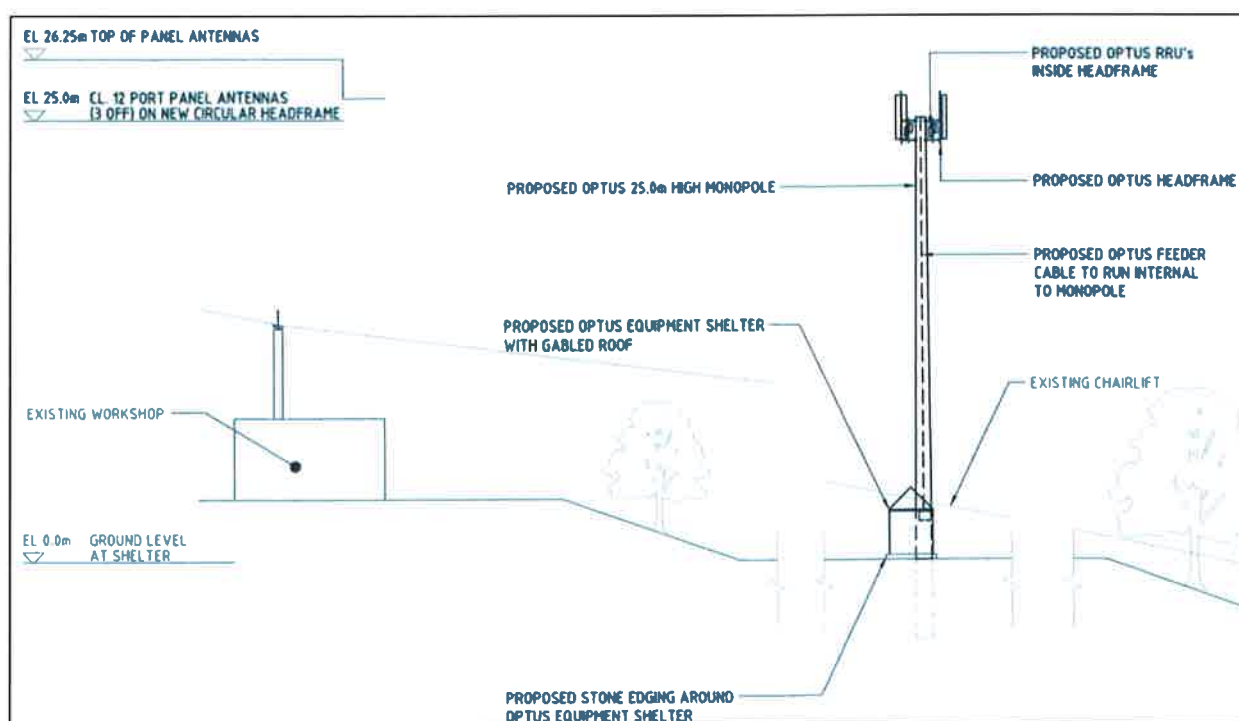


## **DEVELOPMENT APPLICATION ASSESSMENT REPORT:**

### **Proposed subdivision and installation of a Telecommunications Tower**

**Lot 864 Cat Shed, Thredbo Alpine Report,  
Kosciuszko National Park**

**DA 6968**



**Assessment under Part 4 of the  
*Environmental Planning and Assessment Act 1979***

**August 2015**

## ABBREVIATIONS

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Alpine SEPP	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007
Applicant	Kosciuszko Thredbo Pty Ltd
Consent	This development consent
Department	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
Secretary	Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy

Cover Image: Proposed telecommunications tower (Source: Applicant's SEE)

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## 1. BACKGROUND

### 1.1 Introduction

This report provides an assessment of a Development Application (DA 6968) lodged by Kosciuszko Thredbo under Part 4 of the Environmental Planning and Assessment Act, 1979 (EP&A Act). The application seeks consent for subdivision and installation of a telecommunications tower within Kosciuszko National Park.

The proposal is described in detail in **Section 2** of this report.

### 1.2 The Site and Surrounding Development

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 site (circled) in context of Thredbo (Source: SIX Maps 2015)

## 2. PROPOSED DEVELOPMENT

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The development application seeks approval for subdivision and installation of a 25 metre high telecommunication facility. The fibre transmission and power cables will require trenching from the nearby Telstra transmission conduits and Cat Shed maintenance workshop, located in previously disturbed areas of land.

The components of the proposed facility are detailed as follows:

- proposed total leased area of 100m<sup>2</sup> for the facility;
- one x 25 metre optus slimline monopole;
- three panel antennas at 25 metre centreline elevation, mounted on a circular headframe;
- remote Radio Units (RRUs) set behind panel antennas on circular headframe;
- mast Head Amplifiers (MHAs) set behind panel antennas on circular headframe;
- one Phase 8 Sandwich Panel Equipment Shelter (3 metres x 2.5 metres) colour-matched to maintenance workshop, bored piers, with 45 degrees gabled snow roof;
- ancillary equipment, including feeders to be run internally from the equipment shelter to the panel antennas, RRU's and MHA's;
- power to be supplied via new trenched conduits from the existing maintenance workshop; and
- transmission to be obtained via new trenched conduits containing optic fibre from existing Telstra optic fibre transmission conduits located southwest of the subject site.

The proposal has a cost of works of approximately \$197,500.00.

### 2.1 Justification for proposal

The Applicant's SEE justifies the application by stating that:

- high demand for data traffic on mobile telecommunication networks, mostly on handheld devices such as smart phones and tablets requires increased investment in the telecommunication infrastructure in Thredbo;
- continued upgrade to Optus telecommunication facilities in Thredbo has reached capacity and is unable to meet the demand for reliable mobile phone coverage, particularly during peak ski season; and
- the proposed site is the preferred location, following an investigation of alternative sites to service the Thredbo village and ski slopes.

## 3. STATUTORY CONTEXT

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### 3.1 Consent Authority

The Minister for Planning is the consent authority for the application under clause 7 of *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (the Alpine SEPP) as the development takes place within a ski resort area as referred to in Clause 32C (2)(a) of Schedule 6 to the *Environmental Planning and Assessment Act 1979* (EP&A Act).

