

Application to modify a development consent



NSW GOVERNMENT
 Department of Planning

Date lodged: ___/___/___

DA modification no. 7530 Mod 2
 (Office use only)

1. Before you lodge

This form is to be used for applications to modify Part 4 development consents under section 96 or 96AA of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This form is also to be used for Part 4 development consents that are to be modified under section 75W of the Act.

Disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

Anyone wishing to lodge an application is recommended to call the Department of Planning to discuss their proposal and modification application requirements prior to lodging their application. You can lodge your completed form, together with attachments and fees at the relevant Department of Planning office listed below. Please lodge Part 4 modification applications with the Department of Planning head office or, for modification applications that are within the Kosciuszko ski resorts area, the Department's Alpine Resorts team.

NSW Department of Planning
 Head Office
 Ground Floor, 23-33 Bridge Street, Sydney NSW 2000
 GPO Box 39 Sydney NSW 2001
 Phone: 1300 305 695 Fax: (02) 9228 6555
 Email: information@planning.nsw.gov.au

NSW Department of Planning
 Alpine Resorts Team
 Shop 5A, Snowy River Avenue
 PO Box 36, Jindabyne NSW 2627
 Phone: (02) 6456 1733 Fax: (02) 6456 1736
 Email: alpineresorts@planning.nsw.gov.au

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to the Department. When your application has been assessed, you will receive a notice of determination.

2. Applicant and contact details

Company/organisation/agency		ABN	
SingtelOptus Pty Ltd		90 052 833 208	
<input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> Dr <input type="checkbox"/> Other			
First name		Family name	
STREET ADDRESS			
Unit/street no.	Street name		
1	Lyonpark Road		
Suburb or town	State	Postcode	
Macquarie Park	NSW	2113	
POSTAL ADDRESS (or mark 'as above')			
as above			
Suburb or town	State	Postcode	
Daytime telephone	Fax	Mobile	
02 8082 9958		0408080153	
Email			
Geoff.Thiel@optus.com.au			

3. Property description

Unit/street no. (or lot no. for Kosciuszko ski resorts)	Street or property name	
Lot 864 in DP 1128686	Cat Shed maintenance workshop	
Suburb, town or locality	Postcode	Local government area
Thredbo Village	2625	

Lot/DP or Lot/Section/DP or Lot/Strata no.
Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma e.g. 123/579, 162/2.

Lot 864 in DP 1128686

Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact the NSW Department of Lands for updated details. If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

4. Details of the original development consent

Briefly describe your approved development in the space below. If the development has been modified previously you must list all previous modifications and the relevant determination date(s).

DA 6968 Cat Shed, Thredbo - Approved Subdivision and Tele - communications Facility, Part B, B2 Instalation of Optic Fibre Transmission Route.

Existing Consent: Details of the proposed method to install the required fibre optic transmission cabling infrastructure. The proposed method of installation (e.g. trenching, boring, etc) shall demonstrate minimal impacts on the environment.

See Appendix 1 for original approved D.A. route design.

What was the original development application no.?	What was the date consent was granted?	What was the original application fee?
DA 6968	16/09/2015	\$1273.72

5. Type of modification

An application under section 96 of the EP&A Act is an application to modify a development consent. Modifications to a development consent can also be made under section 75W of the EP&A Act, or section 96AA for court granted consents.

There are five types of modification applications. Please tick the type of modification application that is being sought:

- Section 96(1) involving minor error, misdescription or miscalculation.
- Section 96(1A) involving minimal environmental impact, where the development as originally approved remains substantially the same.
- Section 96(2) other modification, where the development as originally approved remains substantially the same.
- Section 96AA modification of consent granted by the Land and Environment Court, where the development as originally approved remains substantially the same.
- Section 75W modification, involving use of Part 3A processes to modify the Part 4 consent.

Note: If the proposed modification will lead to the consented development being not 'substantially the same' (except in the case of a proposed modification under section 75W) then you will need to submit a new development application.

6. Extent of modification

Will the modified development be substantially the same as the development that was originally approved?

No > Please submit a new development application.

Yes > Please provide evidence that the development will remain substantially the same. (If you need to attach additional pages, please list below the material attached).

The original route design saw the cable connecting to a Telstra pit, approximately 100m away. However, ground truthing has revealed that the Telstra line does not contain conduit. The Telstra network had been "ploughed" directly in, meaning there is no capacity to add or haul the Optus through (see Appendix 1).

