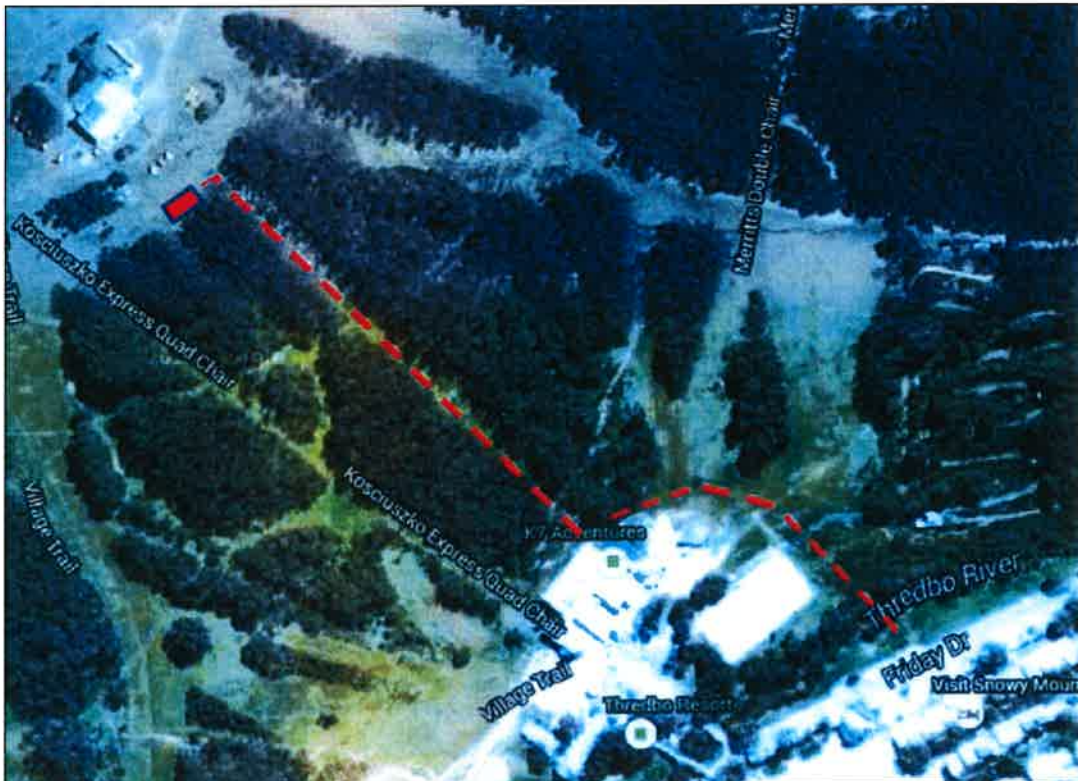


## Modification Assessment Report MOD 7531

Modification (2) of DA 6968 – alignment of fibre  
optical cable and infrastructure

Modification to the approved subdivision and  
telecommunications facility at the Cat Shed,  
Thredbo Alpine Resort, Kosciuszko National  
Park



Secretary's Environmental Assessment Report  
Section 96(1A) of the  
*Environmental Planning and Assessment Act 1979*

March 2016

Cover Image: Photograph of site with new alignment illustrated in red (Source: Applicant's documentation)

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## 1 BACKGROUND

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### 1.1 Introduction

This report provides an assessment of an application to modify Development Consent 6968 for the subdivision and installation of a telecommunications tower at the Cat Shed, Thredbo Alpine Resort under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification (lodged by Singtel Optus Pty Ltd) seeks approval to realign the fibre optical cable route (via underboring) from the approved Optus tower location to a Telstra pit located on the eastern side of the Thredbo River.

### 1.2 The site

The site is located as part of Lot 864 DP 1128686 at the Cat Shed maintenance workshop, mid ski slope, Thredbo Alpine Resort within Kosciuszko National Park (**Figure 1**). The site area is located south east of the Cat shed maintenance workshop, forming part of a large area of disturbed land, adjoining the ski runs. Existing native vegetation is located along the edge of the ski runs.

An existing maintenance workshop is located near the site, which contains large snow ploughing vehicles, ancillary plant and other servicing equipment. The maintenance workshop area is accessed via a 4WD access track from the Thredbo Village.

There are a number of threatened flora species likely to be located within the area of the proposed facility including the critically endangered *Pterostylis oreophila*, *Blue-tongued Orchid*, *Kiandra Greenhood* and the vulnerable species *Thesium Austral*, *Austral Toadflax* and *Toadflax*.



**Figure 1:** Location of approved tower (circled) in context of Thredbo (Source: SIX Maps 2015)

### 1.3 Development history

On 16 September 2015, the Team Leader of the Alpine Resorts Team, as delegate for the Minister for Planning approved the subdivision and construction of an Optus telecommunications tower and ancillary equipment and associated works.