### 3.2 Determination under Delegation

The Minister for Planning has delegated the determination of development applications under Part 4 of the EP&A Act to the Team Leader, Alpine Resorts Team where:

- the application is in relation to land which the Alpine SEPP applies; and
- there are less than 25 public submissions in the nature of objections.

The proposal complies with the terms of delegation as the application relates to land, which the Alpine SEPP applies and only one public submission was received in the nature of an objection.

Accordingly, the Team Leader, Alpine Resorts Team may determine the application in accordance with the Minister's delegation.

### 3.3 Permissibility

Pursuant to clause 11 of the Alpine SEPP and the Thredbo Alpine Resort land use table, 'subdivision and installation of a telecommunication facility' is permissible with consent.

### 3.4 Environmental Planning Instruments

The Alpine SEPP and the State Environmental Planning Policy (Infrastructure) 2007 are the only environmental planning instrument (EPI) which applies to the site for this type of development. An assessment against the requirements of the Alpine SEPP and the Infrastructure SEPP is provided in **Appendix B**.

In summary, the Department is satisfied that the application is consistent with the requirements of the Alpine SEPP and the Infrastructure SEPP.

### 3.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act and read as follows:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,
- (iii) the protection, provision and co-ordination of communication and utility services,
- (iv) the provision of land for public purposes,
- (v) the provision and co-ordination of community services and facilities, and
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
- (vii) ecologically sustainable development, and
- (viii) the provision and maintenance of affordable housing, and

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The proposal is consistent with the above objects, particularly:

- (a)(ii) as the proposal promotes the orderly and economic use of the site; and
- (a)(vi) as the proposal satisfactorily addresses the environmental significance of the site.

Further discussion on compliance with the above is provided in **Appendix B**.

### 3.6 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) the precautionary principle;
- (b) inter-generational equity;
- (c) conservation of biological diversity and ecological integrity; and

(d) improved valuation, pricing and incentive mechanisms.

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

**Precautionary Principle** – The proposal does not pose a threat of serious or irreversible environmental damage. The subject site is highly disturbed and it is considered that the proposal would not have any significant impact on any threatened species, populations, ecological communities or their habitats.

**Inter-Generational Equity** – The proposal will not adversely impact upon the health, diversity or productivity of the environment for future generations.

**Biodiversity Principle** – There is no threat of any significant adverse impact on biodiversity. Flora and fauna impacts have been considered and it is unlikely to have a significant impact on threatened species, endangered populations, ecological communities or their habitats.

**Valuation Principle** – The value of the environment has been recognised and any disturbed areas will be appropriately rehabilitated in accordance with the relevant NPWS guidelines.

### 3.7 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 7) and Fees (Part 15, Division 1) have been complied with.

## 4. CONSULTATION AND SUBMISSIONS

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### 4.1. Notification

After accepting the application, the Department:

- publicly exhibited the application from Monday 23 March 2015 until Monday 6 April 2015 on its website and at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne); and
- notified relevant stakeholders and State government authorities in writing.

The proposal was referred to the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP.

The Department received a total of two submissions, comprising one submission from the OEH and one public submission objecting to the proposal in response to the exhibition. Copies of the submissions may be viewed at **Appendix A**.

A summary of the issues raised in the submissions is provided below.

### 4.2. Public Authority Submission

One submission was received from a public authority. The issues raised by the public authority are summarised in **Table 1** below and have been addressed in detail in **Section 5** and/or by way of a recommended Condition of Consent at **Appendix C**.



**Table 1:** Summary of public authority submissions

<b>Office of Environment and Heritage (OEH)</b>
<p>The OEH did not object to the proposal and provided comments which can be summarised as follows:</p> <p><i>Fauna and Flora</i></p> <p>The proposed trenching routes have not been adequately identified. An accurate assessment on the impact to flora and fauna is unable to be conducted. The SEE states that trenching will be limited to "disturbed areas of land" however an acceptable route map is not provided. Of concern is the proximity of the proposed works to native vegetation "islands".</p> <p>The following comments are provided should the development be approved by consent.</p> <ul style="list-style-type: none"><li>• Sod replacement and rehabilitation - Sod replacement should be undertaken where trenching is proposed. Rehabilitation works must be conducted according to "Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park" (DECC 2007). Rehabilitation areas must be adequately mulched and maintained until an erosion resistant ground condition is achieved.</li><li>• Safety of fauna - Any excavations left open overnight must be left such that any fauna entering these excavations are able to escape easily.</li><li>• Sediment and erosion control - All straw bales used for mulching or sediment and erosion control must be certified as weed free.</li><li>• Machinery cleaning - Machinery must be cleaned prior to entering the park, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation.</li></ul> <p><i>Aboriginal Cultural Heritage</i></p> <ul style="list-style-type: none"><li>• The SEE did not address the potential impacts on Aboriginal cultural heritage values adequately. Due Diligence for Aboriginal Cultural Heritage Assessments has not been demonstrated. However the development area is a previously disturbed site and there are no known Aboriginal sites within or close to the development area. Should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site.</li></ul> <p><i>Leasing</i></p> <ul style="list-style-type: none"><li>• The proposal is permissible under the head lease held by Kosciuszko Thredbo Pty Ltd. I note the email correspondence from the proponent to Mark Brown (Department of Planning and Environment) on 18 May 2015 and support the proposed sub-lease having built in requirements for co-location. Advice on leasing components is being sought and further leasing comments may be applicable.</li></ul> <p><i>Compliance with National Parks and Wildlife Act 1974</i></p> <ul style="list-style-type: none"><li>• Concerns are raised over the potential visual impact of the proposed structure. The proposed height of the tower is well above the existing infrastructure and ski lift towers and would be visible from the village and the Alpine Way.</li></ul> <p>In addition to the above, following further information provided by the Applicant and consideration of additional leasing requirements, the OEH provided the following comments:</p> <p><i>Fauna and Flora</i></p> <ul style="list-style-type: none"><li>• Whilst the map provided still does not show an accurate trenching route the additional information submitted provides adequate detail to assess the potential impacts to flora and fauna. OEH supports all consent conditions proposed by the proponent in their response as these consent conditions ensure that the trenching follows disturbed areas of land only and that minimal impact occurs.</li></ul> <p><i>Leasing</i></p> <ul style="list-style-type: none"><li>• The development is permitted under the Head Lease with the Lessor's written consent as per Clause 2 of the Lease. The Lessor intends to grant consent to the development under the Lease on the condition that the Head Lessee (KT) include a condition within the sublease agreement that the sublessee must permit third parties to co-locate on the tower.</li></ul> <p>OEH comments have been considered in the assessment of the application. Where necessary, the recommendations have been incorporated into the conditions of consent.</p>

### 4.3. Public Submission

One submission was received from the public objecting to the proposal. The submission raised concerns with the visual impact of the proposal due to its proposed location. The issues raised have been addressed in detail in **Section 5**.

