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24 November 2016

Mr Ben Lusher
Director - Key Sites Assessments
Department of Planning and Environment
Level 22
320 Pitt Street
SYDNEY NSW 2000 Planning and Environment

GPO Box 39 Sydney, NSW 2001

Email: benjamin.lusher@planning.nsw.gov.au

Dear Ben,

33 Bligh Street ('Property')

I refer to recent meetings with officers in the Department of Planning concerning the Property and Ausgrid's desire to modify aspects of the existing approval relating to the Property, namely: the approval granted on 11 December 2012 to Stage 2A(ii) of the Sydney CityGrid Project under the (now repealed) section 75J of the *Environmental Planning and Assessment Act 1979 (NSW)* (**December 2012 Approval**).

Ausgrid desires to modify the December 2012 Approval in two respects as follows:

- to alter the provisions governing the lapsing of the December 2012 Approval; and
- to allow, on an interim basis, non-substation uses of those areas of the proposed development at the Property which are presently set aside under the December 2012 Approval for Ausgrid substation uses.

Ausgrid is taking active steps in relation to preparation of an application for approval to the second modification mentioned above. A central purpose of Ausgrid's Departmental discussions to date has been to reach accord as to the necessary preliminary steps towards lodgement of the application, and the timing and content of the application itself. Ausgrid expects to be able to lodge within the next two weeks a formal request for assessment parameters in relation to the application. Ausgrid will then lodge the application itself as soon as practicable after receipt of those parameters. Ausgrid's understanding is that the lodgement of a formal request for parameters will be sufficient to attract the operation of transitional provisions consequent on the enactment of relevant legislative changes which are currently proposed.

The purpose of this letter is to advance the first modification mentioned above.

The modification which Ausgrid seeks concerns condition B4 of the December 2012 Approval (**Condition B4**). Condition B4 states that the December 2012 Approval will

lapse on 11 December 2017 unless Ausgrid has substantially commenced physical works on the Property. Ausgrid seeks, under the (now repealed) section 75Y(2) of the *Environmental Planning and Assessment Act 1979 (NSW)*, deletion of Condition B4 and its replacement with the following:

(a) This approval shall lapse on the Lapsing Date unless the proponent has commenced physical works on the site.

(b) For the purposes of (a) above, the Lapsing Date is the date which is six (6) calendar months after the date on which TfNSW ceases occupation of the site pursuant to its lease of the site.

I would be grateful if you would let me know what (if any) information in relation to this proposed modification (in addition to the information set out below) will be required prior to Ausgrid's lodgement of an application for approval to the modification. If no such additional information is required, please consider this letter to constitute an application for the modification of Condition B4 as set out above, and let me know what additional steps (such as electronic lodgement) may be needed.

As you are aware, since the grant of the December 2012 Approval, the NSW Government has advanced and has substantially developed plans for Sydney Metro City and South West Project (**Metro Project**), and TfNSW has been appointed as the lead Government agency in relation to the Metro Project. TfNSW has formally advised Ausgrid that TfNSW requires a lease of the Property for the purposes of the Metro Project. Negotiations of the terms of that lease are well advanced and it is expected that the lease will be formalised and registered shortly. The initial term of the lease is expected to be 3 years and 6 months, with one option to renew for a further term of 1 year. While TfNSW remains in occupation of the Property under the lease, development of the Property in accordance with the December 2012 Approval cannot proceed. In Ausgrid's view, the modification mentioned above is reasonable to preserve the December 2012 Approval pending TfNSW's completion of its use of the Property under the lease.

Please telephone me if there is anything in this letter which you would like to discuss on 9269 4710.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'MMH', with a stylized flourish at the end.

Michael McHugh

Manager Property and Fleet