On 16 December 2015, the Team Leader of Alpine Resorts Team, as delegate for the Minister for Planning approved a modification to the development to incorporate a new ice shield on the

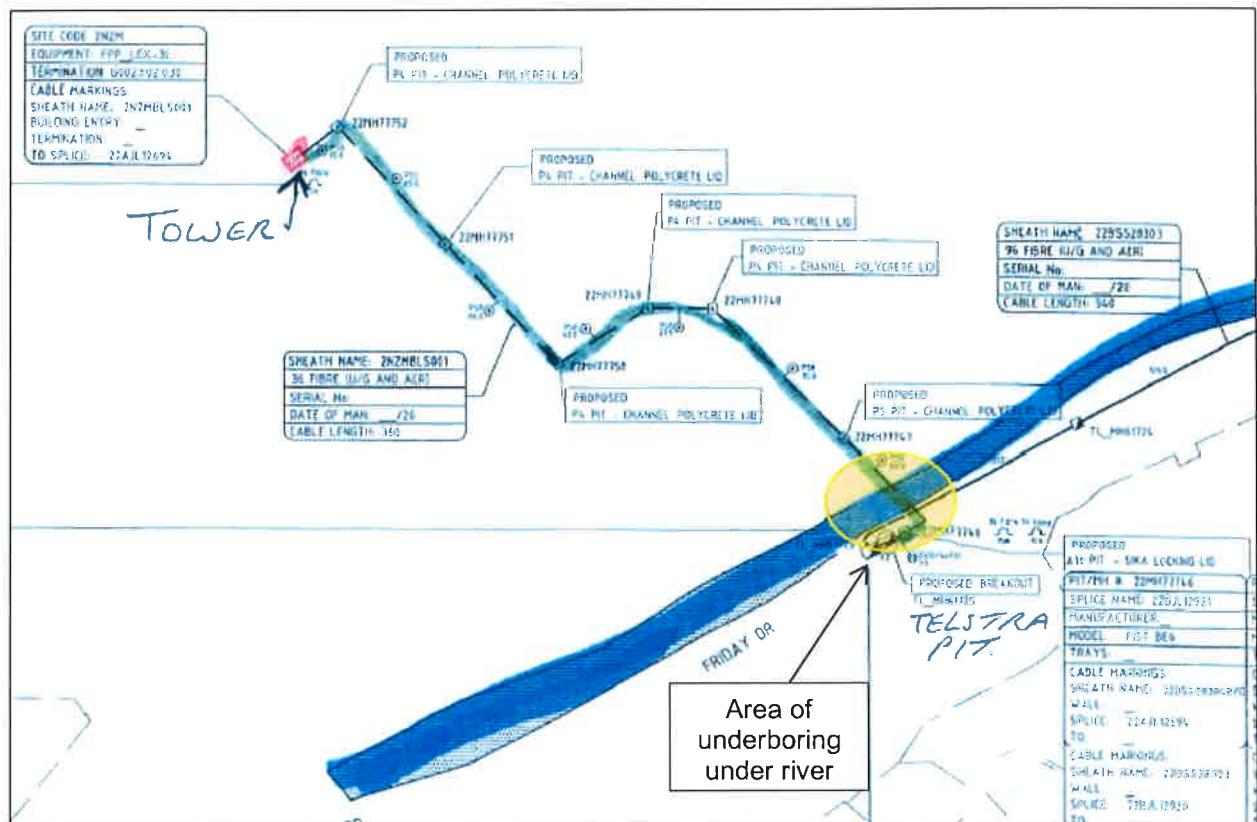
tower at an elevation of four metres from the slab footing. The main purpose of the installation was to protect the public and operational staff from the potential risk of falling ice and snow.

The Department notes that the original application was prepared on behalf of Optus by Catalyst who is also undertaking the construction certificate component of the tower and associated facilities. Singtel Optus Pty Ltd has carriage of the construction certification for the cable route.

## 2 THE PROPOSED MODIFICATION

The Applicant (proposal seeks approval to modify the approved telecommunications facility by realigning the fibre optical cable route (via underboring) from the approved tower location to a Telstra pit located on the eastern side of the Thredbo River.

