



Independent Pricing and Regulatory Tribunal
New South Wales

Electricity networks reporting manual – NSW Code of Practice for Authorised Network Operators



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ISBN 978-1-76049-140-6

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Amendment record

Issue	Date issued	Amendments made
ENRM - original	10 June 2016	First release of final Reporting Manual
ENRM v2	September 2016	Various amendments unrelated to Code of Practice reporting.
ENRM v3	November 2016	Inclusion of Ms Catherine Jones as a Committee member. Various further amendments unrelated to Code of Practice reporting.
ENRM v3	December 2016	Various amendments unrelated to Code of Practice reporting.
ENRM v4	May 2017	Addition of Ms Deborah Cope as a Committee member, replacing Ms Catherine Jones. Addition of section 7.3.2 Reporting requirements for distribution network operators regarding the NSW Code of Practice for Authorised Network Operators. Various further amendments unrelated to Code of Practice reporting.
ENRM – NSW Code of Practice for Authorised Network Operators reporting	October 2017	Separate Reporting Manuals published Inserting Chapter 1 -The purpose and status of this reporting manual. Minor wording changes to improve clarity.



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1 The purpose and status of this reporting manual

This Reporting Manual and other Reporting Manuals are issued by IPART. IPART will review and amend these Reporting Manuals from time to time.

Licence conditions for the licensed Electricity Network Operators (ENOs) require that the licence holder complies with any Reporting Manuals issued by the Tribunal.¹ Although no regulatory requirement to comply with a Reporting Manual exists for non-licensed ENOs, IPART expects that all ENOs will comply with the Reporting Manuals where applicable to their specific reporting obligations. Each document may not apply to all ENOs, and this is specified where relevant.

The reporting requirements specified in these Reporting Manuals do not replace any requirements identified in licence conditions, legislation, statutory instruments or codes that apply to ENOs. Compliance with Reporting Manuals is required in addition to, not in substitution for, compliance with other applicable obligations.

The information gathered through the reporting arrangements outlined in this document will allow IPART to:

- ▼ determine whether ENOs are consistently and effectively meeting statutory obligations, and
- ▼ identify immediate risks and long term trends.

A review of the reporting requirements will be conducted periodically to accommodate any changes to statutory requirements and licence conditions.

IPART has also issued Audit Guidelines to guide networks on how to maintain compliance with their obligations.

¹ *Schedule listing ministerially imposed licence conditions for distribution network service providers*, licence condition 7; the *Transmission Operator's Licence under the Electricity Supply Act 1995 (NSW)*, issued by the Minister for Industry, Resources and Energy, 7 December 2015, condition 11, p 7; the *Schedule of Ministerially imposed licence conditions for the operator of a transacted distribution system* issued to the Ausgrid Operator partnership on 1 December 2016, condition 14; and the *Schedule of Ministerially imposed licence conditions for the operator of a transacted distribution system* issued to the Endeavour Energy Operator partnership on 7 June 2017, condition 14.

2 Reporting on compliance with the NSW Code of Practice for Authorised Network Operators

This reporting manual applies to Authorised Network Operators (ANOs) only. This includes TransGrid, Ausgrid and Endeavour Energy.

ANOs are required to comply with Part 5 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act). The NSW Code of Practice for Authorised Network Operators (Code)², issued by the Department of Planning and Environment, refers to some, but not all, of the obligations under Part 5 of the EP&A Act. The Code has been developed by the Department of Planning & Environment to ensure assessments made under Part 5 of the EP&A Act, where the ANO is the determining authority, are conducted appropriately.

IPART is responsible for monitoring and enforcing compliance with the Code. This reporting manual outlines reporting requirements to allow IPART to hold the ANOs accountable against their obligations under the Code. This is in addition to, not in substitution of, any other obligations under the *Environmental Planning and Assessment Act 1979* (NSW), or any other legislation, statutory instrument, licence condition or applicable code.

ANOs must provide a report on any breaches of the Code along with other reporting requirements on Environment Impact Assessments (EIAs) for the preceding calendar year to IPART by 30 April each year, or as otherwise specified by IPART.

