

Application for a permit to install a submarine cable in Australian waters (other than in a protection zone or coastal waters)



Australian Government
Australian Communications
and Media Authority

Instructions for completion

Carriers may apply to the Australian Communications and Media Authority (ACMA) for a permit to install one or more submarine cables in Australian waters that are not in a protection zone and are not coastal waters of a state or the Northern Territory. Installing a submarine cable without a permit is an offence attracting heavy penalties.

Note: ACMA strongly recommends that applicants contact the Department of Environment and Heritage before submitting an application to ACMA. Applicants should be aware that requirements of the *Environment Protection and Biodiversity Conservation Act 1999* will apply.

Applicants are required to complete all sections of the attached application form.

For your information

Carriers are advised to familiarise themselves with the requirements of Schedule 3A of the *Telecommunications Act 1997* before completing their application. In addition, it is recommended carriers refer to ACMA's *Guide to applying for a permit to install a submarine cable in Australian waters (other than in a protection zone or coastal waters)* when preparing an application. Incomplete or illegible applications may be returned to the applicant.

Return your completed application to:

Submarine Cable section
Regulation & Compliance branch
Australian Communications and Media Authority
PO Box 13112 Law Courts
Melbourne Vic 8010
Facsimile: (03) 9963 6979

Application fee and expert consultancy charge

All applicants must enclose with their completed application form a cheque in the amount of **\$31,225.00** payable to the Commonwealth of Australia, representing the charge determined by ACMA in the *Telecommunications Submarine Cable Permit - Application Charge) Determination 2006*. This fee constitutes:

- \$6,225 application fee (GST exempt); and
- \$25,000 expert consultancy charge (GST exempt).

Additional information

Applicants are requested to provide any information they consider may be relevant to consideration of their application. ACMA may also request additional information about a proposed installation.

Privacy and use of information

Clause 72 of Schedule 3A provides that ACMA must consult with the Environment Secretary during its consideration of a non-protection zone installation permit. Information relating to environment and heritage matters submitted under Part B of the application will be forwarded to the Environment Secretary for this purpose.

Also, in the event that ACMA needs to engage with third parties such as consultants or other government agencies as part of its consideration of an application, information supplied to these parties by ACMA will be treated as confidential, and applicants will be notified accordingly.

More information

For more information about the submarine cable installation permit process, contact ACMA by email to:

subcablesenquiries@acma.gov.au.

PART A: Applicant details

Please complete the requested information in the fields below.

Note: Only licensed carriers may apply for a permit. See clause 64 of Schedule 3A of the *Telecommunications Act 1997*.

Australian Company number (ACN) or Australian Registered Body number (ARBN)

ACN - 123 898 215

Registered business name of applicant

PIPE INTERNATIONAL (AUSTRALIA) PTY LTD

Trading name of applicant

AS ABOVE

Is the applicant to be the:

- sole owner or operator?
 joint owner or operator? (IF YES, PLEASE PROVIDE DETAILS)

- installing the cable on behalf of another person? (IF YES, PLEASE PROVIDE IDENTITY OF OTHER PERSON)
 other?

For more information about carrier licensing, including how to apply for a carrier licence, see the ACMA website at www.acma.gov.au/subcables.

Contact name

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|------------|--|
| SURNAME | |
| GIVEN NAME | |

Registered address

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Postal address

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| AS ABOVE |
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| POSTCODE |

Contact details

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| WORK | |
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PART B: Proposed installation information

Applicants are requested to provide the following information to assist ACMA's assessment of applications. Please address each question on a separate document marked 'Part B submission'. For more information about completing this section, refer to ACMA's *Guide to applying for a permit to install a submarine cable in Australian waters (other than in a protection zone or coastal waters)*, which is on the ACMA website.

Please note that ACMA is required to consult with the Environment Secretary in relation to the impact of the installation on the environment (clause 70 Schedule 3A).

1. What is the nominal location of the proposed submarine cable? (Include geographic coordinates/geodetic data; information regarding the point at which the proposed cable will land onshore; and where the proposed installation will interconnect with another carrier onshore. Please attach an A3/A4 desktop or hydrographic survey of the proposed submarine cable route.)

2. What is the date of the proposed installation of the cable? (Include anticipated start and completion dates.)

3. How does the proposed installation further the supply of efficient, modern and cost-effective carriage services to the public? (Matters may include, but are not limited to, how the proposed installation will facilitate competition and provide lower costs or more reliable services to end users in Australia.)

4. Are there any identified listed international agreements (as defined in clause 2 Schedule 3A of the Telecommunications Act) that may apply to or affect the installation, maintenance or operation of the proposed cable?

5. Has the applicant sought and/or received approvals under the Environment Protection and Biodiversity Conservation Act 1999 in relation to the proposed installation? (If not, please state reasons.)

NOTE: THE REQUIREMENTS OF THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 APPLY INDEPENDENTLY OF SCHEDULE 3A. THESE REQUIREMENTS DIFFER FROM MATTERS ACMA MUST HAVE REGARD TO. FURTHER, IT IS RECOMMENDED CARRIERS OBTAIN SUCH APPROVALS BEFORE APPLYING TO ACMA FOR A PERMIT.

