



Office of  
Environment  
& Heritage



**Protocol  
between:**

**Chief Executive of the Office of  
Environment and Heritage**

and

**Chief Executive of Ausgrid**

**For:**

Procedures for the undertaking of inspection,  
maintenance and emergency works on  
Ausgrid network assets and associated  
infrastructure

**On:**

Land reserved and acquired under the  
*National Parks and Wildlife Act 1974*

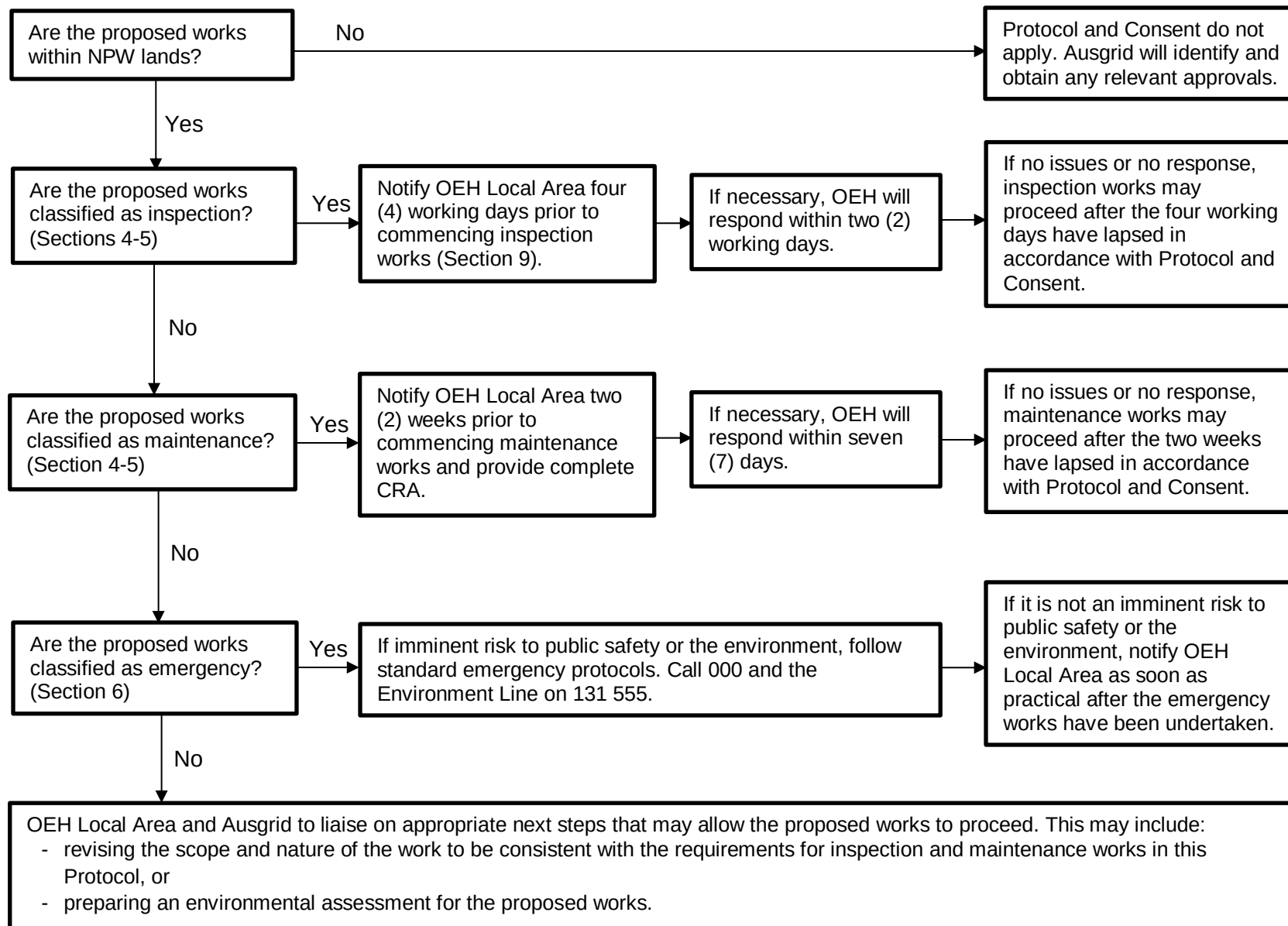
**Commencement:** 1 November 2016

**Initial term:** 5 years

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## NOTIFICATION FLOWCHART



**THIS PROTOCOL commenced on 1 November 2016  
BETWEEN THE CHIEF EXECUTIVE, OFFICE OF ENVIRONMENT AND HERITAGE,  
AND CHIEF EXECUTIVE OF AUSGRID.**

## **INTRODUCTION**

This Protocol establishes the processes by which Ausgrid will undertake inspection, maintenance and emergency works (including exempt development) on its assets that are located within lands reserved or acquired under the *National Parks and Wildlife Act 1974* (NPW Act) (NPW lands).

The Protocol is intended to reflect the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) including *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP), the NPW Act and other relevant environmental legislation and to guide effective and practical compliance with those requirements. It does not replace or override any relevant statutory powers or obligations. Where there are inconsistencies between the Protocol and relevant statutory powers and obligations that currently apply or will apply during the term, the relevant statutory powers and obligations will prevail.

The Protocol focuses on identifying appropriate steps to avoid and mitigate potential impacts on biodiversity and heritage values from Ausgrid activities, and establishing an appropriate notification process between Ausgrid and the Office of Environment and Heritage (OEH).

The Protocol is accompanied by a Consent granted by the Chief Executive OEH under the *National Parks and Wildlife Regulation 2009* ([Attachment A](#)). The Consent provides legal authority for Ausgrid to undertake the activities detailed in the Protocol. In the event of any inconsistency between the provisions of this Consent and the provisions of the Protocol, the provisions of the Protocol will prevail.

## **GENERAL**

The Protocol is intended to both streamline the approval process for routine Ausgrid activities and to minimise the risk of any environmental impacts arising from those activities.

This Protocol has been prepared primarily for those Ausgrid works that are “exempt development” within the meaning of the EP&A Act. For works outside the scope of the Protocol, assessment under Part 5 or other relevant provisions of the EP&A Act will be required.

This Protocol takes precedence over general OEH procedures for dealing with exempt development under the Infrastructure SEPP with respect to works by Ausgrid.

## RECITALS

### A. OEH Roles and Responsibilities

The Chief Executive of OEH is responsible for the care, control and management of NPW lands. Conservation reserves in NSW have been established to protect and care for the diversity of flora and fauna and cultural heritage throughout the State. The National Parks and Wildlife Service (NPWS) is part of OEH and has day-to-day operational responsibility for management of NPW lands.

The Chief Executive also has statutory responsibilities under the NPW Act for the protection and care of native flora and fauna and Aboriginal objects and places. In addition, the Chief Executive has statutory roles under the *Wilderness Act 1987*, *Threatened Species Conservation Act 1995*, *EP&A Act* and *Heritage Act 1977*.

The Chief Executive has delegated functions under these Acts to officers within OEH.

### B. Ausgrid Roles and Responsibilities

Ausgrid is an energy transmission and distribution network operator, constituted by and under the *Energy Services Corporations Act 1995* to operate and maintain network assets and all associated infrastructure. This Act establishes a number of principal objectives for energy distributors, including an obligation to protect the environment by conducting operations in accordance with the principles of ecologically sustainable development.

Ausgrid has numerous network assets and associated infrastructure located on national park estate. Key assets include transmission lines, substations and communication sites. Ausgrid's area of operations is shown in Attachment B.

Ausgrid's operations are overseen by a Board who delegates authority to the Chief Executive to act on its behalf for decisions relating to financial, real estate, legal and human resources matters. In relation to the Protocol, the Chief Executive, has the appropriate delegated authority to approve.

Ausgrid has statutory powers and obligations under the *Electricity Supply Act 1995* to inspect and maintain its network assets and all associated infrastructure. It also has a responsibility under the *Work Health and Safety Act 2011* to provide a safe work place for employees and contractors.