2.1 Immediate reporting of a breach of the Code

An ANO is required to report a serious breach of the Code to IPART as soon as reasonably practicable after the ANO becomes aware of the breach. A serious breach includes a breach which has, or is likely to have, a material adverse impact on the environment.

² Issued under clause 244K of the *Environmental Planning and Assessment Regulation 2000* (NSW).

2.1.1 How to notify us

Immediate notification takes the form of a telephone call to the *Director* ((02) 9290 8412) or the *General Manager* ((02) 9113 7762) of Energy Licensing and Compliance at IPART. This is to be followed by written confirmation to IPART's Chief Executive Officer from the Chief Executive Officer (or equivalent) of the ANO concerned within five business days. The notification must include:

- ▼ the extent and nature of the non-compliance (including whether and how many customers and/or other licence holders have been affected)
- ▼ reasons for non-compliance
- ▼ actions taken to rectify the breach and to prevent it reoccurring, and
- ▼ actual or anticipated date of full compliance.

2.2 Annual reporting of breaches of the Code

The ANO is required to provide a report to IPART by 30 April each year.³ The annual compliance report must cover the preceding calendar year and include:

- ▼ all non-compliances with the obligations in the Code, and
- ▼ information on environmental impacts of the projects undertaken as specified in section 1.3.

For each non-compliance, the network should include the following information in its report:

- ▼ the extent and nature of the non-compliance including outcomes and risks
- ▼ the reasons for non-compliance
- ▼ the actions taken, or proposed, to rectify the non-compliance and to prevent it reoccurring
- ▼ the actual/anticipated date of full compliance, and the progress of the remedial action as at the end of year
- ▼ any breach that is subject to immediate notification should also be summarised in the annual compliance reports, including an update of any further actions taken by the licence holder with respect to the breach and an indication of whether any further breaches of the same obligation have occurred, and
- ▼ any other relevant information.

Table 2.1 provides the reporting requirements to be included in each annual compliance report. Each requirement is related to obligations in the Code to which an ANO must adhere. More details of these obligations are provided in Appendix A, however, the Code should be used as the first reference.

Section 1.3 outlines the reporting requirements on environment impacts of the projects undertaken.

³ Or such other date agreed to in writing by IPART.

Table 2.1 Reporting non-compliances with the Code

IPART Code	Name of reporting requirement	Description of reporting requirements
EPA1	Data on any complaints received regarding EIA ^a documents	Report any complaints received regarding EIA documents in the preceding year, and include a brief explanation of: <ul style="list-style-type: none"> ▼ The nature of each complaint. ▼ The response to the complaints.
EPA2	Outcomes required from the scoping and legislative review phase	Report any non-compliances with the outcomes required from the scoping and legislative review phase of the EIA, as listed in section 2.3.2 of the Code.
EPA3	Outcomes required from the assessment and evaluation phase	Report any non-compliances with the outcomes required from the assessment and evaluation phase of the EIA, as listed in section 2.3.4 of the Code.
EPA4	Outcomes required from the consultation phase	Report any non-compliances with the outcomes required from the consultation phase of the EIA, as listed in section 2.3.7 of the Code.
EPA7	Requirements surrounding the 'consultation protocol'.	Report any non-compliances with obligations surrounding publication of the 'consultation protocol', as listed in section 2.3.6 of the Code.
EPA8	Information requirements for SER ^b documents	Report any non-compliances with the information requirements to be included in SER documents, as listed in section 2.4.2 of the Code.
EPA9	Information requirements for REF ^c documents.	Report any non-compliances with the information requirements to be included in REF documents, as listed in section 2.4.3 of the Code.
EPA5	Outcomes required from the determination stage	Report any non-compliances with the outcomes required from the determination stage of the EIA, as listed in section 2.5.1 of the Code.
EPA6	Outcomes required from the implementation stage	Report any non-compliances with the outcomes required from the implementation stage of the EIA, as listed in section 2.6.3 of the Code (where an activity is to be implemented by the ANO or by a third party on its behalf).
EPA10	Retention of the EIA process documentation	Report any non-compliances with the requirements to retain documents related to the EIA, as specified in section 4.3 of the Code.
EPA11	Publication and availability of the EIA process documentation.	Report any non-compliances with the requirements to publish and make available the documents related to the EIA, as specified in section 4.4 of the Code.
EPA12	Responding to requests for access to a document	Report any non-compliances with the requirements to respond to requests for access to certain documents of the EIA process, as specified in section 4.6 of the Code.

