

17/08/2020

Planning Secretary
Mr Jim Betts
Department of Planning, Industry and Environment
Locked Bag 5022 Parramatta NSW 2124

Attention: May Patterson

Dear Ms Patterson

TransGrid – Powering Sydney's Future SSI 8583 Condition E32 – Pre and post construction dilapidation reports

TransGrid is the proponent of the Powering Sydney's Future Project (**PSF Project**) for the construction and operation of a new 330 kV underground transmission cable circuit as well as upgrades to the Sydney South, Rookwood Road and Beaconsfield West substations. The PSF Project route is approximately 20km long and connects existing substations in Potts Hill and Alexandria.

The PSF project was assessed and approved pursuant to a State Significant Infrastructure Approval with reference number SSI 8583 (**Approval**) granted under delegation of the Minister for Planning and Public Spaces (**Minister**) on 14 May 2020.

As discussed, TransGrid has concerns about the requirements in Condition E32 of the Approval. This condition relates to the preparation of pre-construction dilapidation reports of all public infrastructure in the vicinity (including underground assets) of the PSF Project for provision to the Planning Secretary. Preparation of these documents is required prior to commencement of any construction. The requirements of Condition E32 are unfeasible, would cause TransGrid to incur undue cost, and will otherwise delay and increase the interference to the public caused by the PSF Project, because of the nature of the works to be carried out under the Approval.

Accordingly, TransGrid is seeking confirmation from the Department of Planning, Industry and Environment (**Department**) that the Minister would be amendable to agree to alter the timeframes imposed by Condition E32 for the submission of the pre-construction dilapidation report, as is allowed by Condition A8.

1. Relevant conditions

The conditions of the Approval contained at Schedule 2 of the notice of determination includes:

- a) Part A Administrative Conditions. Condition A8 is extracted below:

“A8 Any document that must be submitted within a timeframe specified in or under the terms of this approval may be submitted within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under Condition A17.”

- b) Part E Key Issue Conditions. Condition E32 is extracted below:

“E32 The Proponent must prepare a:

(a) Pre-construction Dilapidation Report of the public infrastructure in the vicinity of the SSI prior to the commencement of construction; and

(b) Post-construction Dilapidation Report of the public infrastructure in the vicinity of the SSI that was the subject of the Pre-construction Dilapidation Report within 3 months of the completion of construction, or other timing as may be agreed by the applicable authority,

in consultation with the applicable public authority or service provider responsible for that public infrastructure, and submit a copy of the report to the Planning Secretary.”

2. Strict compliance with Condition E32 is unreasonable

TransGrid believes that strict compliance with the requirement to provide a pre-construction dilapidation report of all public infrastructure in the vicinity of the PSF Project is unintentionally onerous and unworkable in circumstances where the Approval relates to the installation of an underground electricity transmission cable because:

- a) much of the public infrastructure which is captured by the requirement in Condition E32 comprises utilities and services located underground within public roads. Requiring TransGrid to survey that public infrastructure for the purpose of preparing a dilapidation report prior to commencing any construction would necessitate TransGrid uncovering and excavating approximately 20km of public road. For some parts of the PSF Project route, this would occur many months prior to TransGrid having the capacity to commence any conduit installation.

In view of the above, TransGrid considers that strict application of Condition E32 would cause:

- a) TransGrid to incur undue cost if required to carry out excavation of the entire PSF Project route before commencing any part of the construction works. TransGrid would likely be required to re-cover that excavation and provide a temporary road surface, to be re-excavated once TransGrid is able to commence the installation of conduits at later stages of the PSF Project route;
- b) delay of the TransGrid project timetable, in that the entire route would need to be excavated and surveyed for the purpose of the required report, prior to commencement of any part of the construction; and
- c) exacerbated disturbance caused to neighbours as well as the wider community by virtue of greater impacts on the operation of public roads, due to excavation occurring in two stages at most parts of the PSF Project route, if TransGrid was required to uncover underground infrastructure many months before being able to carry out works.

3. Pathway for altering timeframes for Condition E32

TransGrid understands the intention of Condition E32 is to ensure that any public infrastructure impacted by the PSF Project works is returned to its original state following completion of the construction works. TransGrid is fully committed to meeting this obligation, and has undertaken extensive consultation with Councils and other public authorities whose public infrastructure may be impacted. The Construction Environmental Management Sub Plan for public infrastructure (**CPIMP**) that is required by Condition C3(g) of the Approval, and is currently under assessment by the Department, outlines the consultation TransGrid has undertaken with relevant public authorities in relation to the provision of dilapidation reports for the relevant public infrastructure.

However, in view of the difficulties experienced if the requirement in Condition E32 were applied inflexibly as described above, TransGrid is of the view that this goal would be best achieved by undertaking an iterative process of preparing pre-construction dilapidation reports split between above ground infrastructure and below ground. This would be the most efficient way of undertaking this exercise, while minimising both the disturbance to the community and costs to TransGrid.

Condition A8 explicitly allows that documents required to be submitted to comply with a condition of the Approval may be submitted in a later timeframe with the agreement of the Planning Secretary.

The CPIMP indicates:

- (a) A list of all known existing and proposed public infrastructure that may be directly or indirectly impacted by the SSI (note: this has been updated and expanded upon during the detailed assessment process with DPIE).
- (b) Existing and proposed public infrastructure statutory obligations and protections, in relation to each asset owners rights.
- (c) Access, survey and protections measures as determined during consultation and in-line with industry standard, specifically, at table 3.3:
 - a. where a relevant authority has indicated it will require a Pre-Construction Dilapidation survey or report prior to commencement of construction (i.e. for Roads, signalised intersections, bridges, rail infrastructure); and otherwise
 - b. where a relevant authority has agreed that survey condition information is to be collected when an underground public infrastructure asset is exposed during construction, for the purpose of preparing dilapidation reports; and
- (d) the timing of Post-construction Dilapidation Reports will be discussed in consultation with the relevant public authority or service provider.

Accordingly, TransGrid considers the best path forward would be for the Department to confirm:

- a) if it would agree, pursuant to Condition A8, to TransGrid's proposal to alter the timeframe for provision of pre-construction dilapidation reports identified in Condition E32 to reflect the approach described in the CPIMP that:
 - (i) for above ground infrastructure, preparation of a Pre-construction Dilapidation Reports to remain as a requirement prior to commencement of any construction for that part of the PSF Project;

Note: a pre-construction dilapidation report of all council assets has been completed for the entire route and has been uploaded into the Major project portal, to satisfy TransGrid's current interpretation of Condition E32(a).
 - (ii) for below ground public infrastructure, surveys to be undertaken on a rolling basis for the purpose of preparing a Pre and Post Construction Dilapidation Report as that public infrastructure is uncovered during the excavation required for the construction of the PSF Project, to be completed within 3 months of the

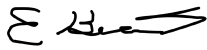
completion of construction of the PSF Project, in accordance with the requirements of the CPIMP; and

- b) that TransGrid will not be required to prepare a Modification Report in order to request the Minister's approval to modify Condition E32 in accordance with 5.25 of the *Environmental Planning and Assessment Act 1979*.

We look forward to discussing this issue and our proposed pathway forward more fully with the Department.

If you have any queries, please contact Evonne Bennett on (02) 9284 3098.

Yours faithfully



Evonne Bennett
Project Director, Powering Sydney's Future