6. Please indicate whether the installation, maintenance or operation of the submarine cable could have an adverse effect on:

- a listed threatened species or a threatened ecological community, or impede the recovery of a listed threatened species or threatened ecological community; or
- a listed marine species; or
- the environment, including the environment within a Commonwealth marine area; or
- cetaceans; or
- a listed migratory species; or
- the National Heritage values of a place included in the National Heritage List; or

- the ecological character of a declared Ramsar wetland; or
- the world heritage values of a declared World Heritage property; or
- a place that Australia is required to protect by the terms of a listed international agreement; or
- an area that, under law of the Commonwealth, a state or a territory, is reserved wholly or principally for marine conservation purposes (however described); or
- an area that, under a law of the Commonwealth, a state or a territory, is protected from significant environmental disturbance.

(When answering question 6, carriers are advised to indicate whether an environmental consultancy has been engaged to address any of the matters; provide relevant supporting materials; and refer to ACMA's *Guide to applying for a permit to install a submarine cable in Australian waters (other than in a protection zone or coastal waters)*, which is on the ACMA website.)

7. Is the proposed installation to be installed at or near an area or thing that is of particular significance to Aboriginal persons, or Torres Strait Islanders, in accordance with their traditions?

8. Please provide relevant technical and economic aspects in relation to the proposed submarine cable. (Matters may include but are not limited to: name of party installing the cable; responsibility for maintenance and repair; design capacity of proposed installation; proposed method of installation, including depth and burial, width of trench surrounding installation; any action taken to minimise damage to the cable; compliance with technical standards; and possible installation alternatives, including any associated cost.)

9. Does the proposed installation involve co-location with other submarine cable or cables? (Please specify proximity to other cables. If the proposed installation is not to be co-located, attach reasons.)

10. Are there agreements in place between or with other sea/seabed users (such as a memorandum of understanding) in relation to the proposed location of the cable? (This information would be treated as confidential by ACMA and not discussed with any third party without the prior knowledge of the applicant.)

11. Has the applicant sought or received permits and/or approval from relevant state or territory bodies in relation to the proposed installation?

12. Are there any other matters that may be relevant to ACMA's consideration of the proposed installation?

NOTE: THE INFORMATION PROVIDED ON THIS FORM WILL ONLY BE USED FOR THE PURPOSES OF PERFORMING ACMA'S FUNCTIONS AND POWERS UNDER THE TELECOMMUNICATIONS ACT 1997.

PART C: Conditions applicable to the installation of submarine cables

These conditions apply to the installation of a submarine cable in Australian waters (other than coastal waters of a state or territory.)

In addition to these requirements, installations in coastal waters (outside protection zones) will come under the jurisdiction of relevant state and territory planning authorities and it is not proposed to apply the conditions specified in clauses 73-83 of Schedule 3A to the *Telecommunications Act 1997* in such waters. Carriers may wish to seek their own legal advice concerning their obligations.

Carriers should note that the installation of telecommunications facilities on land may be subject to the requirements detailed in Schedule 3 of the *Telecommunications Act 1997*.

Carriers are requested to tick boxes A to E below to acknowledge that they have read and are aware of the following requirements:

- A. The carrier must ensure that all reasonable steps are taken to ensure that the installation causes as little detriment and inconvenience, and as little damage, as practicable.**
- B. The carrier must ensure that all reasonable steps are taken:**
 - (a) to act in accordance with good engineering practice; and
 - (b) to protect the safety of persons and property; and
 - (c) to protect the environment.
- C. The carrier must ensure that the installation is done in accordance with any standard that:**
 - (a) relates to installation; and
 - (b) is recognised by ACMA as a standard for use in the telecommunications industry; and
 - (c) is likely to reduce a risk to the safety of the public if the carrier complies with the standard.



D. The carrier must ensure that the installation is done in a manner that is consistent with Australia's obligations under a listed international agreement that is relevant to the installation.



E. A carrier must ensure that the installation complies with any conditions that are specified in the regulations.

PART D: Carrier declaration

I declare that:

- (a) the applicant is a licensed carrier within the meaning of the *Telecommunications Act 1997*; and
- (b) the applicant is not disqualified within the meaning of section 58 of the *Telecommunications Act 1997*; and
- (c) the applicant has not ceased to be a constitutional corporation, an eligible partnership or a public body; and
- (d) the contents of this application and any enclosures are true and correct; and
- (e) I have the authority to sign this application on behalf of the applicant; and
- (f) I am aware that under section 136.1 of the Criminal Code it may be an offence to make a false or misleading statement to ACMA in connection with an application for a permit, and that under section 137.1 of the Criminal Code it may be an offence to provide false or misleading information to ACMA.

Signed for by and on behalf of the applicant

| | | |
|---------------------|--|--|
| SIGNATURE | | |
| PRINT NAME | | |
| POSITION IN COMPANY | | |



WorleyParsons

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Incorporating

**Patterson Britton
& Partners Pty Ltd**

Infrastructure

Telephone:
Facsimile:

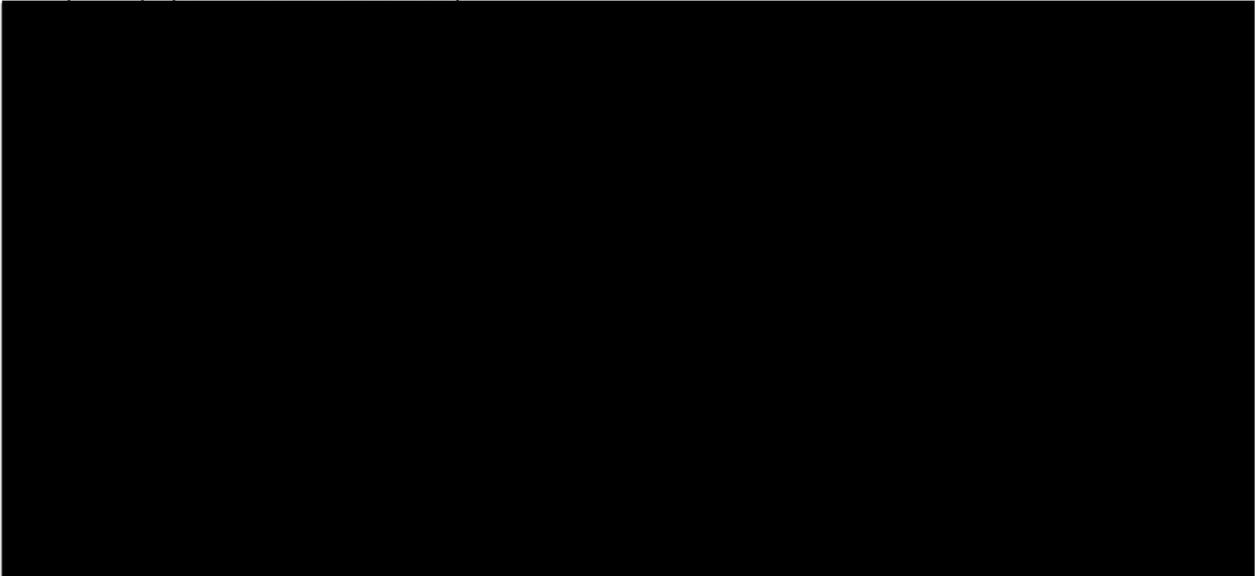
Australia

WorleyParsons Services Pty Ltd

NON PROTECTION ZONE - PART B SUBMISSION

1. What is the nominal location of the proposed submarine cable?

(Include geographic coordinates/geodetic data; information regarding the point at which the proposed cable will land onshore; and where the proposed installation will interconnect with another carrier onshore. Please attach an A3/A4 desktop or hydrographic survey of the proposed submarine cable route.)



2. What is the date of the proposed installation of the cable?

(Include anticipated start and completion dates.)

Overall, the duration of the project would be expected to be approximately 600 days. Key parts of the project timescale are:

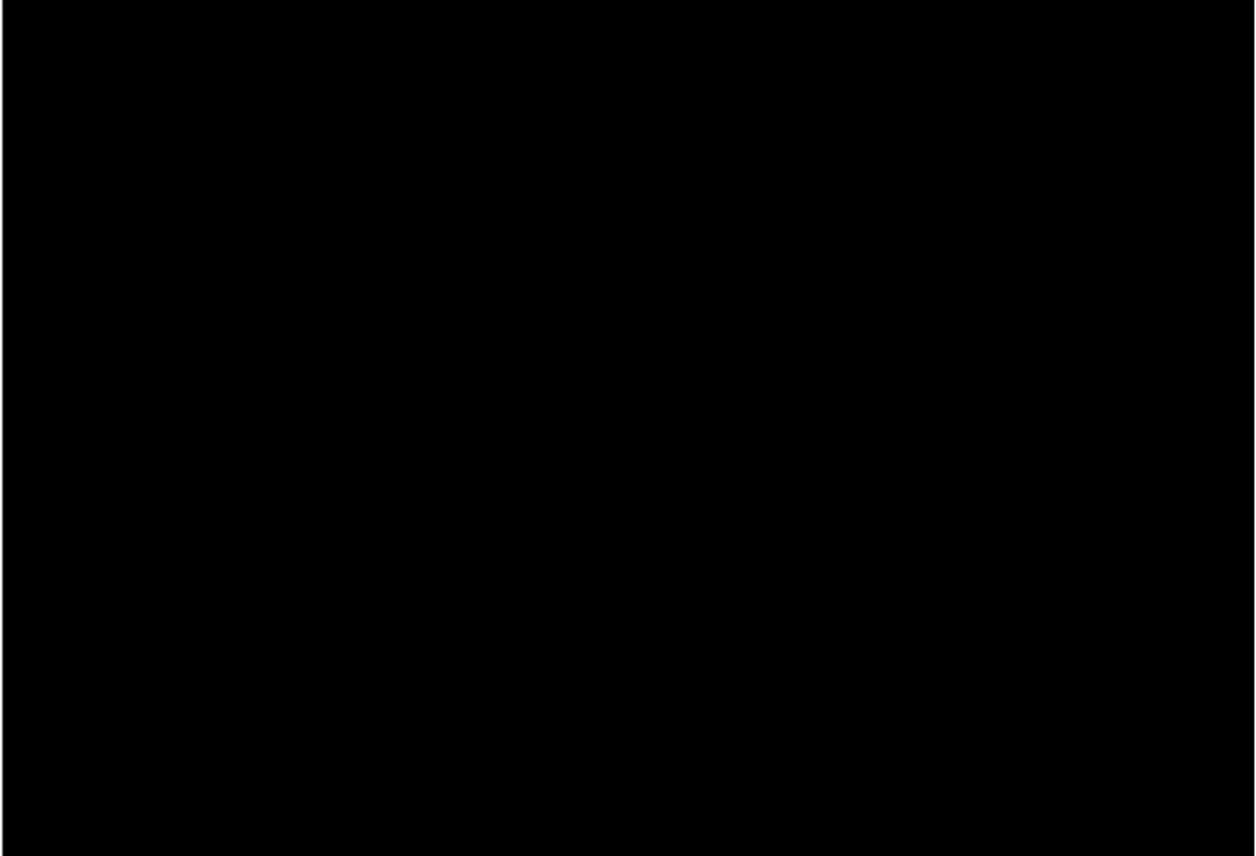
- survey - 80 days (April to end June 2008);
- Cable Station fit-outs – 8 months (March to October 2008);
- marine laying and installation - 114 days (February to June 2009); and
- final network testing - 70 days (June - July 2009).