For the purposes of section 111A of the EP&A Act Ausgrid is considered a 'public authority' as it is an authorised network operator under the *Electricity Network Assets (Authorised Transactions) Act 2015* (NSW). Therefore Ausgrid can undertake certain activities for the purpose of an electricity transmission and distribution network under the Infrastructure SEPP and Part 5 of the EP&A Act. In fulfilling its statutory responsibilities with respect to the energy network, Ausgrid is required to comply with a range of environmental legislation and in the case of works within NPW lands will comply with this Protocol. Where works fall outside of the protocol Ausgrid will obtain any necessary approvals from OEH.

## C. Protocol Objectives

The objectives of this Protocol are to:

- i. establish agreed procedures for the undertaking of inspection, maintenance or emergency works (including exempt development) by Ausgrid;
- ii. facilitate the performance of those works by Ausgrid, while ensuring the protection of the environmental and other values of NPW lands; and
- iii. ensure an adequate level of environmental assessment, consultation and notification for inspection, maintenance and emergency works, including relevant requirements under the EP&A Act.

In fulfilling these objectives the Protocol will:

- i. provide clear definitions of 'inspection', 'maintenance' and 'emergency' works;
- ii. identify the level of environmental assessment required for works undertaken by Ausgrid;
- iii. establish protocols for the notification and carrying out of inspection, maintenance and emergency works;
- iv. provide for a single standard Consent to be issued to Ausgrid under the *National Parks and Wildlife Regulation 2009*;
- v. establish a consultation process for the continuing review and development of this Protocol;
- vi. provide a framework for on-going improvement of Ausgrid's environmental management of assets and affected areas; and
- vii. establish processes for dispute resolution.

## **THE PARTIES NOW AGREE AS FOLLOWS:**

### **1. SCOPE OF PROTOCOL**

This Protocol applies to the inspection, maintenance, and undertaking of emergency works on Ausgrid's network assets and associated infrastructure within NPW lands.

This Protocol also applies where Ausgrid has either:

- i. documentation of an existing approval for a particular asset that already makes provisions for inspection and maintenance works (such as a formal easement – including any new easements granted after commencement of this Protocol);
- ii. an existing approval from OEHL for maintenance work which contains specific operational conditions; or an
- iii. an existing interest under the NPW Act.

However, in the instances described in (i), (ii) and (iii) above, this Protocol operates to supplement the existing arrangements. In the event of any inconsistencies between an existing approval or existing interest and this Protocol the conditions of the existing approval or existing interest will prevail and any specific additional conditions of the existing approval will continue to apply, unless otherwise agreed by OEH and Ausgrid.

The detailed procedures outlined in this Protocol cover inspection, maintenance and emergency works only (as defined below). It does **not** apply to new works or works beyond the defined scope of inspection, maintenance or emergency works. Any such works will need to comply with any relevant assessment and approval requirements of the EP&A Act.

The Protocol, including the Consent (Attachment A), does not over-ride any need to obtain relevant approvals under any other NSW legislation and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Ausgrid is responsible for ensuring it obtains any such required approvals.

## **2. ACCEPTED PRINCIPLES**

### **a) Ausgrid acknowledges:**

- i. the conservation and public enjoyment values of NPW lands, and will exercise all reasonable precautions and due diligence to protect those values while undertaking inspection, maintenance and emergency works;
- ii. that in meeting its responsibilities under the *Energy Services Corporations Act 1995* and *Electricity Supply Act 1995* for assets located on NPW lands, it will comply with this Protocol and the standard Consent (Attachment A); and
- iii. the need to provide full and accurate information up-front and in a timely manner to enable OEH to consider and respond to notifications.

### **b) OEH acknowledges:**

- i. the on-going presence and operation of Ausgrid assets within NPW lands;
- ii. the importance of Ausgrid undertaking works to maintain its assets to ensure continued safe and reliable operation of the network at all times;
- iii. that safe and reliable operation of the network requires vegetation management, access track maintenance and works associated with related infrastructure;
- iv. that inspection, maintenance and emergency works by Ausgrid can support the implementation of fire risk management strategies for lands reserved and acquired under the NPW Act;
- v. to maximise efficiency a program of works to be undertaken over an extended period of time may be notified and agreed under this Protocol; and
- vi. the need to provide timely and accurate responses to notifications from Ausgrid for the undertaking of the inspection, maintenance and emergency work.

**c) Both parties:**

- i. are committed to ensuring that their respective officers, consultants and contractors are aware of and follow the procedures in this Protocol and act promptly to resolve any issues in implementing the Protocol;
- ii. acknowledge that each party will bear their own costs of meeting the requirements of this Protocol;
- iii. acknowledge that all relevant environmental and planning legislation will apply; and
- iv. acknowledge that while this Protocol relates mainly to the routine operations of Ausgrid, in emergencies it may be necessary to override normal procedures.

### **3. CORRIDORS, ACCESS TRACKS, SUBSTATION AND COMMUNICATION SITES**

It is recognised that vegetation management and other activities are undertaken only as far as is necessary for the safe and reliable operation of Ausgrid assets in accordance with relevant OEH, Ausgrid standards and legal requirements.

In addition to minimising the environmental impacts of its activities, it is recognised that Ausgrid has a responsibility to contribute to the repair and restoration of areas that it impacts.

**a) Corridors**

Transmission and distribution line corridors vary depending on factors such as voltage, span length, statutory and industry standards (including Australian standards), maintenance and construction access needs, and environmental variables.

Within these corridors Ausgrid usually applies common standards to determine the amount of clear space required around network assets such as power lines (ie. areas to be clear of vegetation). Relevant standards are referenced at Attachment C. In the case of overhead power lines, the span length is of critical importance in determining the amount of clear space required.

Ausgrid is required to ensure vegetation is managed where it is growing into safety clearances near Ausgrid's Network. It is essential that vegetation is kept clear of Ausgrid's Network, so that Ausgrid can deliver a safe and reliable power supply. All vegetation management is undertaken in accordance with Ausgrid's Tree Safety Management Plan.

**b) Access tracks**

Efficient and safe access is required by Ausgrid to undertake inspection and maintenance works. It is noted that in some areas, access tracks are only in use for Ausgrid purposes, while in other cases access tracks are also used by OEH (and other organisations) for park management purposes and/or are available to park visitors. In particular, tracks may also be used for fire management purposes and in that case widths will be in accordance with relevant standards and policies for fire trails (including those published by the Bushfire Coordinating Committee).

OEH standards for access track maintenance are listed at Attachment C to this Protocol.



**c) Substation and communication sites**

Ausgrid operates and maintains a number of zone and transmission substations (major substations) and distribution substations, communication sites and other fenced assets. The major substations are typically fenced off from surrounding areas to ensure security and prevent access.

**d) Asset Protection Zones (APZ's)**

Zone and Transmission substations (including any other fenced assets) are required to have minimum clearances surrounding the property boundary fence. In bushfire areas these substations are required to have an Asset Protection Zone, where vegetation is controlled to minimise any fire threat. An OEH approved APZ is required for the removal of any vegetation outside the boundary fence, existing easement or land protected under Section 53 of the *Electricity Supply Act 1995*.

No vegetation (including grass or weeds) is permitted within the fenced equipment areas or blue metaled areas. Additionally, Zone and Transmission Substation (including any other fenced assets) with live exposed outdoor electrical equipment (e.g. air insulated busbars) are required to have the clearance extended clear to the sky.

Specialist bushfire assessments to determine APZ's in bushfire prone areas will be undertaken by Ausgrid with involvement from OEH. OEH approval of the final APZ's and vegetation removal methodologies will be required prior to undertaking any vegetation removal.

