

Development consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I grant development consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Daniel James
Team Leader
Alpine Resorts Team
Department of Planning and Environment

Jindabyne

16/5/2018

SCHEDULE 1

Application No.:	DA No. 9111
Applicant:	Telstra Corporation Ltd
Consent Authority:	Minister for Planning
Land:	Charlotte Pass Ski Resort, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Works including: <ul style="list-style-type: none">• installation of telecommunication infrastructure; and• other associated works.

DEFINITIONS

Act		means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant		means Telstra Corporation Ltd.
Approval Body		has the same meaning as within Division 4.8 of Part 4 of the Act.
BCA		means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
Certifying Authority		has the same meaning as in Part 4A of the Act.
DA No 9111		means the development application and supporting documentation submitted by the applicant on 15 February 2018.
Department		means the Department of Planning and Environment, or its successors.
Director		means the Director of Key Sites Assessments or a delegate of the Key Sites Assessments within the Department.
Minister		means the Minister for Planning, or nominee.
OEH		means the NSW Office of Environment and Heritage, or its successors.
Regulation		means the <i>Environmental Planning and Assessment Regulations, 2000</i> (as amended).
Secretary		means the Secretary of the Department, or nominee/delegate.
Secretary's approval, or agreement satisfaction		means a written approval from the Secretary or nominee/delegate.
Subject site		has the same meaning as the land identified in Part A of this schedule.
Team Leader		means the Team Leader of the Alpine Resorts Team within the Key Sites Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1 Obligation to minimise harm to environment

In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

A.2 Development in accordance with approved documentation and plans

The development shall be in accordance with the Development Application No. DA 9111 submitted by Telstra Corporation Ltd on 15 February 2018 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Proposed Telecommunications Facility at Charlotte Pass (excluding Appendix A)	Cyient	February 2018	Version 1
2	Plan	Site layout and access	Cyient	15 May 2018	N110430 Sheet No 1
3	Plan	Site TX Route	Cyient	15 May 2018	N110430 Sheet No S1-1
4	Plan	Underground Services	Cyient	15 May 2018	N110430 Sheet No S1-2
5	Plan	South Elevation	Cyient	15 May 2018	N110430 Sheet No S3
6	Plan	AC Power Connection	Cyient	15 May 2018	N110430 Sheet No E2
7	Plan	ICS Enclosure	Cyient	15 May 2018	N110430 Sheet No E5
8	Plan	TE/RT Construction Works	Cyient	15 May 2018	N110430 Sheet No E6
9	Plan	Antenna Mountain Details	Cyient	15 May 2018	N110430 Sheet No T3
10	Plan	RF Isolation Switch Mounting Details	Cyient	15 May 2018	N110430 Sheet No T3-1
11	Plan	ICS Cabinet Food Details	Cyient	15 May 2018	N110430 Sheet No T8
12	Email	Charlotte Pass Proposal - OE & Dept Planning Approval (confirmation of depth of excavation and other engineering matters)	Newton Biswas - Cyient	4 May 2018 (14:49)	-
13	Certification	'Attachment D' Structural Assessment	Ertaz Chowdhury – Cyient	7 February 2018	303948 Charlotte Pass

A.3 Inconsistency between documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

A.4 Lapsing of consent

This development consent will lapse five years from the date of consent, unless the building, engineering or construction work relating to the development is physically commenced on the land to which this consent applies before the date on which the consent would otherwise lapse.

A.5 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, your attention is drawn to:

- (a) clause 98, Compliance with Building Code of Australia; and
- (b) clause 98A Erection of signs during building and demolition works.

A.6 Australian standards

All works shall be carried out in accordance with current Australian Standards.

A.7 Legal notices

Any advice or notice to the consent authority shall be served on the Secretary.

PART B – PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

B.1 Construction certificate

Work must not commence until a relevant construction certificate has been issued.

B.2 Payment of the Long Service Levy

Prior to the issue of any construction certificate, evidence shall be provided to the certifying authority, in the form of a receipt, confirming payment of the Long Service Levy to the Long Service Payments Corporation in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.

B.3 Structural detail and compliance with the BCA

Prior to the issue of any construction certificate, all the following information shall be submitted to, and be to the satisfaction of the certifying authority:

- (a) Structural drawings and design statement - Prepared and signed by an appropriately qualified practising structural engineer that comply with:
 - (i) the BCA;
 - (ii) development consent DA 9111;
 - (iii) drawings and specifications comprising the construction certificate; and
 - (iv) current and relevant Australian Standards.
- (b) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1 Notification to Department of the date of commencement of works

The Secretary or nominee shall be given written notice, at least 2 days prior to works commencing on site, of the date that works are proposed to commence.

C.2 Site Environmental Management Plan (SEMP)

- a) Prior to the issue of any construction certificate, a SEMP must be provided to, and be to the satisfaction of the certifying authority. The plan should include details for site management, such as the following where relevant;
- (i) erosion and sedimentation control management detail;
 - (ii) management of native vegetation;
 - (iii) waste management;
 - (iv) noise and vibration pollution;
 - (v) air pollution;
 - (vi) fuels and chemicals;
 - (vii) vehicle parking, machinery access and material storage; and
 - (viii) emergency procedures.
- b) Prior to any construction works commencing, site environmental management measures shall be in place and in good working order.

C.3 Protection of adjacent vegetation areas

Site management shall ensure that appropriate measures are in place to ensure that vehicles and machinery do not enter areas of vegetation that are not part of the proposed development.

C.4 Trenching alignment

Prior to the commencement of construction on the trenching,

- a) the alignment of the trench is to be appropriately flagged; and
- b) representatives from the OEHL and the PCA must be provided the opportunity to inspect the alignment.