^a Environmental Impact Assessment.

^b Summary Environmental Report.

^c Review of Environmental Factors.

2.3 Reporting requirements on EIAs

Different reporting requirements apply to transmission and distribution operators as specified below.

2.3.1 Reporting requirements for transmission network operators

Table 2.2 Number of projects in class 3

Project type for transmission systems	Number of SERs undertaken ^a
Activities related to existing substation or communication sites	
Installation of Optical Ground Wire on existing transmission lines	
Tower refurbishments on existing transmission lines	
Pole replacements on existing transmission lines	
Activities related to existing cables	
Other	
Total	

Table 2.3 Number of projects in class 4

Project type for transmission systems	Number of REFs
New substations	
New transmission lines	
New communications sites	
Activities related to existing substations	
Activities related to existing communications sites	
Activities related to existing transmission lines	
Other	
Number of projects for which an SIS (but not an EIS) was deemed necessary	
Number of projects for which an EIS was deemed necessary and were escalated to the Minister.	

Note: Provide, additionally, a description of the projects for which an REF was undertaken.

2.3.2 Reporting requirements for distribution network operators

Distribution ANOs should report the following for class 3 activities:

- ▼ Number of SERs completed for the year.
- ▼ A list and link to any final EIA documentation of Decision Statements for a class 3 activity released to a member of the public.
- ▼ Other details of such activity that IPART may require.

Reporting requirements for classes 4, 5 and 6 projects for distribution ANOs are given in Table 2.4.

Table 2.4 Information on class 4, 5 and 6 activities

Project name	Project class	Asset categorisation	Project description	EIA web link
		Overhead: <input type="checkbox"/> Underground: <input type="checkbox"/>		
		Transformer: <input type="checkbox"/>		
		Switchgear: <input type="checkbox"/>		
		Other <input type="checkbox"/>		
		Overhead: <input type="checkbox"/> Underground: <input type="checkbox"/>		
		Transformer: <input type="checkbox"/>		
		Switchgear: <input type="checkbox"/>		
		Other <input type="checkbox"/>		
		Overhead: <input type="checkbox"/> Underground: <input type="checkbox"/>		
		Transformer: <input type="checkbox"/>		
		Switchgear: <input type="checkbox"/>		
		Other <input type="checkbox"/>		

2.3.3 Lodgement of an annual report

Annual compliance reports for the calendar year ending 31 December must be lodged via email by 30 April the following year. Name and contact details (phone, email) of the primary contact IPART can liaise with when assessing compliance should also be provided. An alternative contact for those times when the primary contact is unavailable should also be nominated.

Unless otherwise stated, reports should be lodged electronically via energy@ipart.nsw.gov.au, and addressed to Director, Energy Networks Regulation.

2.4 Audits

IPART may audit an ANO's compliance with the Code. Audits may be conducted periodically or as 'spot audits' in response to a particular possible breach of the Code.⁴ Details of these audits are specified in IPART's *Audit Guideline – Compliance with NSW Code of Practice*.

⁴ The Code, p 35. IPART can either conduct an audit itself, or require an ANO to nominate a suitably qualified person to conduct the audit. The nomination must be approved by IPART, and the auditor will conduct the audit and provide a report to IPART at the expense of the ANO.