## **4. WHAT IS INSPECTION AND MAINTENANCE?**

Inspection and maintenance works are defined for the purposes of this Protocol as follows:

**a) Inspection works**

- i. Exempt development works - the types of investigation works considered as 'exempt development' are described in clause 43(1)(j) of the Infrastructure SEPP. In addition, for work to be "exempt development" it must be of minimal environmental impact and comply with clause 20 and 20A of the Infrastructure SEPP. Work will not be "exempt development" where it is located within critical habitat or in a wilderness area under s76(3) of the EP&A Act;

**OR**

- ii. any other inspection works as follows (provided it is of minimal environmental impact and complies with clause 20 and 20A of the Infrastructure SEPP and is not located within critical habitat or in a wilderness area):
  - o the **detailed viewing, examination, investigation or measurement** of network assets and associated infrastructure, not involving soil disturbance, vegetation removal or application of chemicals that may affect flora or fauna;

- **ground line inspection** works that involve limited excavation in the area around a structure, involving no greater than 10 m<sup>2</sup> and where disturbed soil is replaced on the same day as works, including:
  - excavation around the base of a pole to determine its condition below ground level, and the application of preservative chemicals and pesticides to the pole;
  - excavation around buried steel tower members to allow inspections and treatment for corrosion;
  - below-ground inspection of fittings such as earthing systems, guys and other structural supports.
- **repair or replacement** of any existing element of a transmission line or structure, such as anti-climbers, signage, insulators and fittings, communications cables, antennas and sacrificial anodes, so long as the above excavation limit is met, no greater than 10 m<sup>2</sup> of vegetation is affected and there is no application of chemicals that may affect flora or fauna;
- **use of helicopters and/or fixed winged aircraft** (noting that separate consent under the *National Parks and Wildlife Regulation 2009* is required to land within NPW lands). Options to reduce the amount of flight time spent below 500 feet above ground level, particularly in wilderness areas are to be considered;
- **minor activities** that are undertaken in conjunction with any of the above inspection works, including vegetation work that only involves hand trimming, hand clearing (including the use of chainsaws), herbicide application, or clearing of existing tracks that have become blocked or impassable, subject to the following:
  - trimming work for access purposes along existing tracks should affect an area no greater than the minimal required to facilitate safe vehicular/plant access for the inspection;
  - vegetation removal during an inspection may only occur for vegetation that is considered an immediate danger. Tree removal is limited to a maximum of 3 trees in any power line span unless verbal or written approval has been obtained from OEH for a greater number. The location and number of all trees removed is to be reported to OEH at the conclusion of the inspection. Removal of other types of vegetation must affect an area no greater than 10 m<sup>2</sup>.

Work in excess of the above levels will require notification as part of the maintenance works requirements below.

## **b) Maintenance works**

- i. “exempt development” described in clause 43(1)(a)-(g), (i), (k) – (l) and Schedule 1 of the Infrastructure SEPP. In addition, for work to be “exempt development” it must be of minimal environmental impact and comply with clause 20 and 20A of the Infrastructure SEPP. Work

will not be “exempt development” where it is located within critical habitat or in a wilderness area under s76(3) of the EP&A Act

**OR**

- ii. any other maintenance works as follows, provided it is of minimal environmental impact and complies with clause 20 and 20 A of the Infrastructure SEPP and is not located within critical habitat or in a wilderness area:

- **repair or replacement** of any existing element of a transmission or distribution power line, including those elements noted above, that cannot meet the requirements for activities undertaken as part of inspection works;

Note 1: Replacement must not involve an increase in capacity of the network, earthworks or removal of vegetation in areas that have not previously been disturbed, or result in increases in required vegetation clearances.

Note 2: In determining whether replacement works satisfy the above, any associated access works (eg. to allow for machinery access) must also satisfy the requirements below.

- **managing vegetation** to maintain safety, operating and trimming clearances in accordance with Ausgrid standards (see Attachment C);
- **access track maintenance** within the existing formed track corridor, or of existing supporting infrastructure outside the track corridor (such as drains, culverts, batters, sediment traps, etc.). This includes grading and reforming a track surface, maintaining watercourse crossings and drainage systems, including the installation of rollers and drains to facilitate track drainage and mitigate erosion risk, and removing vegetation which hinders vehicle access along existing tracks;

Note 3: Access track works must be undertaken in accordance with OEH guidelines (Attachment C).

Note 4: Separate OEH approval is required to use imported materials in any track maintenance.

- **access via existing formed roads and tracks** by various types of vehicles, including trucks, crane/borers, elevated working platforms, mulchers, trittrors, tractor/slasher units or equivalent, that are required for the carrying out of maintenance activities in the transmission or distribution power line corridor or substations;
- **clearing for the purposes of maintaining an OEH approved APZ** around zone, transmission and distribution substations.

Work in excess of the above levels cannot be undertaken as maintenance and will require consultation with OEH and an environmental assessment in accordance with relevant requirements of the EP&A Act.

## 5. WHAT IS NOT INSPECTION AND MAINTENANCE?

The following list provides examples of the types of works not covered by the scope of this Protocol. This list is not intended to be definitive:

- i. any works within areas declared as critical habitat under the *Threatened Species Conservation Act 1995* or declared as wilderness under the *Wilderness Act 1987*;
- ii. track works beyond the access track maintenance specified in section 4 above;
- iii. earth works and the movement or transport of earth material outside of that specified in section 4;
- iv. clearing of vegetation, or application of herbicides, pesticides and the like, outside the requirements specified in section 4;
- v. abrasive blasting of steel towers for the purpose of removing corrosion;
- vi. clearing of vegetation within a corridor where the corridor has not previously required clearing to that width or it has not been cleared to that width within the last ten years;
- vii. clearing of vegetation surrounding substation or communication sites, where clearing has not previously been undertaken or not undertaken within the last ten years, excluding clearing specified in section 4; and
- viii. clearing for the purposes of creating APZs around Ausgrid facilities not already approved by OEH.

## 6. WHAT ARE EMERGENCY WORKS?

For the purposes of this Protocol, emergency works has the same meaning as in the Infrastructure SEPP, as follows, but only in so far as such works relate to maintaining or restoring electricity supply:

*works for the purpose of maintaining or restoring infrastructure facilities or equipment in order to ensure public safety or to protect buildings or the environment due to:*

- *a sudden natural event, including a storm, flood, tree fall, bush fire, land slip or coastal inundation, or*
- *accident, equipment failure or structural collapse, or*
- *damage caused by vandalism or arson,*

*provided the works involved no greater disturbance to soil or vegetation than necessary and are carried out in accordance with all applicable requirements of the Blue Book (a Landcom Managing Urban Stormwater publication).*

Notwithstanding any other provision of this Protocol, Ausgrid may access NPW lands without prior notice for the purposes of undertaking emergency works.

Where emergency works have been undertaken, Ausgrid will notify OEH as soon as practicable of the location, nature, extent and reasons for the work undertaken. Where necessary, Ausgrid and OEH will liaise to determine any rehabilitation or other actions required.

## **7. WHAT IF IT IS UNCLEAR OR THERE IS DISAGREEMENT?**

Where there is uncertainty or disagreement, OEH and Ausgrid agree to undertake further consultations to determine whether a proposal meets the definition of inspection, maintenance or emergency works.

In the first instance, consultation should occur between the local area national park contact officer and the Ausgrid representative. If the matter cannot be resolved at this level, it should be referred to the NPWS Senior Utilities Officer and Ausgrid Environmental Services Manager for resolution (refer [Attachment E](#)). If the matter cannot be resolved at this level, it should be referred to the next level of decision-making within each of the parties (and so on as required).

## **8. MUTUAL OBLIGATIONS OF THE PARTIES**

### **AUSGRID OBLIGATIONS**

#### **a) Access**

- i. Will have unrestricted access to its network assets and associated infrastructure via existing park roads, access tracks and trails, for inspection and maintenance purposes, so long as Ausgrid complies with this Protocol, the standard Consent ([Attachment A](#)) and any reasonable conditions of OEH concerning access. Such conditions will be provided in response to the notification process as defined in section 9, or as otherwise required (eg during an emergency event).
- ii. Will not land helicopters or aircraft within NPW lands without specific approval from OEH, other than in emergency conditions.
- iii. Will ensure that all access tracks (including any necessary bridges and culverts) for which it is the sole user are secured from unauthorised vehicle access and maintained in accordance with OEH guidelines ([Attachment C](#)).
- iv. Will take all reasonable care in the use of tracks to avoid conflicts with other park management operations and park users.
- v. Will secure gates after use where gates are fitted to access tracks and in use and will notify OEH immediately if a gate is unable to be secured.
- vi. When undertaking inspection or maintenance work will place appropriate temporary warning signs on access tracks to the area. Where the nature of the work may require temporary closure of public access, arrangements for signage, barriers, monitoring and notification will be agreed upon with OEH, unless for emergency purposes.

