of the Department of Planning, Industry and Environment (refer to sections 6.2.1 and 6.2.2). Consideration of submissions will also be documented (see section 6.3 for further details).

## 6.2.3 Proposals within Environmentally Sensitive Areas of State Significance

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*, see Appendix D.

In addition to the consultation outlined in section 6.2, in the case of a proposed Activity that is intended to take place within, or partially within, an Environmentally Sensitive Area of State Significance, TransGrid will:

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

## 6.2.4 Strategic Transport Land – Objections from Government Agencies

If there is an objection from a Government Agency and a basis for that objection is that the proposed Activity is claimed to materially interfere with a Government Agency's present or future provision of transport infrastructure, and that claim references a plan or strategy which has been adopted by a Government Agency, TransGrid will write to the Secretary of the Department of Planning, Industry and Environment to seek advice.

TransGrid will defer the final discharge of its duty under section 5.5 of the EP&A Act until either:

- i. the Secretary provides written advice in relation to the objection; or
- ii. fifteen business days pass from the date upon which the Secretary received TransGrid's written notice.

## 6.3 Consideration of submissions from Government Agencies

Once the appropriate consultation has been undertaken, TransGrid will consider all submissions and feedback on the proposal.

TransGrid will consider:

- > the issues raised
- > how each issue is proposed to be addressed
- > whether the proposal needs to be altered or modified as a result of feedback received.

TransGrid will take into account any submissions received from a Government Agency during the Government Agency Consultation Period (or any further period agreed by TransGrid) and any advice received from the Secretary.

A Submissions Report will be prepared and published on TransGrid's website detailing any submissions and how they have been considered and taken into account.

TransGrid will keep written records of all consultation undertaken in accordance with the Code.

#### **6.4 Following determination**

Where an agency has made a submission, following determination TransGrid will write to each Government Agency to advise:

- i. how the Government Agency can obtain a copy of the REF, Submissions Report (and SIS if applicable) and Decision Statement for the Activity from TransGrid's website, and
- ii. the expected commencement date of the construction works.

It is a requirement of the Code that an ANO publishes on its website copies of all final environmental assessment documentation (eg. REF, Submissions Report, Decision Statement) within 20 business days of the issue of a Decision Statement relating to the Activity.

#### **6.5 Following completion of construction work**

Government Agencies that had previously requested notification of the completion of construction will be notified in writing within 20 days after the completion of the construction phase.

## **7. Consultation where a modification is required**

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Sometimes it may be necessary or desirable to change a proposal. This may occur prior to or after determination, or during the implementation or construction phase. For example, it may become apparent that:

- > a new technology or construction method is identified which could alter the way in which the proposal is carried out or the impacts of the proposal;
- > a new location or alignment option is available which would reduce the impacts of the proposal;
- > a new impact on the environment is identified that was not previously assessed (for example, a new heritage item or threatened species);
- > the impacts of the proposal are more substantial or less substantial than originally determined during the assessment phase (for example as a result of design changes following submissions).

(The above are examples only and are not exhaustive of the circumstances that might result in a change to a proposal.)

In circumstances where a change to a proposal is required, some or all of the processes outlined in this Protocol may be re-applied to address the proposed change. The level and scope of any additional consultation to address the modification will depend on the scale of the proposed modification and the potential for new or different environmental impacts.

If it is proposed that a proposal be substantially modified after the determination, then TransGrid will undertake consultation for the modification substantially in the same way as any consultation for the initial proposal was undertaken eg. similar consultation activities/tools.

Where an Activity is modified, either before or after a determination has been made, such that TransGrid carries out further consultation for the Activity, only the aspects of the Activity which are proposed to be modified in a material way are required to be the subject of that further consultation.

It is recognised that changes to a Class 4 or 5 Activity could result in re-classification of that proposal under the Code. In such cases, the appropriate process as defined in the Code would be reviewed to ensure the modified proposal complies with the requirements of the Code.

## A.1 Appendix A Consultation Protocol Requirements

The following table summarises the requirements of the Code that relate to the Consultation Protocol and notes where they are addressed within this Protocol.