The duration for placement of the cable from MLWM to 200 nm (ie Australian waters) would be about 3 weeks.



3. How does the proposed installation further the supply of efficient, modern and cost-effective carriage services to the public?

(Matters may include, but are not limited to, how the proposed installation will facilitate competition and provide lower costs or more reliable services to end users in Australia.)



4. Are there any identified listed international agreements (as defined in clause 2 Schedule 3A of the Telecommunications Act) that may apply to or affect the installation, maintenance or operation of the proposed cable?

After a review of the listed international agreements (as defined in clause 2 Schedule 3A of the *Telecommunications Act*) it can be confirmed that no listed international agreements apply to or affect the installation, maintenance or operation of the proposed cable.

5. Has the applicant sought and/or received approvals under the *Environment Protection and Biodiversity Conservation Act 1999* in relation to the proposed installation?

(If not, please state reasons.)

Yes, an EPBC referral form was submitted for the project on 8 November 2007. On 13 December 2007 it was determined that the proposed action is not a controlled action and, as such, does not require assessment and approval by the Minister for the Environment, Heritage and the Arts before it can proceed. A copy of the letter of approval is enclosed.



6. Please indicate whether the installation, maintenance or operation of the submarine cable could have an adverse effect on:

- (i) a listed threatened species or a threatened ecological community, or impede the recovery of a listed threatened species or threatened ecological community; or
- (ii) a listed marine species; or
- (iii) the environment, including the environment within a Commonwealth marine area; or
- (iv) cetaceans; or
- (v) a listed migratory species; or
- (vi) the National Heritage values of a place included in the National Heritage List; or
- (vii) the ecological character of a declared Ramsar wetland; or
- (viii) the world heritage values of a declared World Heritage property; or
- (ix) a place that Australia is required to protect by the terms of a listed international agreement; or
- (x) an area that, under law of the Commonwealth, a state or a territory, is reserved wholly or principally for marine conservation purposes (however described); or
- (xi) an area that, under a law of the Commonwealth, a state or a territory, is protected from significant environmental disturbance.

PI (the applicant) engaged a consultancy (Patterson Britton & Partners) to undertake the environmental assessment and obtain the necessary approvals for the proposed installation of the submarine cable PPC-1. The following responses to question 6 are obtained from the report "Environmental Assessment of a New Fibre Optic Submarine Cable between Sydney and Guam – Mean Low Water Mark to 200 Nautical Mile Zone" (enclosed).

(i) A listed threatened species or a threatened ecological community, or impede the recovery of a listed threatened species or threatened ecological community

An ecological assessment of the proposed works was undertaken as part of the overall Environmental Assessment process and for the *Environment Protection and Biodiversity Conservation Act* (EPBC Act) Referral process. The full ecological assessment report can be found in Appendix B of the report enclosed.

The list of scheduled marine species and populations listed under the *Environment Protection and Biodiversity Conservation Act* (EPBC Act), the *Fisheries Management Act* and the *Threatened Species Conservation Act* where species or species habitat may occur within the area of the Project is given in Table 1 in the report entitled "Environmental Assessment of a New Fibre Optic Submarine Cable between Sydney and Guam - Mean Low Water Mark to 200 Nautical Mile Zone" (enclosed). In addition, a summary of Assessments of Significance for the impacts of the proposal on threatened species listed under the *Fisheries Management Act* and the *Threatened Species Conservation Act* is given in Table 2 in the report enclosed, while a summary of criteria used in the 'Administrative Guideline of Significance' for assessing potential impacts on threatened species listed under the EPBC Act is given in Table 3 in the report enclosed. A summary of potential impacts on aquatic ecosystems associated with installing the proposed cable is given in Table 4 in the report enclosed.

In all cases where Assessments of Significance were applied to relevant endangered or vulnerable species listed in the EPBC Act or the *Fisheries Management Act*, it was determined that it was highly unlikely that the proposal would affect these species and, as such, no Species Impact Statement is required. In addition, in all cases where the Administrative Guidelines for Significance were applied to relevant endangered or vulnerable species listed in



the EPBC Act, it was determined that it was highly unlikely that the proposal would affect these species and, as such, no referral to the Minister for the Environment would be required. Notwithstanding the above assessment, it was recommended in the report enclosed that a management plan for minimising disturbance to cetaceans may be appropriate during installation of the cable.

Protected fish (*Fisheries Management Act*) relevant to the proposal include estuary cod, elegant wrasse, eastern blue devil fish, Ballina angelfish, Queensland groper and seahorses and pipefish (Table 1 in the report enclosed). Their protected status reflects a susceptibility to capture rather than a rarity. It is reasonable to assume that some of these species would occur on reefs offshore from Collaroy. However, it is considered that any protected species would be likely to swim away from areas temporarily affected by installation of the cable to nearby unaffected areas of similar habitat.

(ii) A listed marine species

Details of listed marine species are outlined above in Section 6(i).

(iii) The environment, including the environment within a Commonwealth marine area

The nature of the proposal, in particular its minor scale of disturbance and short construction duration, are such that there are few potential impacts. Accordingly, it has been concluded that the proposal, with the recommended environmental safeguards, would not have any significant impact on the environment, including Commonwealth marine areas.