## 5. ASSESSMENT

### 5.1. Section 79C Evaluation

**Table 2** identifies the matters for consideration under section 79C of the EP&A Act that apply to the development. The table also represents a summary for which additional information and consideration is provided for in **Section 5.2** (Key and Other Issues), the appendix or other sections of this report, referenced in the table.

**Table 2:** Section 79C(1) Matters for Consideration

Section 79C(1) Matters for Consideration	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies - see <b>Section 3.4</b> and <b>Appendix B</b> of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Not applicable.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	Complies – see <b>Section 3.7</b> of this report. The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the Regulations), the requirements for notification (Part 6, Division 7) and fees (Part 15, Division 1).
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Impacts of the development have been considered in <b>Section 5.2</b> and additional detail is provided in <b>Appendix B</b> of this report.
(c) the suitability of the site for the development	The suitability of the site has been considered in <b>Section 5.3</b> of this report.
(d) any submissions	Consideration has been given to submissions received during the exhibition of the application in <b>Section 4</b> . Key issues raised in submissions have been considered further in <b>Section 5.2</b> of this report.
(e) the public interest	The public interest of the development has been considered in <b>Section 5.4</b> of this report.
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.



## 5.2. Key and Other Issues

The Department has considered the objectives of section 79C of the EP&A Act, the SEE and issues raised in submissions in its assessment of the proposal. The Department considers that the key issues associated with the proposal to be:

### 5.2.1. Visual impacts

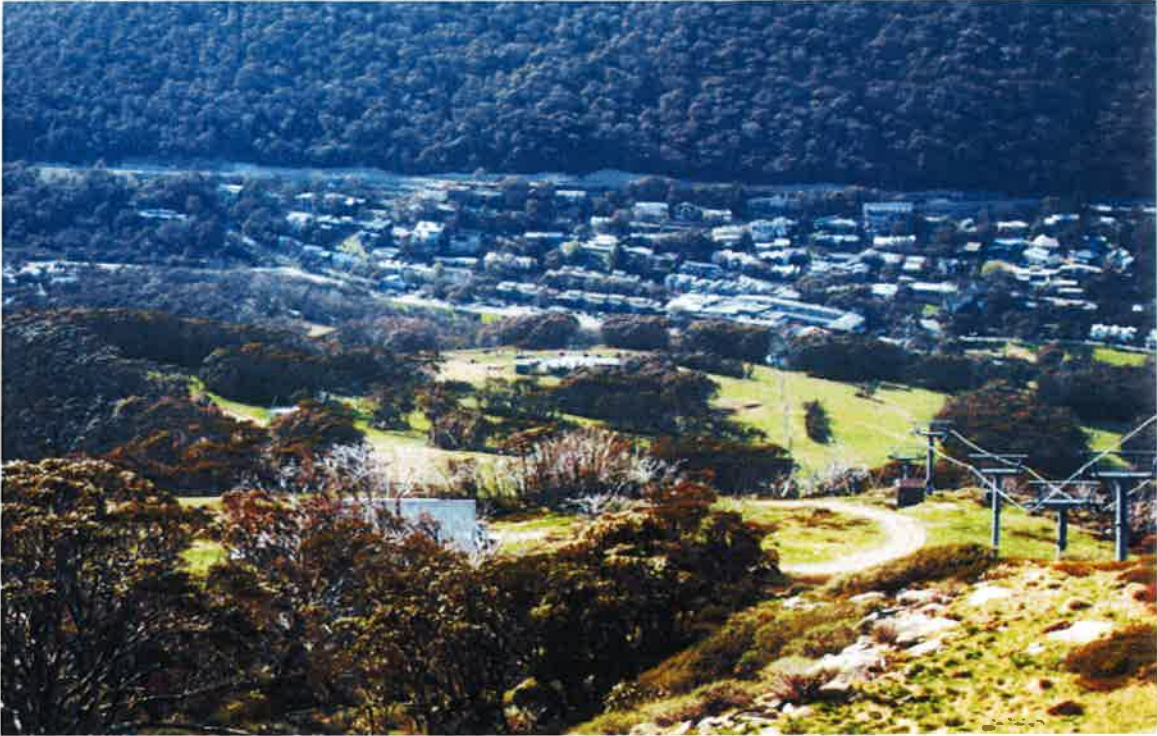
The visual impact of the proposed facility within the context of the ski fields and Thredbo Village is a key issue in this application. The proposed 25 metre high telecommunication monopole facility will be visible from a number of view corridors to and from the ski slopes and Thredbo Village.

The Applicant has undertaken a view analysis from key points on the ski slope and various locations in the village (**Figure 2**). **Figures 3, 4 and 5** provide a photomontage comparison with the existing view currently provided.