C.5 Leasing

The applicant is to consult with the Office of Environment and Heritage to determine any lease, licence or other authorisation that is required for the development under the National Parks and Wildlife Act 1974, and prior to the commencement of construction works the appropriate lease, licence or authorisation must be obtained and in place.

PART D – DURING WORKS

D.1 Approved plans and documentation to be on-site

A copy of the approved plans and documentation shall be kept on site at all times and shall be readily available for perusal by any person associated with construction works, or an officer of the Department.

D.2 SafeWork NSW

All works shall be carried out in accordance with current SafeWork guidelines.

D.3 Storage of materials

The applicant shall ensure that at all times during the construction period that no storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation.

D.4 Noise and vibration management

Excavation and construction shall be managed in accordance with AS 2436 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure that there is not an adverse impact for any neighbouring/affected tourist accommodation buildings during the construction period.

D.5 Litter and building waste

Building waste shall be minimised and shall be contained in receptacles so as not to escape by wind or water. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacle must be cleaned regularly.

D.6 Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction shall be restricted to disturbed areas of the site.

D.7 Construction hours

All work in connection with the proposed development shall be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Secretary or nominee.

D.8 Construction period

- (a) All construction activities are limited to the "summer" period. For this development this period means commencing after the October long weekend and ceases no later than 31 May or as otherwise approved by the Secretary or nominee.
- (b) By 31 May the applicant shall ensure that that the site is made safe and secure by undertaking the following:
 - (i) removal of all waste materials;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) completion of all stabilisation and rehabilitation works in accordance with these conditions of consent; and
 - (iv) any other specific matters related to making the sites safe and secure raised by the Secretary or nominee during the course of construction.

D.9 Prohibition of hazardous materials

Hazardous or toxic materials or dangerous goods shall not be stored or processed on any site at any time.

D.10 Maintenance of services

The applicant and/or the lessee are responsible for costs associated with relocating any services. Any damage to any service including road infrastructure shall be immediately rectified by the applicant and/or the lessee.

D.11 Protection of native vegetation

Site management shall ensure that appropriate measures are in place to ensure that vehicles, machinery or persons do not damage or remove any native vegetation that is not part of this

consent. The damage or removal of any native vegetation that is not part of this consent may warrant further action to be undertaken in accordance with the National Parks and Wildlife Act 1974 or the Environmental Planning and Assessment Act 1979.

D.12 Excavations and backfilling

- (a) All excavating and backfilling shall comply with the following:
 - (i) shall be executed in a safe manner and in accordance with appropriate professional standards;
 - (ii) where excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
 - (iii) any excess excavated material is to be moved off-site for storage or disposal;
 - (iv) adequate provision shall be made for drainage; and
 - (v) all excavations shall be properly guarded and protected to prevent them from being dangerous;unless otherwise agreed in writing by the Secretary or nominee.
- (b) Any clean excavated material may be temporarily stockpiled at the site compound prior to its removal off-site.
- (c) Any clean excess fill shall be reused on site or disposed of at an authorised land fill site, and any contaminated spoil shall be disposed of at an authorised waste facility.
- (d) Imported fill material shall only be obtained from an Office of Environment and Heritage recommended source.

D.13 Rehabilitation and site establishment

- (a) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas.
- (b) Rehabilitation shall be undertaken in accordance with:
 - (i) the Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS 2007);
 - (ii) sod replacement must be undertaken where trenching in native heath or grass areas is proposed;
 - (iii) disturbed areas shall be adequately mulched and maintained with weed free straw until an erosion resistant ground condition is achieved;
 - (iv) these conditions of consent;
 - (v) rehabilitation in wet areas must include 100% native carex species due to the wet nature of the site; and
 - (vi) the site must be monitored to ensure the trench lines achieve a pre-works state, this may include replanting if plants do not survive.

D.14 Aboriginal heritage

Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works, all works impacting the objects or artefacts shall cease immediately as per Section 90 of the *National Parks and Wildlife Act 1974*. The applicant must immediately contact the OEH to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

D.15 Utility services

- (a) Any utility disconnections and connections shall be carried out by an appropriately qualified and licensed contractor in accordance with the relevant Australia Standards.
- (b) At all times, measures are to be implemented to ensure protection of any utility infrastructure on or within the vicinity of the subject site.
- (c) Prior to undertaking any excavation or backfilling affecting any utility infrastructure, it is the responsibility of the Applicant to ensure that the utility provider has undertaken any inspections that are required by that provider.

PART E – PRIOR TO COMMENCEMENT OF USE

E.1 Occupation certificate

Prior to the occupation of the building or the commencement of use, an occupation certificate must be obtained from the PCA. A copy of the occupation certificate must be furnished to the Secretary prior to the occupation of the building or commencement of the use.

E.2 Rehabilitation

The PCA shall not issue an occupation certificate unless satisfied that all disturbed ground has been rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

E.3 Site Clean Up

Prior to commencement of use, the subject site shall be cleaned up to the satisfaction of the PCA.

E.4 Removal of site notice

Any site notices or other site information signs shall be removed upon completion of the site works and prior to the commencement of use.

E.5 Structural certification

A structural engineer's certificate shall be submitted to the PCA prior to issue of any occupation certificate. This certificate is to verify that structural works have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards. A copy of the certificate is to be submitted to the Secretary with the Occupation Certificate documentation.

E.6 Electrical Certification

Prior to the issue of any occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the PCA. The certificate shall indicate that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards.

ADVISORY NOTES

AN.1 Responsibility for other consents / agreements

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.