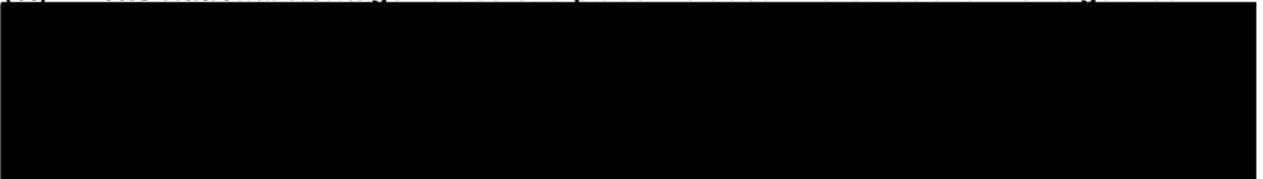
(iv) Cetaceans

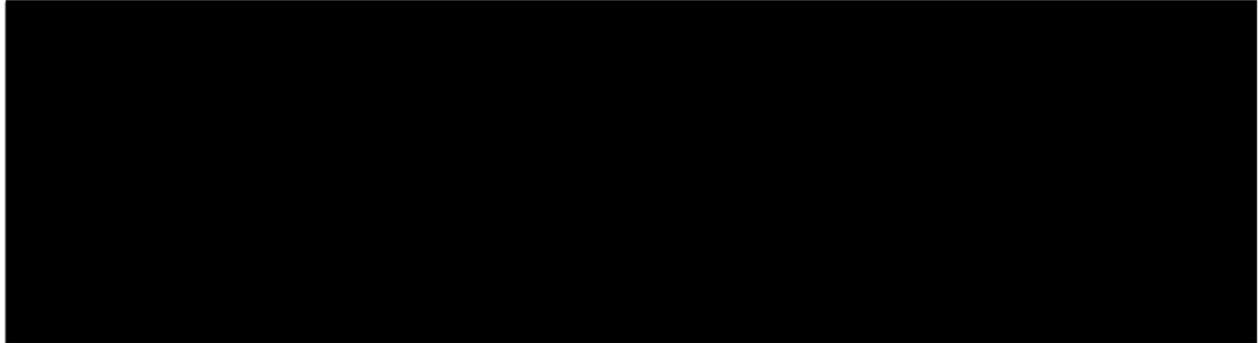
During cable installation works, noise from the cable vessel and underwater installation of the cable could potentially disturb cetaceans as these species seasonally pass close to the coast in the Collaroy area. The consequences to cetaceans of having to avoid the area in the vicinity of the cable vessel and cable installation works would be minimal as migratory corridors are likely to be wide and the cable vessel is slow moving. Accordingly, the assessment of impacts associated with the proposal indicated that within the given scale of operation, location and methods of cable laying, there would be little or no measurable impact on the cetaceans. However, as a precautionary measure, a management plan should be established to minimise disturbance to cetaceans in the event that they are sighted, particularly if the cable is to be installed during the peak migration period for some species (ie between April and November).

(v) A listed migratory species

Thirteen species in the migratory species schedule of the EPBC Act were identified for assessment. None were considered to be significantly impacted by the Project. The environmental assessment stated that potential threat to migratory species from installation, ongoing operation and maintenance of the proposed cable is limited. Accordingly, the assessment of impacts associated with the proposal indicated that within the given scale of operation, location and methods of cable laying, there would be little or no measurable impact on the ecosystem. Further details of the assessment are contained within the report enclosed.

(vi) The National Heritage values of a place included in the National Heritage List





(vii) The ecological character of a declared Ramsar wetland

There are no wetlands of international significance (Ramsar) related to this Project.

(viii) The world heritage values of a declared World Heritage property

There are no declared World Heritage property related to this Project.

(ix) A place that Australia is required to protect by the terms of a listed international agreement

There are no places that Australia is required to protect by the terms of a listed international agreement that would be affected by the Project.

(x) An area that, under law of the Commonwealth, a state or a territory, is reserved wholly or principally for marine conservation purposes (however described)

No areas under law of the Commonwealth, a state or a territory, that are reserved wholly or principally for marine conservation purposes (however described), will be affected by the Project.

(xi) An area that, under a law of the Commonwealth, a state or a territory, is protected from significant environmental disturbance

No areas under a law of the Commonwealth, a state or a territory that are protected from significant environmental disturbance will be affected by the Project.

7. Is the proposed installation to be installed at or near an area or thing that is of particular significance to Aboriginal persons, or Torres Strait Islanders, in accordance with their traditions?

The proposed installation will not be installed at or near any known area or thing that is of particular significance to Aboriginal persons or Torres Strait Islanders, in accordance with their traditions.