Code Requirement (section reference)	How addressed in the Protocol
<p><b>An ANO must develop a Consultation Protocol</b></p> <p>Within three months of this Code commencing to apply to an ANO, the ANO must publish on its website a Protocol setting out the Additional Consultation Requirements it will observe when conducting EIA for Class 4 and 5 Activities in respect of consultation with, and notification of, both Government Agencies and members of the public (a Consultation Protocol).</p> <p>(2.3.6)</p>	<p>This Protocol has been prepared in accordance with the Code and has been published on TransGrid’s website.</p> <p><b>Sections 5 and 6</b> set out the Additional Consultation Requirements TransGrid will observe when conducting Class 4 and 5 Activities.</p> <p>It addresses consultation with both members of the public (<b>Section 5</b>) and Government Agencies (<b>Section 6</b>).</p> <p>The Code commenced 16 December 2015 and this Protocol has been published within the three month timeframe.</p>
<p>ANOs are encouraged to develop a Consultation Protocol which provides for a more tailored and efficient approach to consultation than that provided for by the interim Additional Consultation Requirements.</p> <p>(2.3.6)</p>	<p><b>Section 5</b> outlines a process and approach to determine what consultation is required for a particular proposal. The process provides an approach that can be tailored to individual proposals, and it considers the nature and complexity of environmental impacts, IAP2 Spectrum, potential stakeholders and likely issues of concern.</p>
<p>A Consultation Protocol developed by an ANO must:</p> <ul style="list-style-type: none"> <li>&gt; incorporate the interim Additional Consultation Requirements for Class 4 and 5 Activities which are set out in this Code, in respect of consultation with the Secretary and Government Agencies;</li> <li>&gt; commit the ANO to comply with Additional Consultation Requirements in respect of consultation with members of the public for Class 4 and 5 Activities, based on the nature and complexity of environmental impacts, having regard to the Public Participation Spectrum developed by the International Association for Public Participation (IAP2), and consideration</li> </ul>	<p>The Protocol incorporates the interim requirements in respect of consultation with the Secretary and Government Agencies (<b>Section 6 and 7</b>).</p> <p>TransGrid has prepared and endorsed this Protocol, and is committed to following the Protocol. <b>Sections 5, 7 and 8</b> outline consultation requirements in respect of consultation with members of the public for Class 4 and 5 proposals. These requirements are based on the nature and complexity of environmental impacts, have considered the Public Participation Spectrum (IAP2), and have considered the interim Additional Consultation Requirements under this Code (<b>Section 5</b>).</p> <p>The interim Additional Consultation Requirements under the Code have been reviewed and considered when preparing this Protocol. Engagement tools described in the interim requirements such as publishing notices on the website and in newspapers are included in this Protocol. The Protocol</p>

Code Requirement (section reference)	How addressed in the Protocol
<p>of the interim Additional Consultation Requirements under this Code; and</p> <p>&gt; describe the procedure that the ANO will follow in order to decide what Additional Consultation Requirements in respect of consultation with members of the public will apply to a particular proposed Class 4 or 5 Activity. (2.3.6)</p>	<p>(<b>Section 5.2.4</b>) also provides for consideration of other engagement measures as required by the interim requirements.</p> <p>Further, details to be included in consultation material and timeframes for submissions align with those in the interim requirements (<b>Section 5.3</b>). Consistent with the Code (section 2.3.6), this Protocol provides for a more tailored and efficient approach to consultation than that provided for by the interim Additional Consultation Requirements.</p> <p><b>Section 5.2</b> describes the steps and procedural approach that TransGrid will follow in order to determine what Additional Consultation Requirements will apply.</p>
<p><b>Consultation for modifications</b></p> <p>Where an Activity is modified, either before or after a determination has been made in respect of the Activity, such that the ANO carries out further consultation for the Activity, only the aspects of the Activity which are proposed to be modified in a material way are required to be the subject of that further consultation.</p> <p>Further, a Consultation Protocol in force under this Code can provide for specialised Additional Consultation Requirements that apply when:</p> <ol style="list-style-type: none"> <li>1. A proposed Activity is modified before a determination is made in Stage 4; or</li> <li>2. An existing determination under this Code for an Activity is modified.</li> </ol> <p>(3.3)</p>	<p><b>Section 8</b> outlines the process to be followed in the event that a modification to a proposal is required. This covers situations:</p> <ol style="list-style-type: none"> <li>i. where a determination has already been made, and</li> <li>ii. when a determination has not yet been made.</li> </ol>

## **Appendix B General Law Consultation and Notification Requirements for Class 4 and 5 Proposals**

### ***Electricity Supply Act 1995***

Section 45(4) of the *Electricity Supply Act 1995* requires that the local Council be given a reasonable opportunity (no less than 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 commencement of the works.