- vii. Will, as far as practical, restrict its maintenance and inspection activities to minimise impact on soil and damage to tracks that could exacerbate erosion. Ausgrid will also abide by any reasonable instructions or directions from OEH regarding access to weather-affected tracks.
- viii. Will reinstate any access tracks damaged beyond normal wear and tear as a result of Ausgrid use, to their pre-existing condition in consultation with OEH in a timely manner.
- ix. Will only undertake works under the protocol to existing access tracks. Any works in areas not previously disturbed or the creation of new access tracks will require separate approval from OEH.
- x. Will follow the *OEH Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* when undertaking any works which involve ground disturbance.

#### **b) Fire Management**

- i. Will not light or maintain any fire during Total Fire Bans (other than heat shrinking materials using a blow torch for short periods, melting small amounts of lead, bitumen and oil over a gas stove or replacing a damaged cover over conductors) without the specific approval of the NSW Rural Fire Service. This does not apply for activities approved by a Rural Fire Service exemption. During Park Fire Bans Ausgrid will not light or maintain any fire (other than for purposes as listed above) without specific approval of OEH.
- ii. Will follow the NSW Rural Fire Service requirements for conducting hot work during Total Fire Bans as defined in Ausgrid's exemptions.

#### **c) Vegetation Management**

For safety and security reasons, Ausgrid requires the management of vegetation within corridors and around certain assets. Maintenance practices that prevent bare earth, retain ground cover and maximise shrub cover, and where practical promote understorey growth with local native species will be encouraged.

- i. Will manage vegetation in accordance with the standards listed in Attachment C, as amended from time to time, to meet safety, security and fire risk management requirements.
- ii. Will specifically consult with OEH regarding APZ requirements, including any proposed hazard reduction works. OEH approval will be sought prior to undertaking any new APZ works.
- iii. Will leave cut vegetation in a manner that does not pose a fire or access risk or impair the environmental or aesthetic values of a park. Alternatively, it may be mulched or removed from a park, as required by OEH.
- iv. Will as far as practicable, minimise disturbance to ground and understorey cover. If the activity results in disturbance to ground and understorey cover Ausgrid will rehabilitate the area to the same state that it was in prior to the disturbance.

- v. Will ensure that all tree felling, pruning or trimming will be carried out by or under direct supervision of people appropriately trained for this work under the Australian Qualifications Framework.
- vi. When applying herbicides/pesticides will work at all times in accordance with its standards and manufacturers' requirements (as documented on labels or in application notes provided by manufacturers), relevant legislation and the Ausgrid Pesticide Use Notification Plan.
- vii. Will work with OEH to identify opportunities to cooperatively manage noxious and environmental weeds around their assets.
- viii. Will take all reasonable precautions to prevent harm to rare or threatened species and the introduction or spread of weeds, exotic plants, pathogens and disease, such as Phytophthora fungus, Chytrid fungus or Myrtle Rust within parks. This shall include:
  - o Ausgrid working in accordance with their workplace instructions for minimising the risk of Ausgrid vehicles and equipment spreading weeds and pathogens to NPW lands, and
  - o Ausgrid taking all reasonable precautions to minimise these risks and follow any reasonable directions issued by OEH in relation to controlling new weed pathogen outbreaks.

#### **d) Contractors**

Ausgrid acknowledges that:

- i. where CRAs are prepared and submitted by contractors, then Ausgrid will implement appropriate systems aimed at ensuring the contractor's compliance with the protocol; and
- ii. Nothing in this Protocol excludes Ausgrid from being vicariously liable for the actions of its sub-contractors in accordance with the law as it stands from time to time.

#### **OEH OBLIGATIONS**

- i. Will not gate or close existing access tracks to or along transmission or distribution lines, or to communications sites or other infrastructure, without first notifying Ausgrid and making appropriate arrangements to ensure continued access by Ausgrid.
- ii. Will not undertake other activities that may impact on access to Ausgrid's assets without prior consultation with Ausgrid.
- iii. Will issue gate keys to Ausgrid on the basis of demonstrated operational need in order to maintain the integrity of the gate security system.
- iv. Will obtain agreement from Ausgrid for the use of its access tracks by other parties, for those tracks which Ausgrid solely maintains and uses. OEH and the NSW Rural Fire Service may use these tracks for operational purposes without reference to Ausgrid.

- v. Will ensure that any damage that impacts on Ausgrid's use of access tracks caused by OEH operational use, will be repaired in a timely manner.
- vi. Will provide reasonable notice by email of activities on NPW lands that could impact on Ausgrid's infrastructure or could impact on the safety of Ausgrid staff and contractors. This could include OEH park management activities such as aerial activities, hazard reduction burns, weed spraying, pest control and access track maintenance.

### **Ausgrid and OEH – Vegetation Management**

Recognise that in managing vegetation:

- i. allowance needs to be made for the likely amount of regrowth between maintenance periods in accordance with defined standards;
- ii. the safety of Ausgrid's employees and contractors while ensuring the protection of environmental values are both priorities;
- iii. some works may be necessary for bushfire management purposes where this work forms part of the relevant bushfire management plan under the *Rural Fires Act 1997*; and
- iv. weed spread and growth are an increasing issue of concern in NPW lands, particularly in areas where corridors occur. Ausgrid and OEH acknowledge strategic and targeted weed control programs may be required to address this issue.

### **Local management arrangements**

To ensure flexibility and the use of approaches that best reflect specific local issues and conditions, Ausgrid and OEH may enter into local agreements regarding shared assets and on-ground management issues on NPW lands. Examples include: access track maintenance, weed and pest management, track security, gate and key systems, and cost-sharing.

Any local agreements must be:

- i. consistent with the intent and provisions of this Protocol, and not seek to alter the overall scope, principles, definitions or primary responsibilities of the parties under the Protocol; and
- ii. fully documented and signed-off at the appropriate regional level (in OEH, this should be at least Branch Director level, and Ausgrid's Regional Manager) after consultation with the respective head office or corporate agency contacts identified in Attachment E.

### **Supplementary pest animal control programs**

The *Game and Feral Animal Control Act 2002* was amended in 2012 to allow licensed shooters to cull pest animals in selected NPW lands. Whilst the operation of the supplementary pest animal control program has not been finalised both parties agree that the safety of Ausgrid staff and contractors required to enter NPW lands to undertake inspection, maintenance and emergency works is paramount.



The parties acknowledge that appropriate systems and procedures to mitigate risks will be developed and implemented as required as part of the supplementary pest animal control program. A formal notice will be delivered to Ausgrid advising of any proposed operations across their network.

### **Other matters**

#### **Ausgrid:**

- i. will provide an induction program on the requirements of the Protocol for all employees and contractors engaged in inspection and maintenance works within lands reserved or acquired under the NPW Act, and this will assist in ensuring compliance with this Protocol.

#### **OEH:**

- i. will ensure that relevant OEH staff are aware of and understand the provisions of this Protocol; and
- ii. where resources permit, will assist Ausgrid in any induction programs for local staff and contractors.

## **9. PROCEDURES FOR UNDERTAKING INSPECTION, MAINTENANCE OR EMERGENCY WORKS**

The following table provides a step-by-step guide for the undertaking of inspection, maintenance and emergency works by Ausgrid.

Ausgrid's environmental geographic information system, called *WebGIS Environmental Layers*, contains data relevant for completing the Conservation Risk Assessment. *WebGIS Environmental Layers* allows authorised users to view the data on the screen or draw a polygon and generate a Conservation Risk Assessment template which is used to undertake an assessment and provide notification.

In summary:

#### **i. for inspection works:**

- Ausgrid is to provide four (4) working days' notice via telephone contact to the relevant OEH Local Area office, followed up by sending the notification form by email or fax the same day to the appropriate NPWS Contact Officer. OEH **may** respond to the notification within two (2) working days of receipt.
- Where OEH does not provide a response within two (2) working days, Ausgrid may proceed with the inspection work in accordance with this Protocol.