**Figure 2:** Location of view corridors for photomontages 3, 4 & 5 (Source: Applicant additional information)





**Figure 3:** Photomontage from Eagles Nest looking south east before and after (Source: Applicant SEE)





**Figure 4:** Photomontage from the Alpine Hotel grounds looking north west before and after  
(Source: Applicant SEE)



**Figure 5:** Photomontage from Friday Drive & Valley Close looking west before and after  
(Source: Applicant SEE)

The Applicant argues that the height is required to gain optimal network performance required for the village and surrounds. The Applicant advises that following a detailed consideration of alternative sites, the current location results in an acceptable visual impact for the following key reasons:

- the proposal will result in a more coordinated location for future carriers and the removal of the temporary Cell on Wheels (COW) located in the village;
- the proposed structure is limited to a single monopole and constructed of non-reflective materials to be as visually unobtrusive as possible;
- the proposal is set back from Friday Drive and Thredbo Village accommodation and residential areas;
- impact from the top of the ski slope is not significant given it is located 1500 metres from the site and 440 metres higher in elevation;
- due to the topography, the impact from the base of the slope is acceptable as the structure will not break the skyline and is partially screened by existing vegetation;
- the Alpine Hotel is located 440 metres from the site, and although there is some visual impact, existing vegetation will reduce any significant impacts;
- views from these areas also capture other ski lift infrastructure, which is by comparison of a greater bulk and scale than the proposal; and
- the benefits of extended coverage from the facility outweigh any visual impact.

In order to function effectively, it is reasonable to assume that site selection for telecommunication facilities will inevitably result in locations with greater visibility than other buildings and structures. The visual impact assessment of telecommunication facilities should consider whether the proposal has minimised impacts to protect the existing visual amenity of the area. This requirement is found in both Commonwealth and State legislation for the consideration of telecommunication facilities.

The Department considers the following matters be taken into account when assessing visual amenity impacts:

- character and context of the surrounding locality;
- site selection and location; and
- location and extent of surrounding landuses affected by view impacts.

In terms of character and context, the Applicant argues the needs of Thredbo Village are similar to an urban environment. Existing telecommunications infrastructure in the village is at capacity and unable to meet demand. Further, the Applicant argues that the immediate area is characterised by other ski lift infrastructure, which is significantly greater in bulk and scale and partially screened by vegetation to the Village below. The Department concurs that the proposed facility is in keeping with existing infrastructure in the context of the immediate locality of the site and existing vegetation partially screens the proposed facility.

In terms of site location, the Department accepts the Applicant's argument that visual impact is reduced from the top of the mountain due to distance and change in elevation. Similarly at the base of the mountain, impacts are considered acceptable, as the proposed structure will not break the skyline. The location of the proposal close to the existing maintenance shed and other ski lift infrastructure is considered appropriate as the site is already highly disturbed and the location would satisfy the mobile data demand requirements of the Village.

In terms of landuse and areas most impacted, the facility will be clearly seen from different parts of the village. The impacts will vary depending on the vantage point, with views from part of the Alpine Hotel impacted. Although it is noted the facility will be partially screened by existing vegetation. The mid range views are considered to result in the highest visual impact (illustrated in photomontage 6 above) as the structure extends beyond the existing tree line.

In this regard, consideration was given to reducing the height of the facility to 20 metres. However, the Applicant argues that any visual amenity benefits of reducing the height of the facility do not outweigh the dis-benefits of reduced coverage for the locality. Further, the structure would still extend over the tree line when viewed from the various parts of the Village.

More distant views of the facility will result in less visual impact, due to the slimline design and location of the facility viewed against the backdrop of the Mountain.

Taking into account all of the above factors, the Department concludes that the visual impacts are acceptable for the following reasons:

- the structure is located away from more sensitive landuses such as residential uses within the village, with distant views from residential and tourist areas within the Village;
- the design of the facility is streamlined, with circular headframe screening ancillary boxes;
- the structure is partially screened by existing vegetation;
- use of appropriate colours for construction; and
- the structure is co-located in close proximity to existing other ski lift infrastructure and maintenance shed; and
- the facility can be utilised by other carriers to avoid further structures, reducing the future cumulative visual impact from numerous telecommunication facilities.

### 5.2.2. Site selection and consideration of alternative locations

Site selection and consideration of alternative locations is important to ensure appropriate location of new telecommunication facilities and cumulative impact assessment. The Applicant maintains that Optus has a preference to co-locate with existing telecommunication facilities where possible.

Section 163D of the *National Parks and Wildlife Act 1974* requires that the Applicant demonstrate there is no feasible alternative site for the facility as part of its consideration to grant a licence for the facility in the National Park.

The Applicant considered 4 separate options for alternative facilities both within the Thredbo Village and associated with other existing telecommunication facilities on the Mountain as follows:

Other Site Options	Reasons for Dismissal
a) New telecommunications facility in Thredbo Village.	- Visual impact to Village; - Immediate Village coverage only; - Site footprint occupying valuable real estate.
b) Co-location with Telstra Facility in Thredbo Village.  Refer to Site Photo Below.	- No capacity within sign structure for co-location; - No capacity for BTS units in Telstra equipment room; - Immediate Village coverage only;
c) Upgrade of Existing Facility or New Facility located at Eagles Nest (Top of Mountain).  Refer to Site Photo Below.	- Location at capacity; - Greater visual impact; - Coverage not penetrating into village and surrounding townships; - Maintenance access
d) Temporary Facility in Thredbo Village.  Refer to Site Photo Below.	- Visual impact to Village; - Immediate Village coverage only; - Site footprint occupying valuable real estate (car parking spaces); - Security issues; - Costly to run.