8. Please provide relevant technical and economic aspects in relation to the proposed submarine cable.

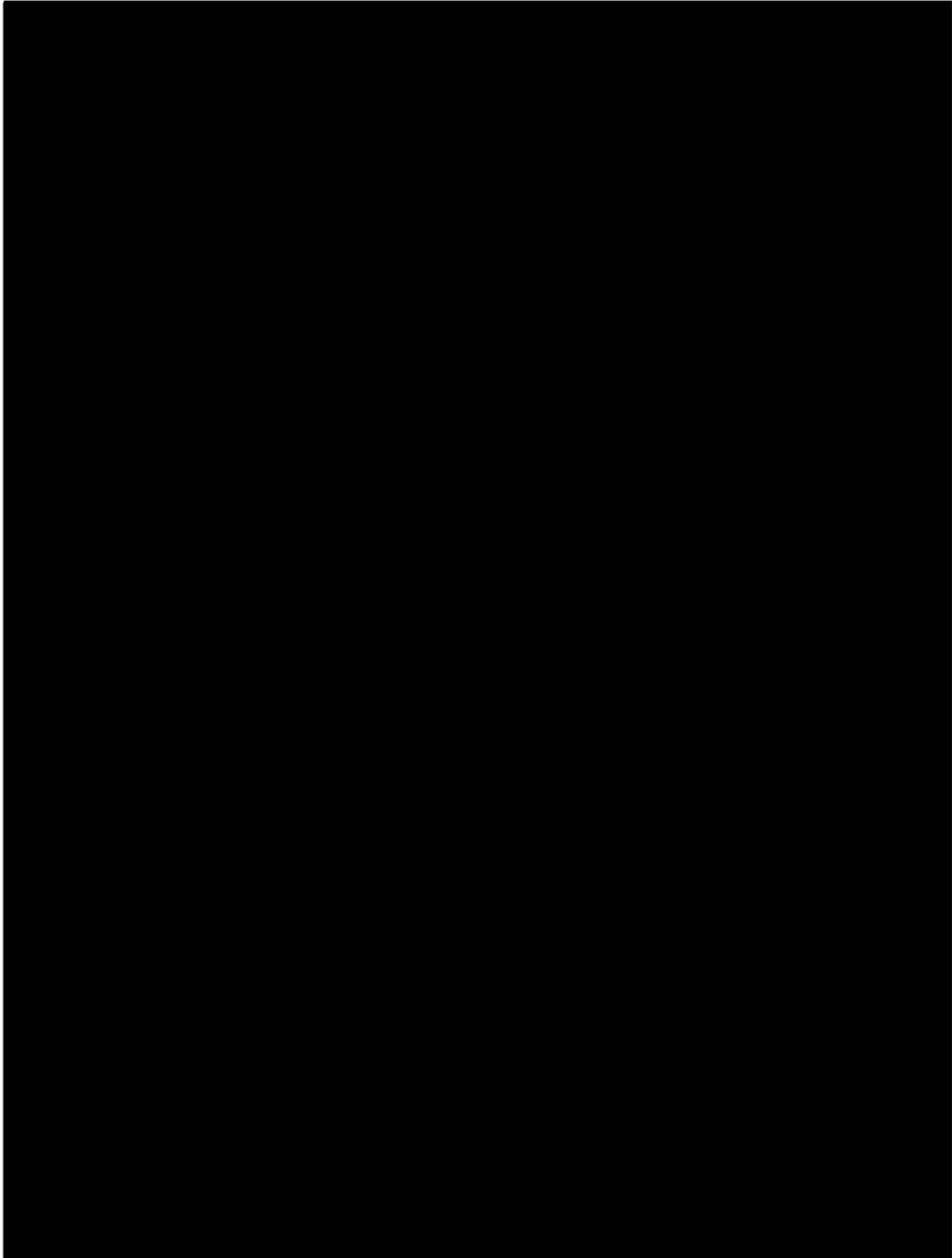
(Matters may include but are not limited to: name of party installing the cable; responsibility for maintenance and repair; design capacity of proposed installation; proposed method of installation, including depth and burial, width of trench surrounding installation; any action taken to minimise damage to the cable; compliance with technical standards; and possible installation alternatives, including any associated cost.)