#### **ii. for maintenance works:**

- Ausgrid is to provide two (2) weeks' notice via email/fax to the relevant NPWS Area Manager prior to commencement of the planned maintenance works. The notification form at Attachment D or Ausgrid Environmental Form 17418 WebGIS EL CRA should be used, followed by a phone call to confirm receipt. The Notification is to

include the completed Conservation Risk Assessment (CRA). OEH **may** respond to the notification within seven (7) days.

- If necessary OEH may request additional information on the proposed maintenance works. Where OEH does not provide a response within seven (7) days of the original notification or of the supplied additional information, Ausgrid may proceed with the maintenance works in accordance with this Protocol.
- If notification is provided greater than two months in advance of works then additional notification must be provided 48 hours prior to works commencing.

**iii. for emergency works:**

- Incidents that pose a threat to public safety or the environment are to be notified ***immediately*** to 000 and the Environment Line on 131 555. If it is not an imminent risk to public safety or the environment, notify OEH Local Area as soon as practical after the emergency works have been undertaken.

If OEH considers that the works are not consistent with the provisions of this Protocol then OEH and Ausgrid will discuss the appropriate next steps. These may include:

- a) revising the scope and nature of work to be consistent with the requirements for inspection or maintenance works in the Protocol, or
- b) proceeding to prepare an appropriate environmental assessment for submission to OEH.

A notification flowchart is provided at the beginning of this Protocol outlining the key steps.

## Notification Requirements for Inspection, Maintenance and Emergency Works:

### Ausgrid Roles

| Step | Key tasks Ausgrid                                                                                                                                                                                                                                                                                                                                               | Other action required Ausgrid                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.   | <p><b>Before works</b></p> <p>Confirm whether the proposed works are within NPW lands.</p> <p><u>Note 1</u>: Digital information on park boundaries is available at:<br/> <a href="http://www.nationalparks.nsw.gov.au/visit-a-park/regions/sydney-and-surrounds/Map">http://www.nationalparks.nsw.gov.au/visit-a-park/regions/sydney-and-surrounds/Map</a></p> | <p>If <b>Yes</b>, proceed to <b>Step 2</b>.</p> <p><i>If boundaries are uncertain, check with the relevant OEH office (<u>Attachment E</u>).</i></p> <p>If <b>No</b>, the Protocol and Consent do not apply. Ausgrid will identify and obtain any relevant approvals.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2.   | <p>Determine whether works are inspection, maintenance or emergency as defined by this Protocol.</p> <p>All aspects of the proposal must be considered, including any works required to obtain access to areas.</p>                                                                                                                                             | <p>If <b>Yes</b> for inspection and maintenance, proceed to <b>Step 3</b>.</p> <p>If <b>Yes</b> for emergency purposes refer to section 6 of the Protocol.</p> <p>If <b>No</b> for inspection, maintenance or emergency, Ausgrid must consult with OEH to determine the next steps that may allow the proposed works to proceed. This may include:</p> <ul style="list-style-type: none"> <li>revising the scope and nature of the work to be consistent with the requirements for inspection and maintenance works in this Protocol, or</li> <li>preparing an environmental assessment for the proposed works.</li> </ul> <p><u>Note</u>: As per section 1 of this Protocol, if there is an existing approval for the works then the conditions of that approval prevail &amp; the Protocol operates to supplement the existing arrangements unless otherwise agreed by OEH and Ausgrid.</p> <p>If uncertain, consult with the relevant OEH Local Area office <u>before</u> submitting the notification form in <b>Step 5</b>.</p> |

| Step | Key tasks Ausgrid                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Other action required Ausgrid                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.   | <ul style="list-style-type: none"> <li>For inspection works only - proceed to <b>Step 5</b>.</li> <li>For maintenance works - proceed to <b>Step 4</b>.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Where works involve a mix of <u>inspection and maintenance works</u> , proceed to <b>Step 4</b> .                                                                                                                                                                                                                                                                                                                                                                                          |
| 4.   | Undertake a desk-top based <b>Conservation Risk Assessment</b> (in accordance with <i>EGN 150 Environmental Management for vegetation maintenance works</i> ) addressing the following matters:                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| a)   | <p><u>Threatened species and endangered ecological communities (EECs)</u> – undertake a search of OEH Wildlife Atlas data and vegetation mapping available from OEH.</p> <p><u>Note 1:</u> Ausgrid's Web GIS contains OEH Wildlife Atlas data and other threatened species information identified and obtained by Ausgrid. The GIS incorporates a buffer of 150m.</p> <p><u>Note 2:</u> Some vegetation information is available at <a href="http://www.nationalparks.nsw.gov.au/visit-a-park/regions/sydney-and-surrounds/Map">http://www.nationalparks.nsw.gov.au/visit-a-park/regions/sydney-and-surrounds/Map</a></p> | <p><u>If threatened species or EECs are known or potentially present:</u></p> <ol style="list-style-type: none"> <li>1. In consultation with OEH staff, plan the works to first <b>avoid</b> any impacts, and then to <b>minimise</b> any unavoidable impacts.</li> <li>2. If impacts are unavoidable, relevant approvals <b>must</b> be obtained under the NPW Act <b>prior</b> to any works commencing. Consult with OEH to determine the approvals and assessments required.</li> </ol> |
| b)   | <p><u>Aboriginal heritage</u> – undertake a search of OEH Aboriginal Heritage Information Management System (AHIMS) data.</p> <p><u>Note 1:</u> Ausgrid's Web GIS contains OEH AHIMS data and other Aboriginal information identified and obtained by Ausgrid. The GIS incorporates a buffer of 100m.</p>                                                                                                                                                                                                                                                                                                                 | <p><u>If an Aboriginal object or Aboriginal place will or may be impacted by the works:</u></p> <ol style="list-style-type: none"> <li>1. In consultation with OEH staff, first plan the works to <b>avoid</b> any impacts.</li> <li>2. If impacts are unavoidable, relevant approvals <b>must</b> be obtained under the NPW Act <b>prior</b> to any works commencing. Consult with OEH to determine the approvals and assessments required.</li> </ol>                                    |

| Step | Key tasks Ausgrid                                                                                                                                                                                                                                                                                                      | Other action required Ausgrid                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| c)   | <p><u>Historic heritage</u> – undertake a search of OEH Historic Heritage Information Management System data.</p> <p><u>Note 1</u>: This may require assistance from OEH to obtain the relevant information.</p> <p>Proceed to <b>Step 5</b>.</p>                                                                      | <p><u>If a historic heritage item will or may be impacted by the works</u>:</p> <ol style="list-style-type: none"> <li>1. In consultation with OEH staff, first plan the works to <b>avoid</b> any impacts.</li> <li>2. If impacts are unavoidable, relevant approvals must be obtained under the NPW Act and/or <i>Heritage Act 1977</i> prior to any works commencing. Consult with OEH to determine the approvals and assessments required.</li> </ol>                                                                                                                                                                                                                                                                                                                                            |
| 5.   | <p><b>Notify OEH</b></p> <ul style="list-style-type: none"> <li>• <u>For inspection works</u> – <b>four (4) business days</b> prior to undertaking work.</li> <li>• <u>For maintenance works</u> – <b>two (2) weeks</b> prior to the proposed commencement date for works.</li> </ul> <p>Proceed to <b>Step 6</b>.</p> | <ul style="list-style-type: none"> <li>• <u>For inspection works</u> – notify the relevant OEH contact officer (<u>Attachment E</u>) by telephone and send the completed notification form by email or fax the same day (<u>Attachment D</u>).</li> <li>• <u>For maintenance works</u> – fax or email the notification form (<u>Attachment D</u>) or Ausgrid Environmental Form 17418 WebGIS EL CRA to the relevant OEH office (<u>Attachment E</u>), followed by a <b>phone-call</b> to confirm receipt.</li> </ul> <p>Include the <b>Conservation Risk Assessment</b> when submitting the notification for maintenance works.</p> <p>If notification is provided greater than two months in advance of works then additional notification must be provided 48 hours prior to works commencing.</p> |