Optus has redesigned the route to the nearest available pit/conduit connection. Optus has met with the landowner (Kosciuszko Thredbo Pty Ltd) and negotiated a revised route. The route is to be constructed in the Snowgum chair lift clearing, around the back of the chair lift terminal, around a disused tennis court and under the Thredbo river, coming up in a recreational park, where the nearest Telstra pit is located - see Appendix 2 for revised route map. The route length is 541m.

In order to comply with the original consent, the construction methodology to be utilised will be underboring. The route is entirely in an area cleared of all vegetation. No trees/shrubs will need to be removed. Underboring will install the conduit.

Further to comply with Kosciuszko Thredbo Pty Ltd conditions, the underbore is to be 1.6m deep.

A total of six telco pits will need to be installed to permit hauling of cable and future access:

5 x P4 pits; size dimensions: 750mm long x 300mm wide x 700mm deep (smallest pits available)

1 x P5 pit: size dimension: 750mm long x 500mm wide x 700mm deep

1 A10 pit: size dimension: 2100mm long x 650 mm wide x 800mm deep.

Once the infrastructure is installed, the cable can be hauled through.

All waste water fluid will be trucked out of the National Park for licensed disposal.

For the Thredbo river crossing, the underbore is to be more than two metres under the river bed. See attachment - River Crossing diagram.

Works are expected to take three weeks.

Note: Question 6 does not apply to proposed modifications under section 75W.

7. Description of modification

- In the case of a section 96(1) application, indicate the nature of the minor error, misdescription or miscalculation in the space below.
- In the case of a section 96(1A), section 96(2) or section 96AA application describe the impact of the modification in the space below. A statement of environmental effects will need to accompany the application, which includes an assessment of the development as proposed to be modified in accordance with section 79C(1) of the EP&A Act. Provisions of the *Heritage Act 1977* may also apply for works to a heritage item or works adjoining a heritage item.
- In the case of a section 75W application under clause 8J(8) of the Environmental Planning and Assessment Regulation 2000, a development consent in force immediately before the commencement of Part 3A of the Act may be modified under section 75W as if the consent were an approval under that Part. However, approval from the Minister is required to lodge a section 75W application. Applicants should contact the Department first if they are considering applying for a modification under section 75W.

Regardless of the type of modification, please state below the specific conditions of consent to be modified, deleted or additional conditions request, and details of any other changes being sought.

This modification is for a cable route change. As discussed above, the original cable route was never proven and there is no conduit available to make a cable - network connection for the new mobile phone tower, back to the Optus network. Optus is still able to meet the requirement to minimise the impacts on the environment by underboring and installing mostly the smallest pits available. Note that all works are in areas where the land has been previously cleared.

Note: If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the Department of Environment and Climate Change to your application.

8. General terms of approval from State agencies

If the original development application was classified as integrated development and required approval from one or more State agencies, list them in the space below and their respective general terms of approval. Depending on the type of modification, it may be necessary to refer the modification application to the approval body.

Not integrated, however original development application referred to Office of Environment and Heritage (OEH)

9. Number of jobs to be created

Please indicate the number of jobs the proposed development will create. This should be expressed as a proportion of full time jobs over a full year, (e.g. a person employed full time for 6 months would equal 0.5 of a full time equivalent job; six contractors working on and off over 2 weeks equate to 2 people working full time for 2 weeks, which equals approximately 0.08 of an FTE job).

Construction jobs (full time equivalent)

Operational jobs (full time equivalent)

10. Application fee

Part 15 of the Environmental Planning and Assessment Regulation 2000 sets out how to calculate the fees for an application for modification of a development consent. If your development needs to be advertised to the public you may also need to include an advertising fee.

Note: Advertising fees attract GST, all other fees do not.

Please contact the Department in order to calculate the fee for your modification application.

Estimated cost of the development	Original application fee	Total fees lodged
\$464000.00 [ex gst]	\$1273.72	tbc

11. Political donation disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you attached a disclosure statement to this application?

Yes

No

Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

12. Owner's consent

The owner(s) of the land to be developed must sign the application. If you are not the owner of the land, you must have all the owners sign the application. If the land is Crown land, an authorised officer of the NSW Department of Lands must sign the application. An original signature must be provided.

As the owner(s) of the above property, I/we consent to this application:

Signature

Name

Date

Signature

Name

Date

Note: For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than the owner is required.

13. Applicant's signature

The applicant, or the applicant's agent, must sign the application. Only an original signature will be accepted (photocopies or faxed copies will not be accepted).

Signature

Date

In what capacity are you signing if you are not the applicant:

Name, if you are not the applicant

14. Privacy policy

The information you provide in this application will enable the Department, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted.

If your application is for designated development or advertised development, it will be made available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected any information provided in your application. Please ensure that the information is accurate and advise the Department of any changes.

