

MODIFICATION ASSESSMENT REPORT

Modification to the approved temporary telecommunications facility at Leisure Centre Car Park and Eagles Nest, Thredbo Alpine Resort, Kosciuszko National Park

MOD 8446 (DA 7658 MOD 1)

1. INTRODUCTION

This report provides an assessment of an application to modify Development Consent 7658 for the installation of a temporary telecommunications facilities at the existing car park used to service the Thredbo Leisure Centre and Eagles Nest, Thredbo Alpine Resort within Kosciuszko National Park. The application has been lodged by Vodafone Networks Pty Ltd (the Applicant) under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend the consent allowing for use of the facility for the 2017 ski season.

The proposed modification is described in detail in **Section 4** of this report.

2. SUBJECT SITE

The subject site includes two sites, one being within accessible car spaces on an existing car park used to service the Thredbo Leisure Centre (**Figure 1**) and the other site at Eagles Nest on an existing pole structure.

The car park site is close to a grassed area with scattered trees that surrounds the Leisure Centre. The Thredbo River is located to the south of the site with the surrounding area comprised of a mix of holiday accommodation properties and commercial buildings.

The Eagles Nest site is located on an existing telecommunications structure along with other telecommunication providers.



Figure 1: Location of approved facility (circled) in context of Thredbo (Source: SIX Maps 2017)

3. DEVELOPMENT HISTORY

On 14 June 2016, the Team Leader of the Alpine Resorts Team, as delegate for the Minister for Planning approved an application for the deployment of a temporary telecommunications facilities, installation of a radio dish on Mount Crackenback and associated works.

The proposal included temporary telecommunications facilities, also known as a CoW, made up of a CoW located at the Leisure Centre car park and a radio-communications dish proposed to be installed on an existing steel pole located at the top of Mt Crackenback. The telecommunications facilities include the following components:

- one 15 metre pump-up steel mast;
- three panel antennas (no more than 2.8 metres in length);
- one 600mm diameter radio dish for transmission located at the top of the steel mast;
- equipment shelter 3 x 2.4 metres;
- ancillary equipment, including feeders to be running from the Base Transceiver Station (BTS) units to the panel antennas;
- temporary security compound fencing (2 metres in height) with 3 metre wide access gates; and
- one 300mm diameter radio dish for transmission at the top of Mt Crackenback on existing steel pole at a height of 3 metres.

4. PROPOSED MODIFICATION

The Applicant seeks to modify DA 7658 to allow the installation and use of the same temporary telecommunication facility for the winter 2017 ski season. The deployment would be the same facility and is proposed to be provided where the former Optus temporary facility was contained within the confines of the car park at the leisure centre.

5. STATUTORY FRAMEWORK

5.1 Modification of Approval

The modification application has been lodged with the Department under Section 96(1A) of the EP&A Act. Section 96(1A) of the EP&A Act provides that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority, and subject to and in accordance with the *Environmental Planning and Assessment Regulations 2000* (Regulations), modify a consent that is deemed to be substantially the same development.

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

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

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	The proposed modification is of minimal environmental impact.
The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that	<p>The Department is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.</p> <p>The Department notes that the CoW is to be provided in a modified location (approximately 5 metres) to the previous approval.</p>

consent as originally granted was modified (if at all)	
Whether notification has occurred and any submissions have been considered	<p>There is no development control plan in place that requires the modification application to be notified. Noting the extent of the modifications, the Department did not publicly notify the application, however placed it on the Department's website.</p> <p>No public submissions were received.</p>
Consideration of relevant matters referred to in Section 79C(1) of the EP&A Act	<p>The relevant consideration under Section 79C(1) is the impact upon the existing environment. The proposed modification would not have an increased impact to that of the original approved proposal.</p>

5.2 Environmental Planning Instruments

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

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

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

5.3 Delegation

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

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

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

6. CONSULTATION

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

The modification was referred to the OEH for information and no concerns were raised.

7. CONSIDERATION

The Department has assessed the modification (to utilise the telecommunication facility for the 2017 ski season) and considered the proposals environmental impact, while having regard to the previously approved development.

The environmental effects of the facility have been assessed in the original DA and the modification will have no greater impact than that which has already been assessed, despite the minor alteration to the location of the facility. The Department notes that Kosciuszko Thredbo Pty Ltd has bitumen sealed the carparking area where the facility is to be provided, rather than the previous gravel surface.

The Department is satisfied that the proposal is appropriate and the Applicant has adequately considered its impact upon the natural environment. No new Section 79C(1) matters are raised as a result of the amended proposal than originally considered.

On this basis, the Department supports the proposed amendments.

8. CONCLUSION

After consideration of the proposal against the relevant statutory considerations, Section 79C and 96(1A) of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposed modifications to the approval are appropriate. The proposal is permissible and no public submissions were received regarding the application.

The Department considers the modification request is acceptable as:

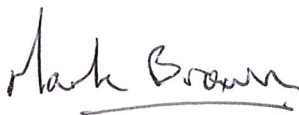
- the visual and environmental impact from the temporary facility is deemed minor as it is only short term and no permanent changes are proposed;
- the proposal remains substantially the same as originally approved and there will be minimal environmental impact as a result of the proposed amendments; and
- the proposal does not result in any additional matters under Section 79C(1) of the EP&A Act.

On this basis, the Department supports the proposed amendments.

9. RECOMMENDATION

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

- a) **consider** the findings and recommendations of this report;
- b) **approve** the modification (MOD 8446) under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*; and
- c) **sign** the Notice of Determination.



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APPENDIX A. RELEVANT SUPPORTING INFORMATION / SUBMISSIONS

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=8446

APPENDIX B. RECOMMENDED MODIFICATION CONSENT