**Figure 6:** Alternative option consideration (Source: Applicant SEE)

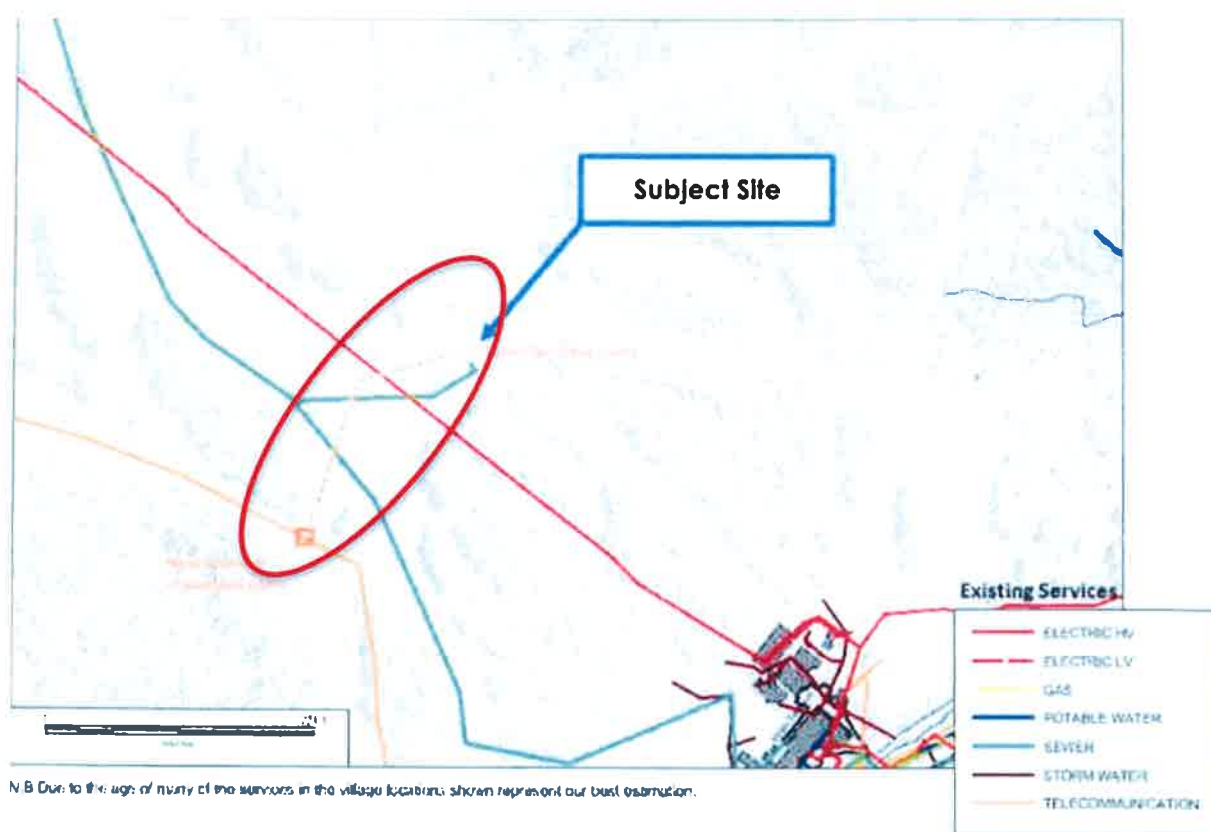


The Department considers the above reasons for dismissal are reasonable in the context of the Village and avoidance of environmental impacts. The Department concludes that the proposed location for the telecommunication facility is satisfactory and will provide a coordinated location for any future carriers if required.

### 5.2.3. Environmental impacts

The site for the proposed telecommunication facility was specifically selected within a disturbed area adjoining a large existing maintenance shed and workshop. The proposed monopole and equipment shelter occupy a minimal area, within a 100 m<sup>2</sup> proposed to be subdivided for the facility. The application indicates that no vegetation is to be removed for the facility.

The only potential environmental impacts that may result from the proposal is the required trenching for the new optic cable to connect into the existing telecommunication cables (**Figure 7**).



**Figure 7:** Proposed optic fibre transmission run extract in orange (Source: Applicant SEE)

OEH originally raised concern on potential environmental impacts on flora and fauna from trenching to install the proposed optic fibre cables. The Applicant advised that the proposed fibre route is to follow existing access tracks, which will lead to minimal environmental impacts.

The Applicant commits to further investigating alternative techniques to lay the cable (boring) following development consent. The Department concludes that the environmental impacts are acceptable subject to conditions of consent relating to construction methods and maintaining reasonable setbacks to existing vegetation, particularly in relation to supplying the optic fibre cable for the facility.

### 5.2.4. Electromagnetic energy (EME) impacts

The Australian Communications and Media Authority (ACMA) set the standards that limit human exposure to EME. This standard has been prepared by the Australian Radiation Protection and NSW Government  
Department of Planning and Environment

Nuclear Safety Agency (ARPANSA) and is the *Radio communications (Electromagnetic Radiation-Human Exposure) Standard 2003*.

Carriers must comply with standards set down by the ACMA. Therefore Optus must comply with the appropriate exposure limits as set down by ACMA for the proposed telecommunications installation upgrade at the Perisher Valley.

The maximum EME level calculated for the proposed systems at the site is 0.63% of the public exposure limit. The report also identifies levels at the Thredbo Village Leisure Centre Child Care Centre as a place of interest with levels of 0.0096% of the public exposure limit. The EME levels for the proposed facility comply with the relevant standards and are therefore acceptable.

### **5.2.5. Construction Impacts**

Access to the site is via Alpine Way and Friday Drive into Thredbo Village. The site can then be accessed by the existing Cat Shed 4WD access track. No road closures are required during the installation of the telecommunication facility. The installation requires a mobile crane, bottom lift cherry picker and 4 utility trucks. Construction will require approximately 4 weeks to complete.

The Department has reviewed the proposal and considers that all construction impacts can be satisfactorily managed subject to conditions of consent. Conditions will include controls relating to the laying for underground cables for optic fibre and power relating to the proposed facility.

Given the location of the facility on the ski slope and distance from existing lodges, impacts on adjoining amenity during construction are considered to be minimal and do not require specific conditions of consent.

### **5.3. Suitability of the site**

The Applicant has considered a number of issues in relation to site selection for the proposed facility. This assessment includes consideration of alternative sites, existing telecommunication facilities, environmental impacts and visual amenity.

The Department concludes that the site is suitable for the development for the following key reasons:

- the site allows the facility to reach an appropriate balance between providing sufficient functionality to service the Village and limit unacceptable visual impacts;
- the site is co-located with other ski infrastructure within an existing disturbed area in the National Park; and
- the site will not result in any adverse environmental impacts on existing native flora and fauna.

### **5.4. Public Interest**

The proposed development is considered to be consistent with the aim and objectives of the Alpine SEPP and the public interest would not be compromised by the proposal subject to conditions. There would also not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.