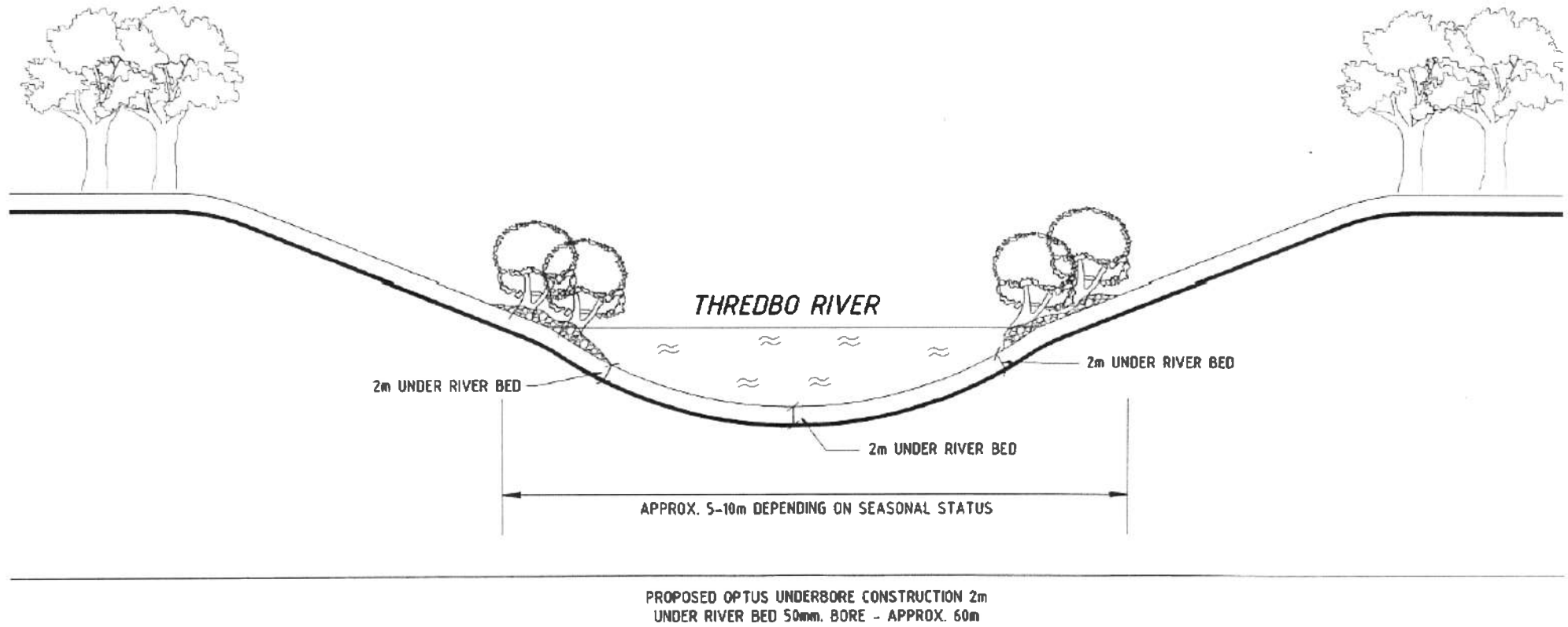
The revised alignment follows the Snowgum chair lift clearing, downhill, around the back of the chair lift terminal, around a disused tennis court and under the Thredbo River, before exiting at the Friday Drive park, where the nearest Telstra pit is located. The works also require the installation of seven telecommunication pits in order to haul the cable and for future servicing needs. The alignment and pit locations are identified on **Figure 2**.



**Figure 2:** Revised alignment of cable from the approved tower to Telstra pit on opposite side of Thredbo River (Source: Applicant’s MOD documentation)

Works are to be carried out on disturbed ski slope and no trees / shrubs are proposed to be removed as a result of the proposed works. The underboring is proposed to be undertaken 1.6 metres below the surface, except for under the Thredbo River where it is proposed to be a minimum of 2 metres below the river bed (**Figure 3**).

The Applicant advises that the original alignment included an intention to utilise a Telstra pit, however following further ground-truthing, no conduit was available for the Optus cable.



**Figure 3:** Illustration of underbore technique beneath Thredbo River (Source: Applicant's MOD documentation)

### 3 STATUTORY FRAMEWORK

#### 3.1 Modification of Approval

The modification application has been lodged with the Department under Section 96(1A) of the EP&A Act. Section 96(1A) of the EP&A Act provides that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority, and subject to and in accordance with the regulations, modify a consent that is deemed to be substantially the same development.

Section 96(1A) of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals:

**Table 1:** Consideration under Section 96(1A) of the EP&A Act

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	The proposed modification is considered to be of minimal environmental impact (see assessment in <b>Section 5</b> of this report).
The development to which the consent as modified relates is substantially the same development as the development originally approved	The Department is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.
Whether notification has occurred and any submissions have been considered	There is no development control plan in place that requires the modification application to be notified. No additional notification was considered necessary for the proposal, noting that the revised alignment of the conduit is to be provided in disturbed ski slopes and underneath Thredbo River.  No submissions were received.
Consideration of relevant matters referred to in Section 79C(1) of the EP&A Act	The relevant consideration under Section 79C(1) is the impact upon the existing environment. The Department has considered this component in <b>Section 5</b> of this report.

#### 3.2 Environmental Planning Instruments

*State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007*

The modification application is consistent with the aim and objectives of the Alpine SEPP. The proposal does not negatively impact the assessment carried out by the Department for the original application.

