

Schedule 9 Exemption

CitiPower ESV



Our ref: X59330

18 February 2011

Mr Garry Audley
General Manager, Electricity Networks
CitiPower
Locked Bag 14090
MELBOURNE VIC 8001

Dear Mr Audley

EXEMPTION UNDER REGULATION 10 OF THE ELECTRICITY ACT (ELECTRIC LINE CLEARANCE) REGULATIONS 2010

I refer to your request for an exemption from the parts of the Code of Practice for Electric Line Clearance, and am pleased to advise that an exemption from the requirements of Tables 1, 2 and 3 of the Schedule (Code of Practice for Electric Line Clearance) to the regulations has been approved.

In determining the nature and extent of the exemption, Energy Safe Victoria (ESV) has had considerable dialogue with officers of CitiPower, and thanks them for their assistance.

Please note that the exemption is provided on the clear understanding that CitiPower will progressively implement the new requirements in accordance with the agreed program which is contained in the exemption document. ESV proposes to periodically audit your progress in this regard.

Thank you for your continued commitment to community safety.

Should you have any further queries in regards to this matter, please contact Phil Walters, Manager Electrical Infrastructure Safety on (03) 9203 9730.

Yours sincerely



Paul Fearon
DIRECTOR OF ENERGY SAFETY



**EXEMPTION FROM THE REQUIREMENT TO MAINTAIN
A CLEARANCE SPACE IN ACCORDANCE WITH
TABLES 1, 2 AND 3 OF THE CODE OF PRACTICE FOR
ELECTRIC LINE CLEARANCE**

IN

**THE ELECTRICITY SAFETY (ELECTRIC LINE
CLEARANCE) REGULATIONS 2010**

granted to

**CitiPower Pty
ABN 76 064 651 056**

in respect to

**certain requirements for the maintenance of
a clearance space for certain electric lines**

January 2011

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EXEMPTION UNDER REGULATION 10 OF THE ELECTRICITY SAFETY (ELECTRIC LINE CLEARANCE) REGULATIONS 2010

CitiPower Pty, ABN 76 064 651 056

1. Granting of the exemption

- 1.1. Energy Safe Victoria (*ESV*) under regulation 10 of the Electricity Safety (Electric Line Clearance) Regulations 2010 (*the Regulations*) hereby grants the following exemption:
- 1.2. CITIPOWER PTY ABN 76 064 651 056 (*CITIPOWER*), is exempted from the requirement to maintain a clearance space in accordance with Clauses 10, 11 and 12 of the Code of Practice for Electric Line Clearance as set out in *the Regulations (the 2010 Code)*, and Table 1 (*Table 1*), Table 2 (*Table 2*) and Table 3 (*Table 3*) in the Schedule to *the 2010 Code* subject to the terms, conditions and limitations set out below.
- 1.3. In granting this exemption, *ESV* recognises that full compliance with *the 2010 Code* will take some time, but expects that, at the completion of the exemption period, all overhead powerlines for which *CITIPOWER* is the responsible person, will be compliant with *the 2010 Code*.

2. Extent of the exemption

- 2.1. Table 1: MINIMUM CLEARANCE SPACES SURROUNDING A POWERLINE – ALL AREAS - Aerial Bundled Cable or Insulated cable
CITIPOWER is exempted from the requirement to maintain the clearance space specified in *Table 1 of the 2010 Code* provided that:
 - 2.1.1. *CITIPOWER* complies with the requirements specified in Clause 9 (Aerial Bundled Cables and Insulated Cables in all areas) and Table 9.3 (MINIMUM CLEARANCE SPACES SURROUNDING A POWERLINE – ALL AREAS - Aerial Bundled Cable or Insulated Cable) of the Code of Practice for Electric Line Clearance in the Electricity Safety (Electric Line Clearance) Regulations 2005 (*the 2005 Code*), and
 - 2.1.2. *CITIPOWER* implements a transition plan which is designed to achieve compliance with clause 10(3) of *the 2010 Code* in accordance with the program specified in clause 4.2 of this exemption.
- 2.2. Table 2: MINIMUM CLEARANCE SPACES SURROUNDING A POWERLINE – LOW BUSHFIRE RISK AREAS - Other than Aerial Bundled Cable or Insulated cable
CITIPOWER is exempted from the requirement to maintain the clearance space specified in *Table 2 of the 2010 Code* provided that:
 - 2.2.1. *In respect of 66kV powerlines, CITIPOWER* complies with the requirements specified in Clause 10 (Powerlines other than aerial bundled cable or insulated cables in low bushfire risk areas) and Table 10.1, 10.2 or 10.3 (as applicable) of *the 2005 Code*, and
 - 2.2.2. *In respect to powerlines up to and including 22kV, CITIPOWER* maintains a biennial clearance cycle whilst it implements a transition plan which is designed to achieve compliance with clause 11(4)(a) of *the*

2010 Code in accordance with the program specified in clause 4.3 (a) of this exemption, and

2.2.3. **CITIPOWER** implements a transition plan which is designed to achieve compliance with clause 11(4)(b) **the 2010 Code** in accordance with the program specified in clause 4.3(b) of this exemption.