Appendices



A Environmental Impact Assessment outcomes required by the *NSW Code of Practice for Authorised Network Operators*

Table A.1 Outcomes required in the NSW Code of Practice for Authorised Network Operators

IPART ref.	Code reference	Description
EPA1	Section 5.2	By 30 April each year, an ANO must provide a report to IPART which records data, on any complaints received by the ANO about EIA related matters in the preceding year.
EPA2	Section 2.3.2	<p>Outcomes required from the scoping and legislative review stage of the EIA.</p> <p>To achieve compliance, the EIA documentation produced must:</p> <ol style="list-style-type: none"> 1. contain a plain English description of the Activity including its geographic location, relationship to the site environment, an identification of landowners, and a description of current land uses 2. explain the need for the Activity and its justification including an assessment of any alternative options considered 3. document the ANO's consideration of whether early community consultation is required, and 4. assess the resources required for Stage 2 of the EIA process under the Code.
EPA3	Section 2.3.4	<p>Outcomes required from the assessment and evaluation stage of the EIA.</p> <p>To achieve compliance, the EIA documentation produced must:</p> <ol style="list-style-type: none"> 1. confirm the appropriate assessment and approvals process (ie, whether the Activity falls within Class 3, 4, 5, or 6 under the Code) 2. confirm if another licence or approval is required or if the Activity is regulated by other State or Commonwealth legislation 3. ensure that, when the ANO is performing the NDA role, the environmental assessment information for the Activity addresses all factors agencies will need to consider to determine whether a separate licence or approval can be issued 4. record, for an Activity where the ANO is acting as an NDA, that the ANO consulted with agencies to clarify any specific information that should be covered by the assessment documentation 5. contain adequate information to identify the extent and nature of the individual impacts associated with the Activity. This must include identifying any potential community impacts 6. provides evidence that it has been prepared by persons appropriately trained to consider and assess the impacts of the Activity, and 7. record the steps taken by the ANO to address the outcomes required to be achieved under the Code. Notably, the EIA documentation must record information collected about potential impacts, and assessment and consideration of these impacts.

IPART ref.	Code reference	Description
EPA4	Section 2.3.7	<p>Outcomes required from the consultation stage of the EIA.</p> <p>To achieve compliance, the EIA documentation produced must show evidence that:</p> <ol style="list-style-type: none"> 1. the ANO has used all reasonable endeavours to determine what the applicable General Law Consultation Requirements are 2. the ANO has met its General Law Consultation Requirements, and 3. either: <ol style="list-style-type: none"> a) the ANO has complied with the relevant aspects of a Consultation Protocol which is in force under the Code and applies to the Activity in question; or b) if no such Consultation Protocol applies, the ANO has complied with the interim Additional Consultation Requirements which are applicable to the Activity under the Code.
EPA5	Section 2.5.1	<p>Outcomes required from the determination stage of the EIA, including the Decision Statement.</p> <p>To achieve compliance:</p> <ol style="list-style-type: none"> 1. A determination must be made by an appropriately authorised person. This person must not be the same person who conducted the assessment. 2. The determination must be documented in a written statement signed by the authorised person on behalf of the ANO. For simplicity, the Code will refer to this statement as a Decision Statement. <ul style="list-style-type: none"> – An SER Decision Statement can be a brief statement. – For a REF a more detailed Decision Statement is required, in the nature of a report which documents the authorised person’s engagement with the REF, including the documentation of consultation with agencies and the public, and explains clearly the reasons why the key conclusions in the REF were or were not accepted. 3. The Decision Statement must satisfy at least the following basic requirements: <ol style="list-style-type: none"> a) The Decision Statement must state the decision. The types of decisions available to the authorised person to make on behalf of the ANO are set out under the heading “What types of decision can the ANO make under this Code?” on page 23 of the Code. b) The Decision Statement must expressly state whether or not the decision made by the authorised person on behalf of the ANO is a conditional decision. c) If a conditional decision is made, the Decisions Statement must record the conditions of the decision and the reasons why these conditions are required.
EPA6	Section 2.6.3	<p>Outcomes required from the implementation stage. Where an Activity is to be implemented by the ANO or by a third party on its behalf, the ANO must adequately document how the Activity will be implemented.</p> <p>To achieve compliance, as a minimum:</p> <ol style="list-style-type: none"> 1. construction/implementation of an Activity must not occur until a determination for the Activity has been made under Stage 4 which allows the Activity to proceed without further EIA 2. in a case where the determination is subject to a condition requiring the ANO to prepare documentation prior to the commencement of implementation, such as a CEMP or the like, that documentation must be prepared before implementation of the Activity