## **6. CONCLUSION AND RECOMMENDATION**

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### **6.1. Conclusion**

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed

within the proposal and the recommended conditions. The Department supports the proposal for the following reasons:

- the proposal will not lead to significant impacts on any threatened species, populations or ecological communities;
- the proposal is limited to a single monopole and constructed of non-reflective materials and will not result in significant visual impacts on the surrounding locality including the Thredbo Village;
- the location is appropriate in the context of the existing maintenance shed and other related ski lift infrastructure;
- the proposal is set back from Friday Drive and Thredbo Village accommodation and residential areas;
- the maximum electromagnetic energy levels from the facility meet the relevant standards;
- the proposal will result in a more coordinated location for future carriers and the removal of the temporary Cell on Wheels (COW) located in the village; and
- the proposal will have beneficial social outcomes by ensuring improved mobile data network coverage for Thredbo Village and ski slopes.

Overall, the Department is satisfied that the Development Application has been appropriately designed and recommends that the application be approved subject to the imposition of conditions.

## 6.2. Recommendation

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

- a) **consider** all relevant matters prescribed in section 79C of the EP&A Act, including the findings and recommendations of this report; and
- b) **approve** the Development Application (DA 6968), under section 80(1)(a) of the EP&A Act, having considered matters in accordance with (a) above, and **sign** the Notice of Determination at **Appendix C**.

Prepared by:  
Michael Woodland, Consultant Planner

Reviewed by:



Mark Brown  
Senior Planner  
Alpine Resorts Team

Approved by:



Daniel James  
Team Leader  
Alpine Resorts Team

16/9/2015

## **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=6968](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6968)

## APPENDIX B. CONSIDERATION OF RELEVANT LEGISLATION

### ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

To satisfy the requirements of section 79C(a)(i) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

#### Section 79C(1) – Matters for consideration

In determining a DA, a consent authority must take into consideration the matters referred to in section 79C(1) of the EP&A Act as are relevant to the development. **Section 5.1** of this report details consideration of the matters in section 79C(1), however a detailed consideration of the likely impacts of the development is provided below:

#### S 79C(1)(b) the likely impacts of that development

Context and setting – The proposal is appropriate in the context of the locality, refer to Section 5.2.1 of this report.

Access, transport and traffic – The proposal will only result in a minor increase in traffic during the 4 week construction period. Once construction has ceased the proposal will not increase the traffic to the site or impact upon access, transport or traffic management within the Resort.

Public domain – The proposed works will lead to any significant impacts upon the public domain.

Utilities and energy – Energy and utility requirements will not adversely impacted by the proposal.

Heritage – The proposal will not impact upon any European or Aboriginal archaeological heritage items.

Other land resources – No impact on other land resources.

Water – There will be minimal impact on water resources as the proposal does not involve works being carried out within 40 metres from a waterway or creek.

Soils – The proposal involves site environmental management measures that will be implemented to prevent erosion and control sediment during works. Minimal impact is expected as a result of the proposed construction works subject to recommended conditions of consent.

Noise and vibration – There will be an increase in noise and vibration during construction, which will be short term and managed in accordance with conditions of consent.

Air and microclimate – No impact on the air and microclimate is expected.

Flora and fauna – Refer to **Section 5.2.3** of this report.

Waste – The excavation for the proposal will be minimal, with any waste disposed at an approved waste disposal facility.

Natural hazards – It is not envisaged that any natural hazards would prevent or impact on the development.

Technological hazards – The proposal is within regulated EME levels and to be carried out in accordance with relevant Guidelines.

Safety, security and crime prevention – The proposal does not have an impact on safety, security and crime prevention.

Social impact – The proposal will improve mobile phone and data coverage for Thredbo Village. No adverse social impact is envisaged as a result of the proposal.

Economic impact – The proposal is minor, however increased mobile and data coverage can contribute to positive local economic impacts.

Site design and internal design – The proposed slimline design and materials is considered to be acceptable to minimise any visual impacts and address visual amenity of the locality. See Section 5.2.1 of this report.

Construction – The proposal is relatively small in scale and no adverse impacts are envisaged during the construction phase.

Cumulative impacts – No cumulative impacts are envisaged as a result of this proposal, the slimline telecommunications facility has the ability to service future carries and potentially limit future telecommunication structures in the locality.

## STATE ENVIRONMENTAL PLANNING POLICY (KOSCIUSZKO NATIONAL PARK – ALPINE RESORTS) 2007

### CI 2 – Aim and objectives:

The proposal is considered to be consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and comprises the installation of a new telecommunications facility. The proposal will improve and upgrade the Optus mobile phone and data network, ensuring a better service provision for customers.

### CI 11 – Land Use Table

Pursuant to clause 11 of the Alpine SEPP and the Perisher Range Alpine Resort Land Use Table, 'Telecommunication facilities' are permissible with consent.

### CI 14(1) – Matters to be considered by consent authority

(a) the aim and objectives of this policy, as set out in clause 2

See discussion above.

(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),

The proposal is appropriate as it is located within an existing disturbed area with minimal impact on the environment. Natural hazards have been adequately addressed.

(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply

Not applicable



(d) any statement of environmental effects,	The SEE supplied is considered adequate to enable a proper assessment of the proposal.
(e) the character of the alpine resort,	The proposed facility is sufficiently setback from the existing Thredbo Village and co-located with other ski related infrastructure. Telecommunication facilities are currently associated with all urban environments and currently feature in the resorts and surrounding areas. The location of the facility is not considered to significantly impact on the character of the locality in this context.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	The application is supported by a Geotechnical Report to support the proposed construction of the facility.
(g) any sedimentation and erosion control measures,	Sedimentation and erosion control are adequately addressed in the SEE. Conditions are recommended to ensure implementation during works.
(h) any stormwater drainage works proposed,	No impact to stormwater or drainage is anticipated.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal will not result in an unacceptable visual impact, refer to Section 5.2.1 in this report.
(j) any significant increase in activities, outside of the ski season,	The proposal will improve the capability of Thredbo to increase activities outside the ski season through improved telecommunication coverage in the Village and surrounds.
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan and the document entitled Perisher Blue Ski Slope Master Plan,	N/A
(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal is not located in a riparian corridor.
<b>CI 16 – Additional matters to be considered for subdivision</b>	
(a) to the fullest extent practicable, lot boundaries follow ecological, catchment, topographical or other natural boundaries in the vicinity (if any) so as to facilitate the long-term protection of biodiversity	The lot boundaries are associated with the function of the telecommunications facility located within an existing disrobed area and will not lead to any significant impacts on environmental conservation values.