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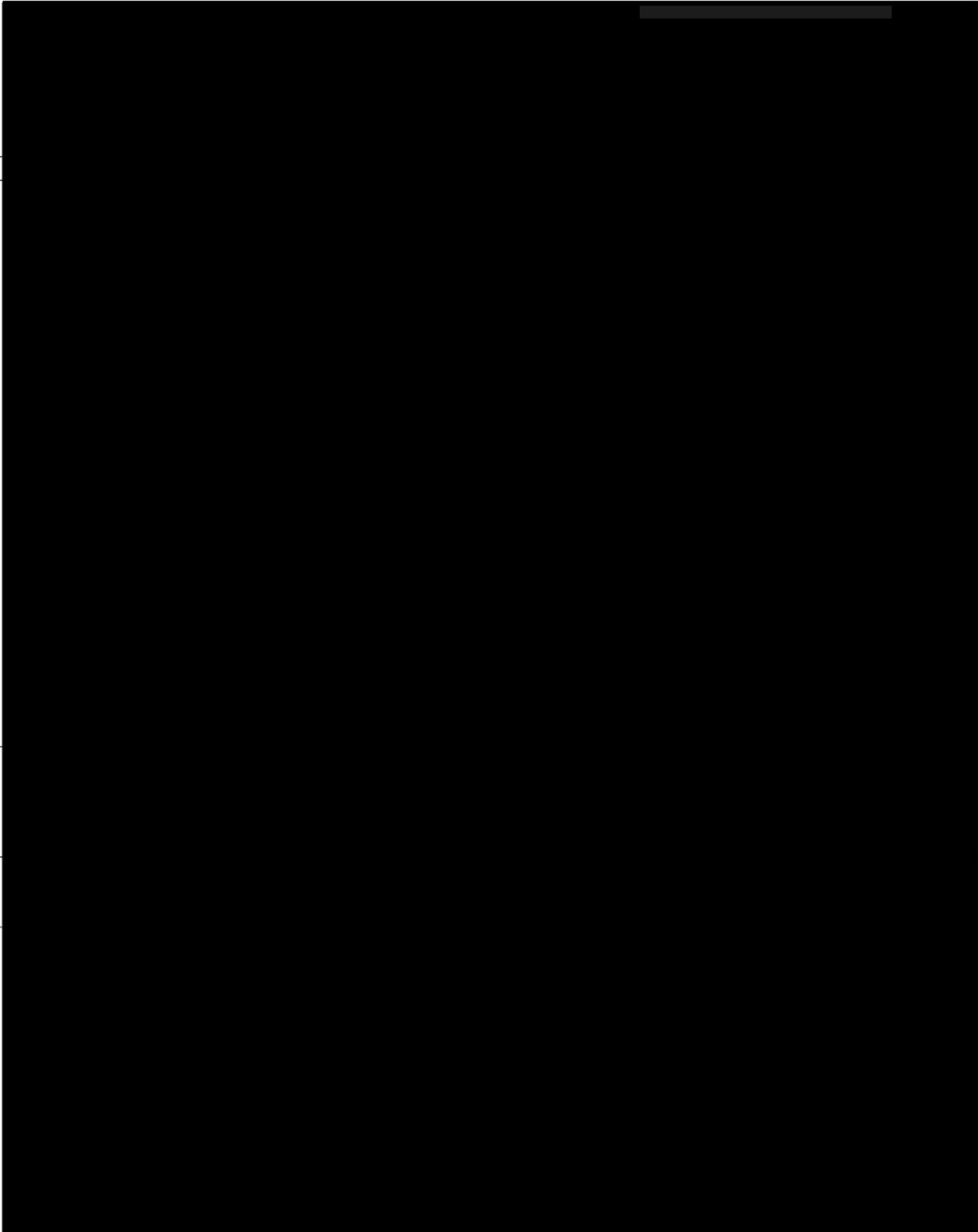
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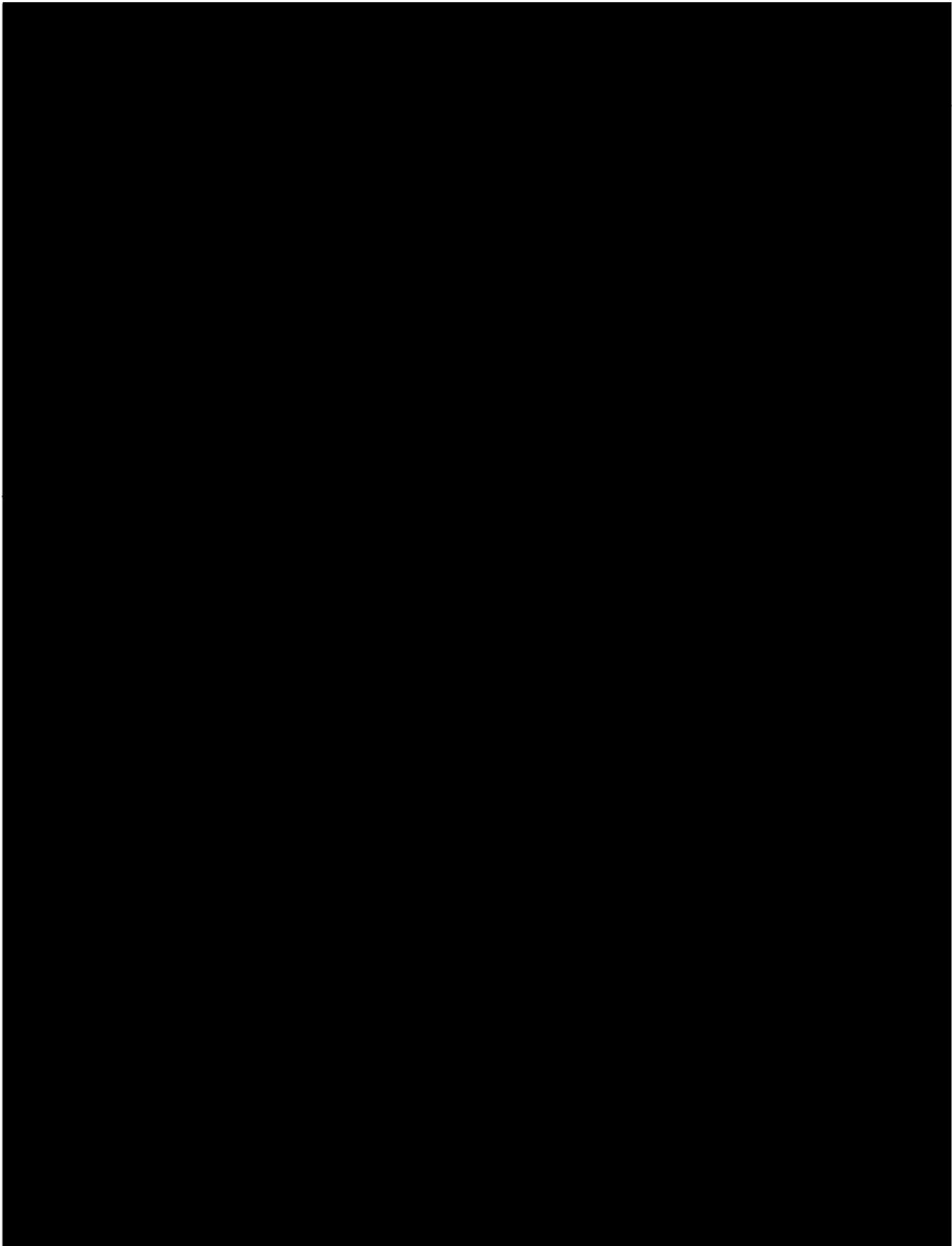
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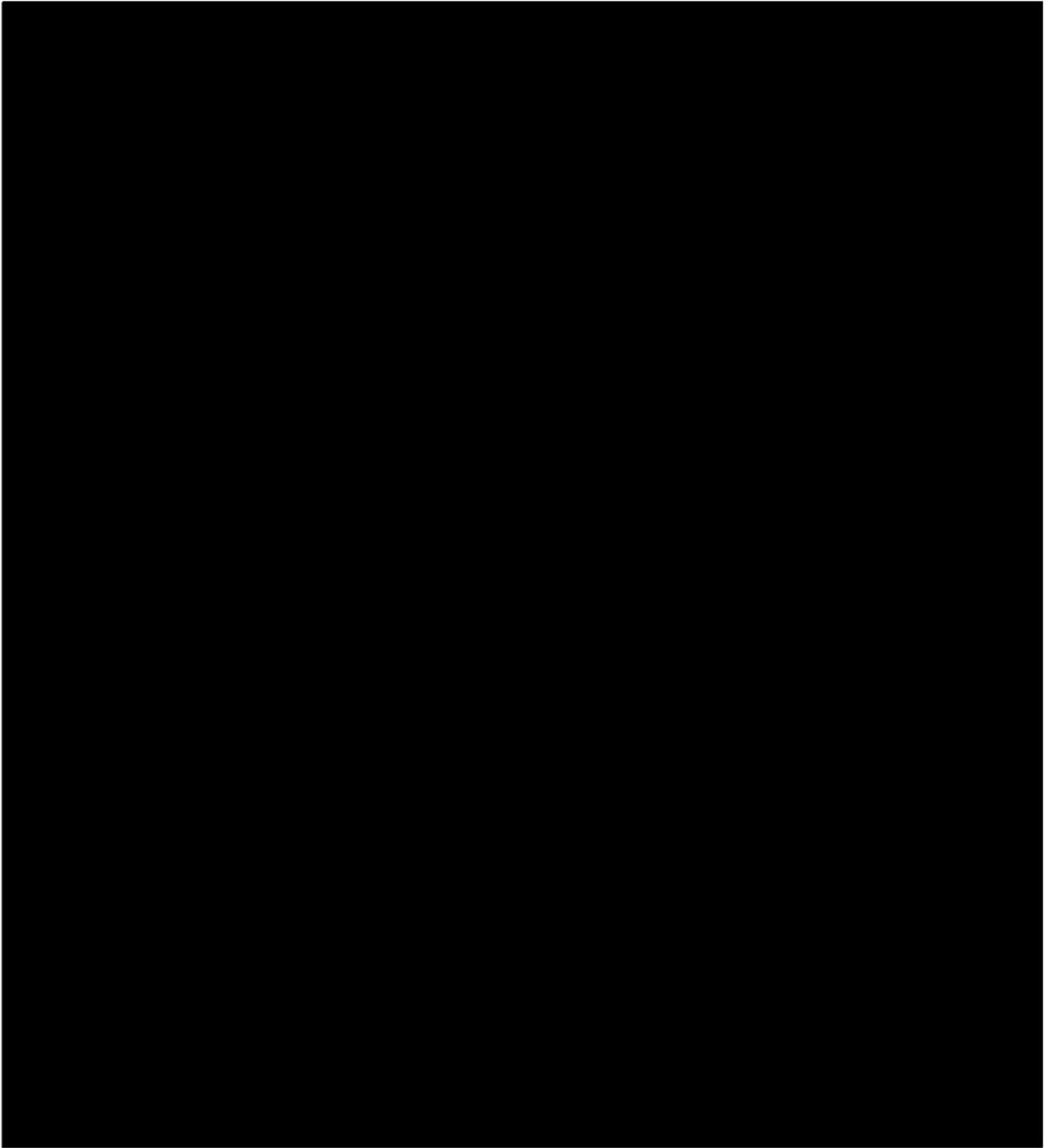




