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Contact Officer: Paul Dunn
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14 November 2011

Andrew Wilson
Lend Lease (Millers Point) Pty Ltd
Locked Bag 1
Millers Point
NSW 2000

Dear Mr Wilson

Full Exemption – Lend Lease (Millers Point) Pty Ltd

Thank you for your correspondence requesting exemption for Lend Lease (Millers Point) Pty Ltd from the requirement to register as a network service provider and the operation of Chapter 5 of the National Electricity Rules.

On 14 November 2011, the Australian Energy Regulator granted the requested exemption, subject to conditions, to the listed party, under clause 2.5.1 of the National Electricity Rules. Please note the exemption is personal to the applicant and does not apply to any other person that owns, controls or operates the network at the time of the decision or in the future. The decision is set out at Attachment A to this letter.

Should you have any queries in relation to this letter, please contact Mr Paul Dunn on (03) 9290 1426.

Yours sincerely



Chris Pattas
General Manager
Network Operations and Development

NETWORK SERVICE PROVIDER EXEMPTION

Lend Lease (Millers Point) Pty Ltd (ACN 127 727 502)

NOTICE OF DECISION TO GRANT EXEMPTION

I, Michelle Groves, in accordance with a delegation made by the Australian Energy Regulator (AER), on 3 March 2006, decided pursuant to:

- (a) section 6 of the *National Electricity (New South Wales) Act 1997* (NSW);
- (b) section 13 of the National Electricity (NSW) Law (NEL); and
- (c) clause 2.5.1 of the National Electricity Rules (NER),

to grant Lend Lease (Millers Point) Pty Ltd (Applicant) an exemption (Exemption) from:

- (d) the requirement to register as a Network Service Provider (NSP); and
- (e) the operation of Chapter 5 of the NER,

subject to the conditions set out in this notice.

Specified distribution system

1. The Exemption is limited to the network specified in the Applicant's submission made to the AER dated 27 October 2011 (see [D11/2332587](#)).

Note: The Exemption applies to the proposed electricity distribution network to service the Barangaroo South development in Sydney.

Licence

2. The Applicant must comply with any law of the State of New South Wales requiring the Applicant to be authorised to own, operate and/or control the network.

Note: The AER understands that the Applicant is automatically entitled to exemption from the requirement to register as a Distribution Network Service Provider under clause 66 of the Electricity (General) Supply Regulation 2001 (NSW).

Maintenance and technical standards

3. The Applicant must maintain the network at least to the standards specified in any legislation applicable to the applicant or the specified distribution system.

Note 1: Relevant legislation under this section includes, but is not limited to, the National Electricity (New South Wales) Law, the National Electricity Rules, the Electricity Supply Act 1995 (NSW) and the Electricity (Consumer Safety) Act 2004 (NSW).

Note 2: For the avoidance of doubt, conditions 9(b) and 9(c) apply to the interpretation of condition 3.

Connection

4. (a) Where relevant and not inconsistent with any other requirement set out in this notice, the conditions set out in Part B of the AER's draft *Electricity Network Service Provider Registration Exemption Guideline*, October 2011 apply to this exemption until replaced by a final decision by the AER, when the conditions which apply will be as set out in Part B of the final decision.
- (b) The Applicant shall allow access to their network on reasonable commercial terms to be negotiated with any party seeking access.
- (c) The ongoing charge for network services is to be set in accordance with the application dated 27 October 2011 and in any event, must be no greater than the published charge which would have applied had the affected customer been supplied an equivalent service directly by AusGrid.

Commencement and expiry

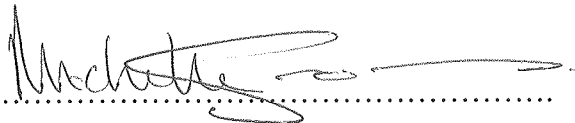
5. The Exemption takes effect on and from 14 November 2011.
6. If the Applicant becomes aware that any condition of this Exemption is not satisfied, the Applicant must promptly (and, in any event, within one month) notify the AER.
7. The Exemption terminates on the date that:
 - (a) the Applicant is dissolved;
 - (b) the Applicant fails to satisfy condition 2 and/or 3;
 - (c) the AER decides to repeal the Exemption in accordance with condition 8.
8. The AER may decide to amend or repeal the Exemption. The decision to repeal the Exemption is exercisable in the same way, and subject to the same conditions, as the decision to grant the Exemption.

Note: For example, the AER may decide to repeal the Exemption in the event that condition 2, 3, 4 or 6 to the Exemption is not satisfied, or if there is a material change to the persons connected to the network. Also, the AER is currently revising the Guidelines governing the procedure for obtaining and maintaining an exemption from registration of a distribution network. The AER reserves the right to revoke or amend this exemption if necessary to ensure the conditions for exemption are consistent with the AER's Guideline when it is issued in its final form.

Interpretation

9. In this Exemption, unless the contrary intention appears, a reference to:
- (a) a statute, regulation, rule or other law includes regulations and other instruments made under it and consolidations, amendments, re-enactments or replacements of any of them;
 - (b) an agreement or a provision of an agreement includes an amendment or supplement to, or replacement or novation of, that agreement or that Provision of that agreement;
 - (c) except in relation to references to the Applicant, a particular person includes a reference to the person's successors, substitutes (including persons taking by novation) and assigns.

Note: The Exemption is personal to the Applicant, and does not apply to any other person that owns, controls or operates the network at the time of the decision or in the future.



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Dated: 14 November 2011

Michelle Groves
Delegate of the Australian Energy Regulator