values and conservation management, and	
(b) if it is proposed that the land be built on—the land is not subject to flooding or geotechnical risks or is otherwise unsuitable for building purposes, and	A Geotechnical Report has been submitted with the application. The report concludes that the site is suitable for the proposed development subject to recommendations. The Department recommends suitable conditions of consent in relation to construction of the facility.
(c) the subdivision will (to the extent relevant) achieve the most efficient use of existing public utility services (such as water supply and sewerage services), and	The telecommunication facility is well located and able to connect to existing utility services in the locality including power and transmission cables.
(d) the subdivision will not have any significant adverse impact on any of the following plant communities on land identified as containing such a plant community in any Figure (other than Figures 1 and 11) in the Kosciuszko Resorts Vegetation Assessment: (i) feldmark, (ii) short alpine herbfield, (iii) snowpatch.	The subdivision proposal is located within an existing disturbed area and is not considered to lead to any adverse impacts on identified plant communities. No objection is raised by OEH in relation to the proposed subdivision and impact on the existing environment.
<b>CI 17 – applications referred to the Office of Environment and Heritage (OEH)</b>	
The proposal was referred to the OEH pursuant to clause 17 of the Alpine SEPP. Refer comments received at <b>Section 4.2</b> and discussion on proposal at <b>Section 5</b> .	
<b>CI 26 – Heritage conservation</b>	
European heritage	The proposal will not impact on any European heritage items.
Aboriginal heritage	The proposal is unlikely to impact on any Aboriginal heritage items, given the site area has been previously disturbed. However, conditions of consent have been included to ensure that works cease if any item become unearthed during excavation.

### STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Pursuant to s.79C(1)(a)(i) of the EP&A Act 1979, the proposed development has been considered against the provisions of the Infrastructure SEPP:

#### Clause 2 – Aim of Policy:

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. As part of this, the Policy identifies the environmental assessment category for development as well as matters to be considered. These are discussed below as relevant to the development.

<p>Part 3 of the Policy sets out development controls for certain types of development, and Division 21 of this Part sets out the development controls for telecommunications and other communication facilities:</p>	
<p>Clause 113 - Definitions</p>	
<p>The telecommunications component of the proposal fits the following definitions:                  telecommunications facility <b>means:</b></p> <p>(a) any part of the infrastructure or a telecommunications network, or                  (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or                  (c) any other thing used in or in connection with a telecommunications network.</p> <p>telecommunications network has the same definition as in the standard instrument.</p>	
<p>Clause 115: Development permitted with consent</p>	
<p>(1) Development for the purpose of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.</p>	<p>As discussed above, the proposal falls within the definition of a telecommunications facility, it is not development in clause 114, 20 or 116, and is therefore permissible with consent.</p>
<p>(3) Before determining a development application to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purpose of this clause and published in the Gazette.</p>	<p>The Department of Planning published 'NSW Telecommunications Facilities Guideline Including Broadband' in July 2010, to supplement the telecommunications facility provisions in SEPP (Infrastructure) 2007. An assessment of the proposal against this guideline is provided in Appendix C. In summary, the proposal is consistent with this guideline.</p>

## APPENDIX C. CONSIDERATION OF RELEVANT GUIDELINES

### NSW Telecommunications Facilities Guideline Including Broadband (July 2010)

These guidelines were produced by the NSW Department of Planning to provide a guide to State wide planning provisions and development controls for telecommunication facilities in NSW contained in the Infrastructure SEPP.

An assessment of the proposed development against the relevant sections of the guideline is provided below:

Section 2 – Site Selection, Design, Construction and Operation Principles for Telecommunications Facilities	
Principle 1: A telecommunication facility is to be designed and sited to minimise visual impact.	
(b) The visual impact of telecommunications facilities should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions (including support mounts) should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.	The proposal consists of a single mono-pole will not result in an unacceptable visual impact, refer to Section 5.2.1 in this report.
(e) A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.	Although the site is not rural, it is located within an alpine natural setting. The design of the facility responds appropriately to this setting through its slim line monopole design and location within a highly disturbed area. The use of appropriate non-reflective materials will minimise impacts to the visual amenity of the locality. Refer to Section 5.2.1 in this report.
(g) A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	The proposal consists of a single mono-pole will not result in an unacceptable impacts on the visual amenity of the locality, refer to Section 5.2.1 in this report.
(j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.	Industry Code C564:2011 Deployment of Mobile Phone Base Station Deployment (2011) – see discussion below this table.
Principle 2: Telecommunications facilities should be co-located wherever practical.	
(a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.	The proposal incorporates the trenching for telecommunication lines along an existing access track. Recommended conditions of consent will ensure minimal and acceptable

	environmental impacts during construction.
(b) Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter.	The proposed monopole structure will enable co-location of other carriers to avoid unnecessary clutter.
(f) If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.	N/A. The proposal does not involve co-location with other telecommunication facilities, however any future co-location will be assessed on its merits to determine compliance with required radio frequency emissions  See discussion below at Principle 3(a) regarding application and compliance with the Radiation Protection Standard.
<b>Principle 3: Health standards for exposure to radio emissions will be met.</b>	
(a) A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard. Refer also to Appendix D.	The application is supported by a report that establishes EME levels for the proposed facility comply with the relevant standards. Refer to Section 5.2.4 of this report.
(b) An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.	The application is supported by a report that establishes EME levels for the proposed facility comply with the relevant standards. Refer to Section 5.2.4 of this report.  Recommended conditions of consent have been included requiring compliance with the relevant Industry Code C654:2011
<b>Principle 4: Minimise disturbance and risk, and maximise compliance</b>	
(a) The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996	There is not an airport within 30km of the subject site and the proposal will not protrude above any obstacle limitation.

of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.	
(b) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.	The subject site is not within close proximity to an airport or port of Commonwealth Defence land, therefore there will be no impact in this regard.
(c) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.	This would be the responsibility of any Carrier installing a telecommunications facility or ancillary facility in the future.
(d) The telecommunications facility is not to affect the structural integrity of any building on which it is erected.	N/A
(e) The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.	The proposal also includes subdivision of the site. The head-lessee has provided owners consent for lodgment of the development application.
(f) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004), or its replacement.	Appropriate erosion prevention and sediment control will be further enforced by way of standard conditions of consent.
(g) Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.	The proposal includes securing the site from the public. The equipment shelter will be securely locked and no climbing devices installed on the monopole. The facility is not located in an area directly impacted by the existing ski run.  Construction access is considered acceptable, with no road closures required - refer to Section 5.2.5 in this report
(h) Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.	This is reflected in the conditions in <b>Schedule 2</b> .