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9. Does the proposed installation involve co-location with another submarine cable or cables?

(Please specify proximity to other cables. If the proposed installation is not to be co-located, attach reasons.)





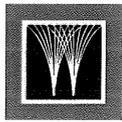
10. Are there agreements in place between or with other sea/seabed users (such as a memorandum of understanding) in relation to the proposed location of the cable?

(This information would be treated as confidential by ACMA and not discussed with any third party without the prior knowledge of the applicant.)

11. Has the applicant sought or received permits and/or approval from relevant state or territory bodies in relation to the proposed installation?

No other permits or approvals from state or territory bodies are required as part of the non-protection zone permit, however two approvals that were required from state bodies as part of the protection zone permit are as follows:

- a tenure arrangement and licence agreement for the occupation of any parts of Crown Land, under the NSW *Crown Lands Act 1989* is required for the installation of a new fibre optic submarine cable. The proponent established the tenure arrangement and licence agreement on 19 October 2007.
- concurrence from the NSW Minister of Climate Change, Environment and Water is required under the *Coastal Protection Regulation 2004*, for the installation of a new fibre optic submarine cable within the Northern Sydney Cable Protection Zone. Concurrence was granted on 6 December 2007.



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12. Are there any other matters that may be relevant to ACMA's consideration of the proposed installation?

No