IPART ref.	Code reference	Description
		<p>commences</p> <ol style="list-style-type: none"> 3. the documentation outlined in 2 above should be reflective of an Activity’s scope and impacts and be detailed enough that personnel working on the site are clear about any conditions, safeguards, or mitigation measures which must be observed, and 4. for Class 4 and 5 Activities with conditions of determination, or measures designed to mitigate the environmental impacts of the Activity adopted during Stage 3, an ANO must record, at the conclusion of the construction phase of an Activity, how and whether those conditions and measures were observed. The documentation must be sufficient to enable a reasonable person who reads the documentation to understand, without reference to any extrinsic material, whether the conditions and measures in question were observed, and the nature of and reasons for any non-compliance.
EPA7	Section 2.3.6	<p>A Consultation Protocol must be developed by an ANO and published on its website within three months of the Code commencing to apply to the ANO.</p> <p>To achieve compliance, the Consultation Protocol must:</p> <ol style="list-style-type: none"> 1. incorporate the interim Additional Consultation Requirements for Class 4 and 5 Activities which are set out in section 2.3.6 of the Code, in respect of consultation with the Secretary and Government Agencies 2. commit the ANO to comply with Additional Consultation Requirements in respect of consultation with members of the public for Class 4 and 5 Activities, based on the nature and complexity of environmental impacts, having regard to the Public Participation Spectrum developed by the International Association for Public Participation (IAP2), and consideration of the interim Additional Consultation Requirements under the Code, and 3. describe the procedure that the ANO will follow in order to decide what Additional Consultation Requirements in respect of consultation with members of the public will apply to a particular proposed Class 4 or 5 Activity.
EPA8	Section 2.4.2	<p>To achieve compliance, an SER document must contain information pertaining to:</p> <ol style="list-style-type: none"> 1. the proposed Activity: a clear description of the Activity including any mitigation measures to be implemented 2. the proponent, determining authorities and any required approvals 3. the environment of the Activity 4. the impacts of the Activity 5. a consultation record, and 6. a summary and conclusions.
EPA9	Section 2.4.3	<p>To achieve compliance, an REF document must contain information pertaining to:</p> <ol style="list-style-type: none"> 1. the proposed Activity: a clear description of the Activity including any mitigation measures to be implemented 2. certification – a statement signed and dated by the person with principal responsibility for preparing the REF 3. the proponent, determining authorities and any required approvals 4. the environment of the Activity 5. the impacts of the Activity, and 6. mitigating measures that will apply to the Activity

IPART ref.	Code reference	Description
		<ul style="list-style-type: none"> 7. a summary of impacts 8. a consultation record 9. conclusions regarding an EIS and/or a SIS.
EPA10	Section 4.3	<p>An ANO must retain:</p> <ul style="list-style-type: none"> 1. Final EIA Documentation, for at least five years from the date upon which a Decision Statement relating to the Activity the subject of the document was issued 2. a Decision Statement issued under this Code, for at least five years from the date the Decision Statement was issued 3. Consultation Documentation, for at least five years from the date the communication recorded in the document in question was made, and 4. Implementation Documentation, for at least five years from the date the implementation of the Activity to which the document in question relates was completed.
EPA11	Section 4.4	<p>An ANO must publish on its website, and make available for download without cost, copies of:</p> <ul style="list-style-type: none"> 1. all Final EIA Documentation for Class 4 and 5 Activities, within 20 business days of the issue of a Decision Statement 2. all Decision Statements for Class 4 and 5 Activities, within 20 business days of issue 3. any Final EIA Documentation or Decision Statement for a Class 3 Activity which is released to a member of the public under Section 4 of the Code within 20 business days of release 4. the Code as in force from time to time, within 20 business days of commencement or modification, and 5. any Consultation Protocol in force from time to time under the Code which relates to the ANO in question.
EPA12	Section 4.6	<p>An ANO must respond to a request for access to a document under Section 4 of the Code within 20 business days of the application being made by:</p> <ul style="list-style-type: none"> 1. providing a copy of the applied for document/s to the applicant by any reasonable means 2. writing to the applicant for the purpose of imposing a processing fee, or 3. writing to the applicant to decline to provide the applied for document/s.