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Department of Planning
and Environment

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 4.55(1A) Modification Application

No. MOD 22/6520 (DA 076-11-2010 MOD 1)

Granted on the 30 August 2022

In respect to DA DA 076-11-2010

Signed Mark Brown

Sheet No 13 of 14

4 April 2022

Dear Daniel

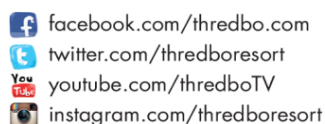
Application to Modify Development Consent – DA 076-11-2010 Eagles Nest – Demolish existing hut and construct new building, Thredbo

Kosciuszko Thredbo (KT) wishes to modify the Development Consent (dated 29 April 2011) for DA 076-11-2010 Eagles Nest – Demolish existing hut and construct new building, Thredbo.

As you are aware, the DA was activated in 2015 by the demolition and removal of the existing “Opera House” building under JAA CC 110096.

As you would also be aware, KT has agreed to terms with the NSW Telco Authority (NSW Telco) for it to provide and occupy a standalone communication facility on the proposed site of DA 076-11-2010. NSW Telco as a Government Authority will be seeking a separate *Environmental Planning and Assessment Act 1979* Part 5 assessment and approval under the *National Parks and Wildlife Regulation 2019*.

This has necessitated a change to the building design. Essentially the proposed modification to the building will see it sit on the same site/building footprint, will be the same dimensions 15 metres long by 9 metres wide, with the same roof profile and retention of a separate ski patrol bump hut. The only difference being that the modified proposal provides for modular internal “pods” for individual communication installations and a change to the Ski Patrol bump hut internal layout. Construction of the proposed modification will be the same as the existing on pad footings to structural engineering details.



KOSCIUSZKO THREDBO PTY LTD
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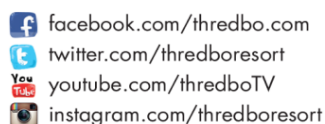
KT is now seeking to modify the Part 4 approval so as to allow NSW Telco to proceed with the Part 5 process and to enable future pods to be developed by other communication providers and/or KT and the Ski Patrol bump hut by KT. At the time of writing there is no commitment or timeline for installation of further pods or the Ski Patrol bump hut.

Based on the fact that the proposed modification does not change the building footprint, profile or construction KT would rely on the original Statement of Environmental Effects (SEE) for DA 076-11-2010. The proposed modification does not change this assessment. Please find attached an updated Form 4 provided by JK Geotechnics Pty Ltd (formerly Jeffery and Katauskas Pty Ltd who had provided the original Form 4).

However, we understand that as a result of the introduction of the *Biodiversity Conservation Act 2016* since the 2010 development approval that there may be a need to undertake a biodiversity assessment. We also understand that the Department have advised the NSW Telco Authority that the requirements for this assessment will be advised subsequent to the lodgement of the Part 4 modification application. NSW Telco will then undertake the assessment to inform both the Part 4 and Part 5 processes. We would appreciate if you could accept this modification application and advise on the requirements for a biodiversity assessment.

A cross-reference to the requirements for a modification application in accordance with Section 100 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) is provided below:

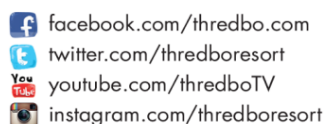
Content of modification application (Section 100 of EP&A Regulation)	Response
(1) A modification application must contain the following information—	
(a) the name and address of the applicant,	Kosciuszko Thredbo Pty Ltd 2 Friday Drive, Thredbo NSW 2625
(b) a description of the development that will be carried out under the development consent	Construction of a standalone communication facility.
(c) the address and folio identifier of the land on which the development will be carried out,	The Development is located in Lot 869 (Eagles Nest) within Thredbo Alpine Resort.
(d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,	Original plans listed below: <ul style="list-style-type: none">• Lot 869 Communications Hut Eagles Nest Thredbo, Dwg No. A1.100, Rev B, dated 11.11.10 (DJRD 2010)• Lot 869 Communications Hut Eagles Nest Thredbo, Dwg No.



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	<p>A2.100, Rev B, dated 11.11.10 (DJRD 2010)</p> <p>It is noted, Dwg No. A2.100 stipulates “pad footing to S.E detail”.</p> <p>New plans listed below:</p> <ul style="list-style-type: none"> Construction Stage Plan Southern Elevation, Dwg No. GRN-CRAC-DWG-INF-CSP-02, Rev A, dated 26.02.22. <p>Changes to original proposal:</p> <ul style="list-style-type: none"> modified proposal provides for modular internal “pods” for individual communication installations and a change to the Ski Patrol bump hut internal layout.
(e) whether the modification is intended to— (i) merely correct a minor error, misdescription or miscalculation, or (ii) have another effect specified in the modification application,	<p>The modification relates to changes to the building design. The modified design provides for modular internal “pods” for individual communication installations and a change to the Ski Patrol bump hut internal layout. Construction of the proposed modification will be largely the same as the existing design on pad footings constructed in accordance with structural engineering specifications.</p>
(f) a description of the expected impacts of the modification,	<p>The level of environmental impact determined in the original DA remains relevant to the revised proposal.</p> <p>Geotechnical considerations</p> <p>The pad footings as per Dwg No A2.100 will remain.</p>
(g) an undertaking that the modified development will remain substantially the same as the development originally approved,	<p>See comment against (e).</p>
(h) for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,	<p>NA</p>



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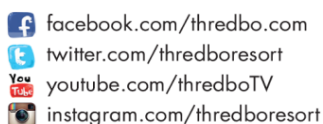


(i) if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,	KT is the applicant for this modification application. Owners consent is not required for DA's in the Alpine Resorts.
(j) whether the modification application is being made to— (i) the Court under the Act, section 4.55, or (ii) the consent authority under the Act, section 4.56.	This modification application is being made to the consent authority under the EP&A Act. This modification involves minimal environmental impact. The modification is substantially the same as the development for which the consent was originally granted.
(2) Subsection (1)(i) does not apply if the consent of the owner is not required under section 98.	Land Owners consent not required in the Alpine Resorts
(3) If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by—	Not applicable.
(a) the BASIX certificate, or	
(b) a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.	

We look forward to hearing from you shortly.

Yours sincerely

Andrew Harrigan
Property and Development Manager
Kosciuszko Thredbo



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