

# Pole and wires development rules



Planning & Environment

Frequently Asked Questions

July 2015

## Draft Code of Practice for environmental assessment

### What is the Code of Practice?

- The NSW Government has released a draft Code of Practice for input. The Code will ensure that the environmental impacts of electricity network development in NSW are assessed according to best practice principles.
- The Code lists a number of compulsory rules network operators must adhere to, including:
  - standards for environmental assessment
  - community and government consultation
  - identification of assessment material that should be made publicly available.
- The Code applies to the leased network operators known as authorised network operators. Essential Energy, which remains in public hands, is not subject to the Code.

### How does the Code differ from current arrangements?

- The Code of Practice is designed to maintain the electricity network businesses' current best practice environmental impact assessment processes.
- The electricity network businesses currently conduct environmental impact assessments on electricity development activities they propose and carry out. The lease arrangements will not change this.
- The Code of Practice provides a consistent standard to ensure that all of the electricity network businesses continue to deliver best practice in their environmental impact assessments.
- The community can be confident the lease of poles and wires will not reduce standards of environmental assessment or affect community consultation about activities that may impact them.

### What does the environmental impact assessment take into account?

- Environmental impact assessments take into account:
  - environmental impacts on communities
  - impacts on the habitat of protected species
  - possible pollution of the environment
  - any effects on Aboriginal and non-Aboriginal heritage.
- In the environmental impact assessments for electricity development activities, authorised network operators must:
  - document proposed development activities and the impact caused
  - describe mitigation measures used to reduce the impacts.

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### How will the community be consulted on network developments in their area?

#### State significant infrastructure projects

- For electricity network development classified as [State significant infrastructure](#), authorised network operators will be required to prepare an [Environmental Impact Statement \(EIS\)](#). This is consistent with the current arrangements and will remain in place post lease.
- An EIS must be placed on public exhibition for at least 30 days. Members of the public will be notified through newspaper advertisements and a notice on the Department's website. Depending on the type of project, this may be followed by other consultation approaches including public meetings and online forums. The community can make submissions during the public exhibition period.

#### Projects not classified as State significant infrastructure

- Electricity network development that is not classified as State significant infrastructure or exempt or complying development will be assessed and self-determined by the authorised network operators in accordance with the Code.
- The level of consultation required will depend on the nature of the activity. More complex projects affecting members of the public may include consultation measures such as public meetings or discussion groups and interactive forums. The community may make submissions during the public exhibition period.
- For low-risk activities such as installing a new power pole, consultation will be required where:
  - the project is adjacent to a landowner and the authorised network operator needs to access a person's property
  - the activity affects a landowner in some other way, e.g. restricting access to a drive way or excessive noise.

### What access will the public have to information about electricity network development?

- The Code requires authorised network operators to consider all requests for environmental impact assessment information made by a member of the public and to make every effort to provide the information requested.
- If it is not possible to provide the information requested, the authorised network operator must explain why.

### Who will ensure the Australian network operators follow the Code?

- The Independent Pricing and Regulatory Tribunal (IPART) will ensure compliance with the Code.
- Every authorised network operator must obtain a licence from IPART to operate. Compliance with the Code will be a condition of the licence of each authorised network operator. This means that authorised network operators will need to follow the Code when conducting environmental impact assessments of proposed electricity network development activities.
- IPART will have the power to enforce this licence condition in several ways, including issuing penalty notices. IPART will also carry out regular audits.

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### Will the requirements of the Code have any effect on electricity prices or supply?

- No. The Code will not affect electricity prices or supply.
- Electricity prices and supply are independently regulated by the national Australian Energy Regulator. This applies regardless of ownership arrangements.

### Where can I see and comment on the Code?

- We welcome feedback on the proposed consultation measures and environmental assessment outcomes in the Code. You can view the Code and draft amendments at:
  - [www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals)
  - the Department's Information Centre, 23-33 Bridge Street, Sydney.
- You can make a submission by:
  - responding online at: [www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals)
  - writing to the Director, Assessment Policy, Department of Planning and Environment, GPO Box 39, Sydney NSW 2001.
- Submissions are invited up Monday 24 August 2015.
- All submissions will be made public in line with the Department's objective to promote an open and transparent planning system. If you would like the Department to delete your personal information before publication, please make this clear in your submission.
- Before making a submission, please read our privacy statement at [www.planning.nsw.gov.au/privacy](http://www.planning.nsw.gov.au/privacy).

### What happens next?

- At the end of the exhibition period we will review all submissions on the Code, and then prepare a report for the Minister for Planning.
- Once the Minister makes a decision about the Code, we will publish an update on our website at <http://planspolicies.planning.nsw.gov.au/>. We will also write to everyone who made a submission to provide them with an update.

### How can I get more information?

- Call our Information Centre on 1300 305 695. If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email us at [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)