2.3. Table 3: MINIMUM CLEARANCE SPACES SURROUNDING A POWERLINE – HAZARDOUS BUSHFIRE RISK AREAS - Other than Aerial Bundled Cable or Insulated cable

CITIPOWER is exempted from the requirement to maintain the clearance space specified in **Table 3** of **the 2010 Code** provided that:

2.3.1. **CITIPOWER** complies with the requirements specified in Clause 11 (Powerlines other than aerial bundled cable or insulated cables in hazardous bushfire risk areas) and Table 11.1 of **the 2005 Code** during the period commencing 15 December or the commencement date of the declared fire season, whichever comes first, until 31 March of the following year, and

2.3.2. **CITIPOWER** implements a transition plan which is designed to achieve compliance with clause 12(4)(a) of **the 2010 Code** in accordance with the program specified in clause 4.4(a) of this exemption, and

2.3.3. **CITIPOWER** implements a transition plan which is designed to achieve compliance with clause 12(4)(b) of **the 2010 Code** in accordance with the program specified in clause 4.4(b) of this exemption.

3. Duration of the exemption

3.1 The exemption takes effect on the date on which the Director of Energy Safety signs this exemption document and expires as follows (unless revoked earlier in accordance with this clause):

- a). clause 2.1 – on 31 December 2013;
- b). clause 2.2.2 – on 31 December 2013;
- c). clause 2.2.1 – on 29 June 2015;
- d). clause 2.2.3 – on 31 December 2011;
- e). clause 2.3.2 – on 31 December 2013;
- f). clause 2.3.1 – on 29 June 2015; and
- g). clause 2.3.3 – on 31 December 2011.

3.2 **CITIPOWER** may at any time request that the exemption be revoked, in which case the term of the exemption ends on the day agreed between **CITIPOWER** and **ESV**.

3.3 **ESV** may at any time give at least 20 business days notice of revocation of the exemption if **CITIPOWER** does not comply with:

- a). any provision of the exemption; or
- b). an instruction or direction issued by **ESV** under the **Electricity Safety Act 1998** or the Regulations,

in which case the term of the exemption ends, subject to clause 3.4, on the expiration of the period of the notice.

- 3.4 The term of the exemption does not end at the expiration of the period of a notice of revocation given under clause 3.3 if, before the expiration of that period, **CITIPOWER** complies with:
- a). the relevant provision of the exemption; or
 - b). the instruction or direction issued by **ESV** under the **Electricity Safety Act 1998** or the Regulations,
- and notifies **ESV** accordingly.

4. Conditions of the exemption

- 4.1 **CITIPOWER** will achieve compliance with the 2010 Code in accordance with the following programs:
- 4.2 *Program for compliance with clause 2.1.2 of this exemption (cyclic clearing – aerial bundled cable or insulated cable – all areas)*

Period Ending	Percentage of Total Spans to be actioned	Percentage of total Spans compliant with <i>the Code</i>
30 June 2011	3%	3%
31 December 2011	10%	13%
30 June 2012	15%	28%
31 December 2012	30%	58%
30 June 2013	12%	70%
31 December 2013	30%	100%

- 4.3(a) *Program for compliance with clause 2.2.2 of this exemption (cyclic clearing - powerlines other than aerial bundled cable or insulated cable – low bushfire risk areas)*

Period Ending	Percentage of Total Spans to be actioned	Percentage of total Spans compliant with <i>the Code</i>
30 June 2011	3%	3%
31 December 2011	10%	13%
30 June 2012	15%	28%
31 December 2012	30%	58%
30 June 2013	12%	70%
31 December 2013	30%	100%

4.3(b) *Program for compliance with clause 2.2.3 of this exemption (overhanging trees - powerlines other than aerial bundled cable or insulated cable - low bushfire risk areas)*

Period Ending	Percentage of Total Spans to be actioned	Percentage of total Spans compliant with the Code
31 December 2011	100%	100%

4.4(a) *Program for compliance with clause 2.3.2 of this exemption (cyclic clearing - powerlines other than aerial bundled cable or insulated cable - hazardous bushfire risk areas)*

Period Ending	Percentage of Total Spans still to be actioned	Percentage of total Spans compliant with the Code
30 June 2011	100%	100%

4.4(b) *Program for compliance with clause 2.3.3 of this exemption (overhanging trees - powerlines other than aerial bundled cable or insulated cable - hazardous bushfire risk areas)*

Period Ending	Percentage of Total Spans to be actioned	Percentage of total Spans compliant with the Code
31 December 2011	100%	100%

- 4.5 **CITIPOWER** will include the transition plans referred to in clauses 2.1, 2.2 and 2.3 of this exemption in its Electricity Safety Management Scheme and provide a copy to ESV on request.
- 4.6 **CITIPOWER** will report in writing to ESV on progress in achieving compliance with the 2010 Code in accordance with the programs specified in this clause quarterly or at other intervals on request.

Date: 18 February 2011


Paul Fearon
DIRECTOR OF ENERGY SAFETY