| Step | Key tasks Ausgrid                                                                                                                                                                                                                                                                                                                                                    | Other action required Ausgrid                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.   | Complete notification process                                                                                                                                                                                                                                                                                                                                        | <p><u>If no response from OEH within <b>two (2) days</b> (inspection) or <b>seven (7) days</b> (maintenance):</u></p> <ul style="list-style-type: none"> <li>• Works may proceed in accordance with the Protocol and standard Consent (<u>Attachment A</u>).</li> </ul> <p><u>If response received from OEH:</u></p> <ul style="list-style-type: none"> <li>• Comply with any requirements or special conditions, or consult further.</li> <li>• If agreement cannot be reached follow the process in section 7 of this Protocol.</li> </ul> |
| 7.   | <p><b>During works</b></p> <p>Complete works in accordance with the Protocol, standard Consent (<u>Attachment A</u>) and any special conditions applied by OEH.</p>                                                                                                                                                                                                  | In accordance with section 10 of this Protocol, notify OEH of any substantive changes to approved work, breaches of the Protocol, fires, accidents or other incidents.                                                                                                                                                                                                                                                                                                                                                                       |
| 8.   | <p><b>Post works</b></p> <ul style="list-style-type: none"> <li>• <u>For inspection and maintenance works</u> – no further action needed, unless required by OEH as a special condition. Ausgrid shall maintain a record of works completed.</li> <li>• <u>For emergency works</u> – refer to the notification requirements in section 6 of the Protocol.</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## Review of Notifications for Inspection, Maintenance and Emergency works

### OEH Roles

| Step | Key tasks OEH                                                                                                                                                                                      | Other action required OEH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.   | <p><b>Before works</b></p> <p>Respond in a timely manner to notification from Ausgrid regarding planned inspection or maintenance work.</p>                                                        | <ul style="list-style-type: none"> <li>• Provide advice on park boundaries.</li> <li>• Provide relevant information regarding conservation or other values of the work area, and any appropriate measures to be taken to protect those values.</li> <li>• Confirm whether a joint site inspection of the proposed work area is required.</li> <li>• Advise on any specific or conflicting operational requirements of OEH (eg. track access restrictions, planned fire hazard reduction).</li> <li>• Provide confirmation that OEH agrees (or otherwise) that the works will meet the definition of either inspection or maintenance in accordance with this Protocol.</li> <li>• Where OEH determines that works do not meet the definitions, or determines that works require other statutory approvals from OEH, provide advice on the approval and assessment requirements (refer OEH REF Guidelines).</li> <li>• Where there is disagreement, follow the processes in section 7.</li> </ul> |
| 2.   | <b>Upon receipt of a notification form</b>                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| a)   | <ul style="list-style-type: none"> <li>• <u>For inspection works</u> – check that the works detailed in the notification (by phone &amp; fax/e-mail) meet the definition of inspection.</li> </ul> | <ul style="list-style-type: none"> <li>• If considered necessary, advise Ausgrid of any relevant matters detailed in <b>Step 1</b> above, within <b>two (2) days</b> of receiving the notification.</li> <li>• If it is determined that works should not proceed, or require additional environmental assessment advise Ausgrid within <b>two (2) days</b> and provide reasons.</li> </ul> <p><u>Note 1:</u> A response to Ausgrid is not required if there are no issues or concerns. Where OEH does not offer a response Ausgrid may proceed with the inspection work in accordance with the Protocol and the standard Consent.</p>                                                                                                                                                                                                                                                                                                                                                            |

| Step | Key tasks OEH                                                                                                                                                                                                                                                                                       | Other action required OEH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| b)   | <ul style="list-style-type: none"> <li>• <u>For maintenance works</u> – check that the final works detailed in the notification meet the definition of maintenance.</li> </ul> <p>Review the information contained in the <b>notification</b> and attached <b>Conservation Risk Assessment</b>.</p> | <ul style="list-style-type: none"> <li>• If considered necessary, advise Ausgrid of any relevant matters detailed in <b>Step 1</b> above, within <b>seven (7) days</b> of receiving notification.</li> <li>• If it is determined that works should not proceed, or require additional environmental assessment, advise Ausgrid within <b>seven (7) days</b> and provide written reasons.</li> </ul> <p><u>Note 1</u>: A response to Ausgrid is not required if there are no issues or concerns. Where OEH does not respond to a notification Ausgrid may proceed with the maintenance works once the notification period has ended, in accordance with the Protocol and Consent (<u>Attachment A</u>).</p> |
| 3.   | <p><b>During works</b></p> <ul style="list-style-type: none"> <li>• Maintain regular contact with Ausgrid as necessary.</li> <li>• Monitor works as required.</li> </ul>                                                                                                                            | <p>Ensure relevant OEH staff, including Information Centres, are aware of works being undertaken and any restrictions on access to work areas, where required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4.   | <p><b>Post works</b></p> <ul style="list-style-type: none"> <li>• Liaise with Ausgrid and inspect completed works as necessary.</li> <li>• <u>For emergency works</u> - review information provided by Ausgrid and determine any appropriate responses in accordance with section 6.</li> </ul>     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



## 10. COMPLIANCE AND INCIDENT REPORTING

Ausgrid will verbally notify OEH, followed by written notification, in the following circumstances:

- i. substantive changes to its notified or approved work, which are to be notified as soon as possible and prior to the proposed change of work being carried out;
- ii. fires, accidents or other incidents that pose a threat to public safety or the environment, which are to be **notified immediately** (see key contacts at Attachment E) If it is not an imminent risk to public safety or the environment but emergency works have been required, notify OEH Local Area as soon as practical; and
- iii. breaches of this Protocol or Consent that do not present an immediate risk to public safety, assets or the environment, which are to be notified within 48 hours.

Ausgrid will cooperate fully in any relevant inquiry or investigation as per legal requirements.

## 11. NON-STANDARD OR SPECIAL CONDITIONS

Non-standard or special conditions relevant to particular locations may be applied by OEH to inspection or maintenance works. OEH will consult with Ausgrid regarding the intended purpose and effect of the conditions and consider any comments made by Ausgrid.

In the absence of any special conditions, the conditions in this protocol and the standard Consent (Attachment A) will apply to all Ausgrid inspection and maintenance work.

## 12. INFORMATION, CONTACTS, LIAISON AND CONFLICT RESOLUTION

Ausgrid:

- i. will provide OEH with up-to-date information about the location of its facilities, infrastructure, easements, APZs and access routes; and
- ii. will seek and apply for the necessary approvals to obtain access to the environmental information referred to in section 9 of this Protocol.

OEH:

- i. will keep Ausgrid fully informed of relevant information, including boundary changes and the acquisition of new parks as they occur, and where a network asset, or access to it, is affected; and

- ii. subject to Ausgrid obtaining the necessary approvals, facilitate the provision of data held by OEH that is relevant to Ausgrid operations.

Ausgrid and OEH:

- i. will promptly provide to each other copies of any revised standards and guidelines relevant to this Protocol;
- ii. will ensure that field staff from each organisation responsible for the on-the-ground implementation of this Protocol meet or liaise regularly to discuss matters related to the Protocol;
- ii. will nominate senior officers that will be available to address any issue at short notice, should any dispute arise regarding the operation of this Protocol. To ensure there is consistency in decision making the regional representatives will be kept to a minimum. A list of key contacts at Ausgrid and OEH is provided in Attachment E; and
- iii. will meet annually or more often if necessary, to discuss and review the on-going implementation of this Protocol.

## **13. OTHER MATTERS**

### **a) Environmental Management Planning**

Ausgrid:

- i. will work with OEH on opportunities for on-going improvement of the environmental management of Ausgrid assets, including enhanced use of GIS, information technology and best practice land management approaches; and
- ii. will work with OEH to determine appropriate levels of assessment, including on-the-ground survey, and site-specific procedures for areas of particular environmental sensitivity (see below).

OEH:

- i. may from time-to-time, based on existing and new information, identify to Ausgrid areas of particular environmental sensitivity that are recommended for more detailed assessment prior to inspection or maintenance works being undertaken.