'Subdivision' and 'Telecommunications facilities' are permissible with consent pursuant to Clause 11 of the Alpine SEPP and the Thredbo Alpine Resort land use table.

#### 3.3 Delegation

The original application was determined under the delegation of the Minister for Planning, therefore the Minister remains as the consent authority for any subsequent applications to modify the consent.

In accordance with the Minister's delegation of 16 February 2015, the Team Leader, Alpine Resorts Team may determine the application as:

- the application relates to land to which *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* applies; and
- there are less than 25 public submissions in the nature of objections.

## 4 CONSULTATION AND SUBMISSIONS

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After accepting the application, the Department made the application publically available on its website. Due to the nature of the proposed modification, the Department did not exhibit or notify the application. No public submissions were received during the assessment of the modification.

The modification was referred to the Office of Environment and Heritage (OEH) for comment and to the NSW Office of Water (NOW) as the modified proposal now triggers integrated development provisions (as the proposal includes underboring of the Thredbo River) pursuant to section 91 of the *Environmental Planning and Assessment Act 1979* as approval is also required under section 91 of the *Water Management Act 2000* (WM Act) from the NSW Office of Water (NOW).

The following comments have been received:

- The OEH noted that the proposal was a significant extension from the original development, however raised that the works are within a disturbed corridor and is likely to have minimal to no impact on native flora and fauna. The OEH recommended that a contingency plan be in place should difficulty be encountered during the works and that if the ground surface is disturbed, then rehabilitation should be undertaken.
- The NOW raised no concerns with the proposal and requested that a condition be included requiring the Applicant to obtain a Controlled Activity Approval (CAA) prior to works commencing. A condition is recommended to address the comments from NOW.

## 5 CONSIDERATION

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The approval of the original telecommunications facility at the site was considered suitable to address the high demand for data traffic on mobile telecommunication networks within Thredbo and to have regard to visual impacts from Thredbo Village. The location of the cabling from the tower to the pit on the eastern side of the Thredbo River was previously intended to connect into an existing Telstra line.

The modification seeks to realign the fibre optical cable route (via underboring) from the approved tower location down the Snowgum chair lift clearing and along disturbed ski slopes before going under the Thredbo River.

Comments received from the OEH, questioned whether a contingency plan should be provided to address events such as when sub-surface rocks are encountered during the works. The Applicant has provided further information in relation to the type of drill to be used and also options should sub-surface rocks be encountered and the drill is unable to drill through the rock. The information provided is considered to be acceptable and enables the Department to progress the application.

The Department has assessed the potential impacts associated with the proposal and considers that:

- the proposal minimises potential environmental impacts through utilising underboring instead of digging trenches along the revised alignment; and

- disturbance above ground level is minimised by the construction of only installing seven new pits to service the fibre optical cable.

The Department is satisfied that the proposal is appropriate and the Applicant has adequately considered its impact upon the natural environment by providing the revised alignment through previously disturbed ski slopes. Where the works disturb the existing ground level (introduction of the pits), the Department notes that the exhumed material will be backfilled around the pit and then the ground levelled.

The proposal still remains substantial the same as originally approved and there will be minimal environmental impact as a result of the realignment. The NSW Office of Water has requested that the Applicant obtain a CAA for the underboring of the Thredbo River prior to commencement of works. No new Section 79C(1) matters are raised as a result of the amended alignment than originally considered.

On this basis, the Department supports the proposed amendment.

## 6 CONCLUSION AND RECOMMENDATION

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### 6.1. Conclusion

After consideration of the proposal against the relevant statutory considerations, Section 79C and 96(1A) of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposed modifications to the approved telecommunications facility is appropriate.

The proposal is permissible and no submissions were received regarding the application. The comments received from the OEH and NOW have been addressed through additional recommended conditions.

The environmental impact from the modification proposed is similar to that considered acceptable during the assessment of the original application, which included utilising an existing Telstra line. The laying of new conduit within disturbed ski slopes and underboring of Thredbo River minimises any additional impacts associated with the development.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.


### 6.2. Recommendation

It is recommended that the Team Leader, Alpine Resorts Team, as delegate for the Minister for Planning:

- a) **consider** the findings and recommendations of this report;
- b) **approve** the modification (MOD 7531) under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*; and
- c) **sign** the attached Notice of Determination.

Prepared by:

Approved by:



Mark Brown  
**Senior Planner**  
**Alpine Resorts Team**

Daniel James  
**Team Leader**  
**Alpine Resorts Team**



## **APPENDIX A. RELEVANT SUPPORTING INFORMATION / SUBMISSIONS**

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The following supporting documents and information to this assessment report can be found on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7531](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7531)

## **APPENDIX B. RECOMMENDED MODIFICATION CONSENT**

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