### ***State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)***

Clauses 13-15 of the Infrastructure SEPP require that consultation is undertaken with the 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 public authorities other than council, in certain circumstances.

Clause 42 of the Infrastructure SEPP provides that written notification must be given to the 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 SIS is required)**

Section 5.8 of the EP&A Act and clause 233 of the EP&A Regulation, require:

- > exhibition of the SIS for 30 days at various locations,
- > a notice published on the NSW Planning Portal,
- > publication of the SIS on the website of the determining authority and the website of the council of each area affected by the activity, and
- > provision for submissions to be made during the exhibition phase, and for those submissions to be considered.

## Appendix C Typical Government Agencies for TransGrid Proposals

Agency	Government Agency Interests
Civil Aviation Safety Authority/Airservices	Potential impacts to protected air space, airports, airfields etc.
Commonwealth Department of Agriculture, Water and the Environment	Potential significant impacts to matters of national environmental significance (as defined in the <i>Environment Protection and Biodiversity Conservation Act 1999</i> ) or significant impacts on Commonwealth land.
Department of Planning, Industry and Environment (DPIE)	Potential land use conflicts with existing and future land use, having regard to any regional or local plans or strategies.
Department of Primary Industries – Fisheries	Waterway crossings or other works likely to impact fish habitat.
Local Land Services	Proposals in areas containing noxious weeds.
Department of Primary Industries – Water	Potential surface water and groundwater impacts.
Emergency Services (NSW Fire Brigades, NSW Police, Rural Fire Service)	Impacts to local traffic and access.  Emergency procedures during high risk construction works or for high risk sites eg. during bushfire danger season or within bush fire prone areas.
Environment Protection Authority	Potential impacts on the quality of air, water or noise amenity or radiation levels (including EMF).  Proposals involving contaminated land or water, dangerous goods or hazardous wastes.  Compliance with any licence conditions under the POEO Act.
Local Government	Impacts on:  > the local community > local roads and traffic, including road surface disturbances > recreational areas > flooding and drainage > local heritage items/ heritage conservation areas > existing or proposed land use.
Energy, Climate Change and Sustainability (part of Environment Energy and Science Group within DPIE)	New large scale energy infrastructure.  Energy efficiency.  Alternative non network options.  Renewable energy.
Biodiversity and Conservation (part of Environment Energy)	Impacts to ecology.

Agency	Government Agency Interests
and Science Group within DPIE)	Impacts to National Parks. Biodiversity and conservation.
NSW Health	Impacts to Hospitals or other public health facilities.
Transport for NSW	Impacts to rail infrastructure or working near rail infrastructure. Impacts to road traffic movements, loss of parking, loss of access to cycle paths. Impacts to ferry services or associated infrastructure.
Specific Government Agencies or State Owned Corporations (SOCs) that Own or Manage land	Impacts to land owned or managed by government agencies or SOCs such as education or health facilities, forestry land, Crown land, Sydney harbour foreshore, Landcom land, ports, Commonwealth land etc.
Utilities (Gas, Water, Sewerage, Telecommunications, Rail)	Potential impact on infrastructure.
WaterNSW	Impacts on drinking water catchment areas or other water infrastructure.

## Appendix D Environmentally Sensitive Areas

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*:

***environmentally sensitive area of State significance*** means:

- (a) coastal waters of the State, or
- (b) land identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map* (within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*), or
- (c) land reserved as an aquatic reserve under the [Fisheries Management Act 1994](#) or as a marine park under the [Marine Parks Act 1997](#), or
- (d) a declared Ramsar wetland within the meaning of the [Environment Protection and Biodiversity Conservation Act 1999](#) of the Commonwealth, or
- (e) a declared World Heritage property within the meaning of the [Environment Protection and Biodiversity Conservation Act 1999](#) of the Commonwealth, or
- (f) land identified in an environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
- (g) land reserved as a state conservation area under the [National Parks and Wildlife Act 1974](#), or
- (h) land, places, buildings or structures listed on the State Heritage Register under the [Heritage Act 1977](#), or
- (i) land reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (j) land identified as being critical habitat under the [Threatened Species Conservation Act 1995](#) or Part 7A of the [Fisheries Management Act 1994](#).