<p>(i) Traffic control measures are to be taken during construction in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads.</p>	<p>N/A</p>
<p>(j) Open trenching should be guarded in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.</p>	<p>N/A</p>
<p>(k) Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.</p>	<p>N/A. Refer to Section 5.2.3 of this report.                  Recommended conditions of consent have been included requiring minimal environmental impacts.</p>
<p>(l) The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.</p>	<p>The proposal is located in an area already disturbed. OEHL raise no objection to the proposal subject to recommended conditions of consent.                  The proposal is unlikely to have a significant effect on threatened species, endangered populations, ecological communities, or their habitats; and unlikely to have a significant impact on matters of National Environmental Significance or Commonwealth land.</p>
<p>(m) The likelihood of harming an Aboriginal Place and / or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.</p>	<p>The proposal is located in an area already disturbed. OEHL raise no objection to the proposal subject to recommended conditions of consent.</p>
<p>(n) Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.</p>	<p>No street furniture, paving or other existing facilities will be removed as part of this proposal.</p>

### Industry Code C564:2011 Mobile Phone Base Station Deployment (2011)

This Code supplements the requirements already imposed on Carriers under the existing legislative scheme. Below is an assessment of the siting and design of the building against this Code as relevant, as stipulated in section 2, Principle 1(j) of the *NSW Telecommunications Facilities Guideline including Broadband (2010)*.

<b>Section 4 – Application of the Precautionary Approach to Mobile Phone Radio Communications Infrastructure Placement and Design</b>	
<b>Site Selection</b>	
4.1.5 The procedures must require, as a minimum, that for each site the Carrier have regard to:	
(a) the reasonable service objectives of the Carrier including: (i) the area the planned service must cover; (ii) power levels needed to provide quality of service; (iii) the amount of usage the planned service must handle;	This is a consideration for future carriers intending to use the facility to accommodate equipment.
(b) minimization of EMR exposure to the public;	A condition has been included in Schedule 2 requiring compliance with the relevant standards and codes for EMR.
(c) the likelihood of an area being a community sensitive location. (Examples of sites which sometimes have been considered to be sensitive include residential areas, childcare centres, schools, aged care centres, hospitals and regional icons);	The site is not a community sensitive location. The EME report considers impacts on surrounding community sensitive locations, confirming no impacts.
(d) the objective of avoiding community sensitive locations;	
(e) relevant state and local government telecommunications planning policies;	SEPP (Infrastructure) 2007 has been considered in Appendix B.
(f) the outcomes of consultation processes with Councils and interested and affected parties as set out in Clause 6.7;	The proposal was placed on public exhibition. However, Carriers in the future will be required to comply with the consultation requirement of the Code.
(g) the heritage significance (built, cultural and natural);	N/A
(h) the physical characteristics of the locality including elevation and terrain;	The proposal is accompanied by a Geotechnical Report supporting the construction of a telecommunications facility in this location
(i) the availability of land and public utilities;	Power is available to the site.
(j) the availability of transmission to connect the radiocommunications infrastructure with the rest of the network, e.g. line of sight for microwave transmission;	The proposal can be connected to an existing Telstra optic fibre transmission line conduits from the Village. Recommended conditions of consent are proposed to address any

	environmental impacts.
(k) the radiofrequency interference the planned service may cause to other services;	The applicant advises that interference is not anticipated due to the design of the facility and radio propagation analysis undertaken, however will investigate any interference issues that are reported.
(l) the radiofrequency interference the planned service could experience at that location from other services or sources of radio emissions;	
(m) any obligations, and opportunities, to co-locate facilities; and	Co-location was not was not feasible at this location as demonstrated in the preferred location analysis. The applicant advised opportunities for future carriers to co-locate on the structure.
(n) cost factors.	This is a consideration for Kosciuszko Thredbo and the relevant Carriers.
<b>Infrastructure Design</b>	
4.2.3 With the objective of minimising unnecessary or incidental RF emissions and exposure, the procedures must require that, in designing Mobile Phone Radiocommunications Infrastructure, the Carrier have regard to:	
(a) the reason for the installation of the infrastructure, considering – coverage, capacity and quality;	This is a consideration for Kosciuszko Thredbo and the relevant Carriers.
(b) the positioning of antennas to minimise obstruction of radio signals;	The applicant advises that the design minimises impacts on existing radio signals.
(c) the objective of restricting access to areas where RF exposure may exceed limits of the EMR standard;	The applicant advises that new facility is designed to restrict public access to any areas that exceed the general public EME exposure limits.  The application is accompanies by a EME Report to establish the proposal meets the relevant standards, refer to Section 5.2.4 of this report.
(d) the type and features of the infrastructure that are required to meet service needs including: (i) the need for macro, micro or pico cells; and (ii) the need for directional or non-directional antennas.	
(e) the objective of minimising power whilst meeting service objectives; and	
(f) whether the costs of achieving this objective are reasonable.	
4.2.5 Site EMR assessments for Mobile Phone Radiocommunication Infrastructure must be made in accordance with the ARPANSA prediction methodology and report format (see Appendix B – Additional	

Design Information and Appendix C – ARPANSA EME Report Format).	
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## **APPENDIX C. RECOMMENDED CONDITIONS OF CONSENT**

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