### **b) Contractors of Ausgrid**

OEH

- i. acknowledges and agrees that Ausgrid may, from time to time, engage contractors and/or sub-contractors to undertake those Inspection, Maintenance Or Emergency Works set out in Clause 9 (**Works**) on behalf of Ausgrid.

## Ausgrid

Where a contractor undertakes Works on behalf of Ausgrid, Ausgrid will:

- i. Provide a copy of the Protocol to the contractor;
- ii. Require that the contractor act consistently with requirements for Ausgrid under the Protocol; and
- iii. Either complete its own Conservation Risk Assessment, or, may require that the contractor to prepare and sign off on a Conservation Risk Assessment.

## **14. TERM, REVIEW AND TERMINATION**

This Protocol:

- i. has an initial term of five (5) years from the commencement date specified on the first page of this protocol;
- ii. will be reviewed by the parties at the end of the five (5) years, and may be extended if both parties are in agreement;
- iii. may also be reviewed and revised prior to the expiry of the five (5) year period if agreed by both parties;
- iv. will be amended if there are significant legislative changes that would affect this Protocol; and
- v. will terminate if either party gives three (3) months notice to the other of its intention to terminate, in which event this Protocol will terminate upon the expiry of the notice.

Note: The Consent at Attachment A also has a term of five (5) years, commencing 1 November 2016.

## 15. DEFINITIONS AND INTERPRETATION

### **Aboriginal object**

Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains (refer s.5, NPW Act).

### **Aboriginal place**

Any place declared to be an Aboriginal place under section 84 of the *National Parks and Wildlife Act 1974*.

### **Blue Book**

“Blue Book” means *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to as the “Blue Book” and as in force at 1 January 2008.

### **Historic heritage item**

Means items:

- listed on the State Heritage Register;
- listed on the OEH Heritage and Conservation Register (required by section 170 of the *Heritage Act 1977*);
- identified by an OEH Regional Cultural Heritage Management Strategy;
- any relics, as defined by the *Heritage Act 1977*; and
- any deposit, object or material evidence relating to the settlement or occupation of New South Wales or a part of New South Wales (not being Aboriginal settlement or occupation) if the deposit, object or material evidence is more than 25 years old [refer clause 15(4) of the National Parks and Wildlife Regulation 2002].

OEH maintains a Historic Heritage Information Management System which lists known items within the above categories.

### **Land reserved or acquired under the NPW Act**

Means lands:

- reserved under Part 4 of the NPW Act – being national parks, nature reserves, historic sites, Aboriginal areas, state conservation areas, regional parks and karst conservation reserves; and
- acquired under Part 11 of the NPW Act.

### **Vegetation**

Refers to all plant life, including, but not limited to:

- trees (including any sapling or shrub, or any scrub), including dead trees;
- understorey plants;
- groundcover (being any type of herbaceous vegetation); and
- plants occurring in a wetland.

## 16. SIGN-OFF

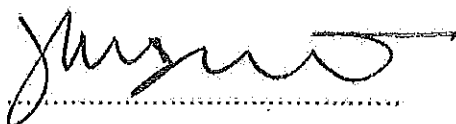


MICHAEL WRIGHT  
FERRY-BAILEY

A Chief Executive

Office of Environment and Heritage

31.10.2016



TREVOR ARMSTRONG

Acting Chief Executive Officer

Ausgrid 7.9.16.

## ATTACHMENT A

### **Consent under the *National Parks and Wildlife Regulation 2009* for Inspection and Maintenance works by Ausgrid within NPW lands**

An electronic copy can be found at the following links.

OEH staff

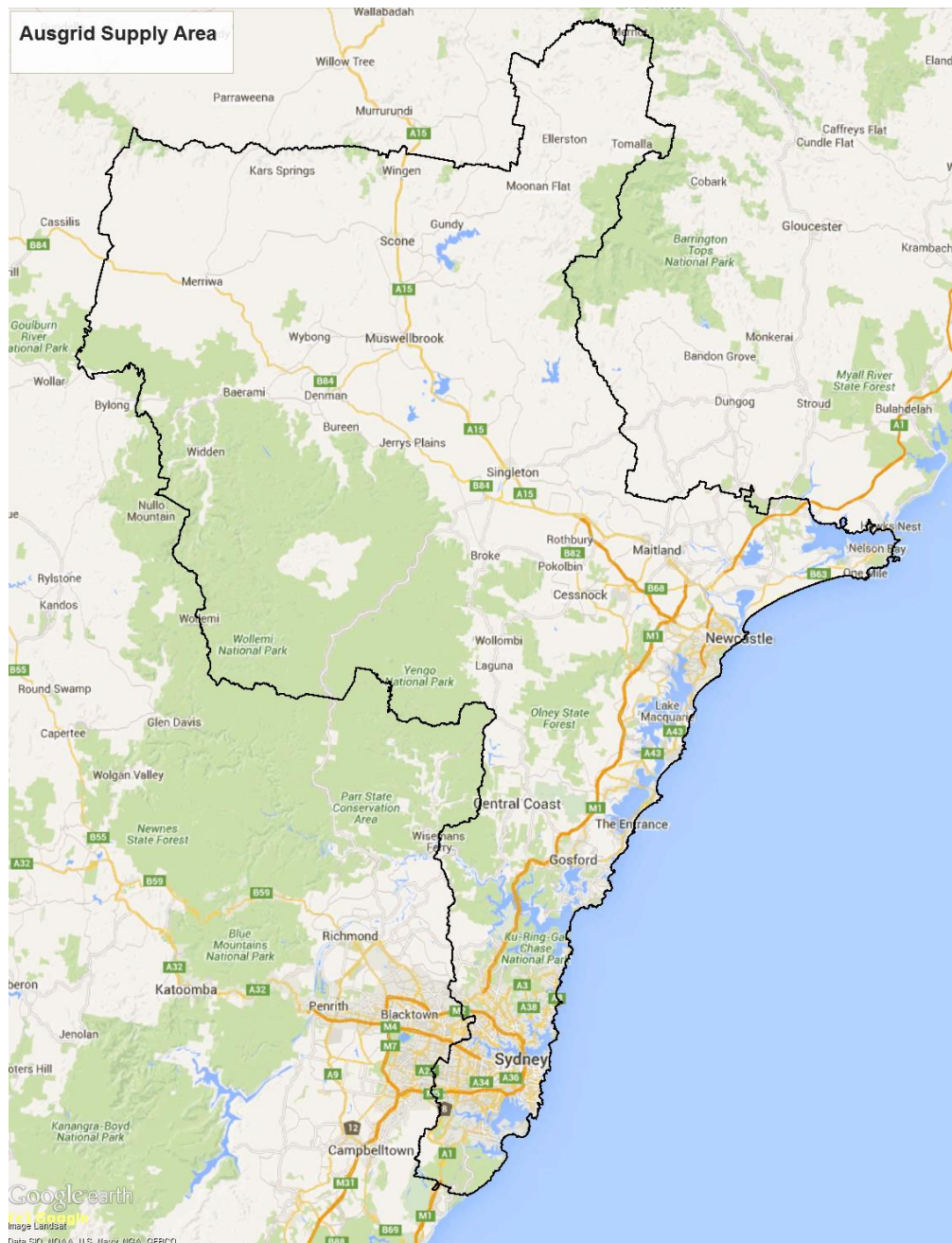
<http://ehub/epa/MoUsInterAgencyAgreements.htm>

Ausgrid staff

<http://thewire.energy.com.au/our-network/environment/Pages/Environmental-Index.aspx>

## ATTACHMENT B

### Ausgrid Area of Operations



## ATTACHMENT C

The following standards are to be applied by Ausgrid as appropriate when undertaking inspection or maintenance works in accordance with this Protocol, subject to any conditions of approval applied to the undertaking of the works by OEH. Other standards may also be applicable in certain cases.

It should be noted that Ausgrid and OEH may update the standards from time-to-time. Updated versions can be obtained from Ausgrid's Environmental Services Section or the Senior Utilities Officer of OEH.

| Source         | Title                                                                                         | Purpose                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Ausgrid</b> | ISSC 3 Guidelines for managing vegetation near power lines                                    | Provides guidance to network operators and the community in the safe and responsible management of vegetation near power lines.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                | Tree Safety Management Plan                                                                   | Outlines Ausgrid's approach to vegetation management near network assets.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                | Easements, Leases and Rights of Way<br><br>Network Standard – NS 143                          | Details Ausgrid's approach to creation of easements and other legal interests in land. Includes discussion of easement widths and access arrangements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                | Vegetation Management, Common Requirement, Ausgrid, Endeavour Energy, Essential Energy (VMCR) | The purpose of the VMCR is to: state the minimum clearance requirements for vegetation management adjacent to electrical infrastructure belonging to Ausgrid, Endeavour Energy and Essential Energy; state the minimum clearance requirements for vegetation management adjacent to privately owned electrical infrastructure connected to the networks owned by Ausgrid, Endeavour Energy and Essential Energy; maintain the risk of vegetation contact initiated fires and human contact to a level that is ALARP (as low as reasonably practicable); form a framework that drives a ALARP approach to vegetation management, based on an agreed set of vegetation clearances and prioritised maximum vegetation encroachment rectification periods. |
|                | NS174C Environmental Handbook for Construction and Maintenance                                | Provides guidance on complying with environmental laws.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                | EGN150 Environmental management for vegetation maintenance works.                             | This procedure covers the environmental management requirements for vegetation maintenance activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>OEH</b>     | Erosion and Sediment Control on Unsealed Roads                                                | Provides guidance on practical methods of erosion and sediment control within NPW lands.<br><br><a href="http://www.environment.nsw.gov.au/Stormwater/ESCtrlUnsealedRds.htm">http://www.environment.nsw.gov.au/Stormwater/ESCtrlUnsealedRds.htm</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |



## ATTACHMENT D

### **Notification form for inspection and maintenance works**

The following form is to be used to provide notice from Ausgrid to OEH of proposed inspection and maintenance works. Ausgrid Environmental Form 17418 WebGIS EL CRA can also be used for the notification and conservation risk assessment for maintenance works.

### **AUSGRID NOTIFICATION TO OEH OF INSPECTION OR MAINTENANCE WORK**

The following form is to be used to provide notice by or on behalf of Ausgrid to OEH of proposed inspection and maintenance works in lands reserved or acquired under the *National Parks and Wildlife Act 1974*.

| <b>TYPE OF WORK</b>                                                                                                                                                                                  |                                                                                                                                                                                                                                                                |               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <input type="checkbox"/> Inspection                                                                                                                                                                  |                                                                                                                                                                                                                                                                |               |
| <input type="checkbox"/> Maintenance                                                                                                                                                                 |                                                                                                                                                                                                                                                                |               |
| <b>DESCRIPTION, LOCATION AND DATES OF PROPOSED WORKS</b>                                                                                                                                             |                                                                                                                                                                                                                                                                |               |
| Describe the location of the proposed work and dates (inclusive) [In accordance with the Protocol please ensure that for <u>maintenance</u> at least <b>two (2) weeks notification</b> is provided]: |                                                                                                                                                                                                                                                                |               |
| <b>Location:</b><br>(Include map)                                                                                                                                                                    |                                                                                                                                                                                                                                                                |               |
| <b>Dates:</b>                                                                                                                                                                                        |                                                                                                                                                                                                                                                                |               |
|                                                                                                                                                                                                      | (starting date)                                                                                                                                                                                                                                                | (ending date) |
| <b>Description of works:</b>                                                                                                                                                                         | <input type="checkbox"/> <b>All works</b> – include details of planned works, machinery to be used, access arrangements, vegetation management, pesticide use, soil disturbance, proximity to watercourses and if any environmental controls to be implemented |               |
|                                                                                                                                                                                                      | <input type="checkbox"/> <b>Maintenance works</b> – attach a copy of <b>Conservation Risk Assessment</b> addressing the specific matters in section 9 of the Protocol                                                                                          |               |
| <b>AUSGRID CERTIFICATION</b>                                                                                                                                                                         |                                                                                                                                                                                                                                                                |               |
| <b>I have read and certify that the proposed works will comply with the terms of the Protocol between OEH and Ausgrid that commenced 1 November 2016.</b>                                            |                                                                                                                                                                                                                                                                |               |
| Ausgrid Representative Name:<br>Company Name:                                                                                                                                                        |                                                                                                                                                                                                                                                                |               |
| Signature:                                                                                                                                                                                           |                                                                                                                                                                                                                                                                |               |
| Phone:                                                                                                                                                                                               |                                                                                                                                                                                                                                                                |               |
|                                                                                                                                                                                                      | (work)                                                                                                                                                                                                                                                         | (after hours) |



## ACKNOWLEDGMENT OF AUSGRID WORKS

|                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                             |          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|----------|
| <p><b>OEH acknowledges receipt of the notification of proposed works by Ausgrid, as follows.</b></p> <p><b>Note:</b> if no acknowledgement is provided within <b>two (2) working days</b> (for inspection works) or <b>seven (7) days</b> (for maintenance works) then Ausgrid may proceed with the works in accordance with the Protocol between OEH and Ausgrid and the Consent issued 1 November 2016.</p> |                                                                                             |          |
| Date received:                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                             |          |
| Description of works:                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                             |          |
| Reviewed by (insert OEH officer name and position title):                                                                                                                                                                                                                                                                                                                                                     |                                                                                             |          |
| <p><b>Conclusion</b> (choose one of the following)</p>                                                                                                                                                                                                                                                                                                                                                        |                                                                                             |          |
| <input type="checkbox"/> Works may proceed in accordance with the notification, the Protocol and the Consent.                                                                                                                                                                                                                                                                                                 |                                                                                             |          |
| <input type="checkbox"/> Works may proceed as above, subject to the additional conditions:                                                                                                                                                                                                                                                                                                                    |                                                                                             |          |
| <input type="checkbox"/> Works may NOT proceed at this time pending further assessment by OEH.                                                                                                                                                                                                                                                                                                                |                                                                                             |          |
| <input type="checkbox"/> Works may NOT proceed at this time and an environmental assessment will be required for the following reasons:                                                                                                                                                                                                                                                                       |                                                                                             |          |
| <p><u>Note:</u> Consult first with Ausgrid.</p>                                                                                                                                                                                                                                                                                                                                                               |                                                                                             |          |
| <input type="checkbox"/> Works may NOT proceed for the following reasons:                                                                                                                                                                                                                                                                                                                                     |                                                                                             |          |
| <p><u>Note:</u> Consult first with Ausgrid.</p>                                                                                                                                                                                                                                                                                                                                                               |                                                                                             |          |
| Date:                                                                                                                                                                                                                                                                                                                                                                                                         | Signature:                                                                                  |          |
|                                                                                                                                                                                                                                                                                                                                                                                                               | <p><u>Note:</u> maintenance works should be signed-off by the Area Manager at a minimum</p> |          |
| Phone:                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                             |          |
|                                                                                                                                                                                                                                                                                                                                                                                                               | (Work)                                                                                      | (Mobile) |

## ATTACHMENT E

### KEY CONTACTS

Notifications to OEH for inspection and maintenance works are to be provided to the following OEH officers:

**For inspection & maintenance works**

Contact the Ranger responsible for the particular park.

Contact details of the OEH Local Area office for each national park or reserve are available at:

<http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx>

**For emergency notifications** – contact the relevant emergency service first (call 000), and then the Environment Line on 131 555 and then the relevant NPWS contact officer.

**For general queries regarding the Protocol or if there are issues that cannot be resolved with the local NPWS office**

Contact the NPWS Senior Utilities Officer on 02 6450 5589.

To contact relevant Ausgrid staff, refer to the following table.

| OEH Reference     | Ausgrid Contacts                  |           |           |             |
|-------------------|-----------------------------------|-----------|-----------|-------------|
| Region            | Position                          | Phone     | Fax       | Mobile      |
| <u>Corporate:</u> | Vegetation and Inspection Manager | 4399 8172 |           | 0407069081  |
|                   | Manager Environmental Services    | 9394 6659 | 9394 6662 | 0412-070574 |