

1.2 The Site and Surrounding Development

The Charlotte Pass Alpine Resort is located within Kosciuszko National Park, approximately 40 kilometres from Jindabyne. The village is mainly used during the winter season for snow related recreational activities. The village contains a variety tourist accommodation building, ski lift and snow making infrastructure, restaurants, bars and workshops. The village is snowbound during winter and the only access is via over-snow vehicle, outside winter access is available off the Kosciuszko Road.

The village is approximately 1750 metres above sea level and is the highest altitude village in Australia. The environment at this altitude is unique and the flora and fauna that surround the village is considered sensitive and includes several endangered species of plants and animals.

The site of the proposed telecommunications installation comprises an existing timber utility pole pictured in **Figure 2 and 3**, adjacent to Knockshannoch Ski Lodge and a gravel access road that runs through the village.

Spencers Creek is located approximately 30 metres to the west of the pole. Along the gravel access road where the trenching will occur the closest distance to Spencers Creek is 10 metres.



Figure 2: Timber utility pole to be utilised (Source: Applicant's submitted documentation)

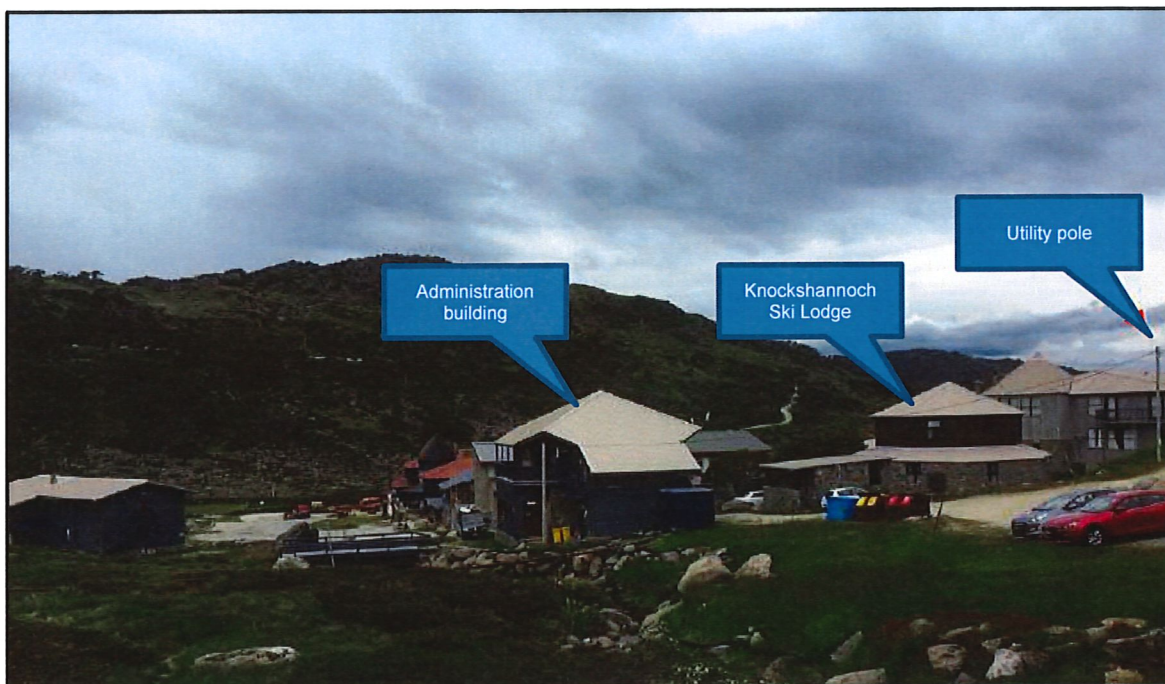


Figure 3: Timber utility pole to be utilised (Source: Applicant's submitted documentation)

2. PROPOSED DEVELOPMENT

The development application seeks approval to install a telecommunications facility on an existing utility pole along with infrastructure at the base of the pole and underground services in Charlotte Pass (**Figure 4**). Overall the facility comprising the following:

- installation of one omni antenna at the apex of the timber pole approximately 7.3 metres above ground level;
- installation of one remote radio unit;
- proposed isolation/tilt switch attached to the timber pole;
- installation and maintenance of additional ancillary equipment such as feeders, as required;
- proposed equipment shelter at the base of the timber pole being galvanised steel and approximately 1.4m high x 0.4m wide x 0.8m long; and
- proposed underground electrical power route from the office building to the equipment shelter.

The telecommunications facility will be attached to a centrally located utility pole with associated trenching and cable hauling to the administration building across the road and in front of nearby tourist accommodation buildings, Knockshannock and Kosciuszko Alpine Club (**Figure 1**). The cable would then be hauled through existing conduit up the entrance to Charlotte Pass and down the road towards Perisher Valley for approximately one kilometre.

Approximately 110 metres of trenching is proposed at a depth not exceeding 900mm and a width of approximately 300mm. The remaining cable is to be hauled through approximately 125 metres of conduit to the communications room.

The proposal is requested on the basis that it would provide Telstra customers with improved coverage and user capacity in the Charlotte Pass area as well as improved emergency management for the area.

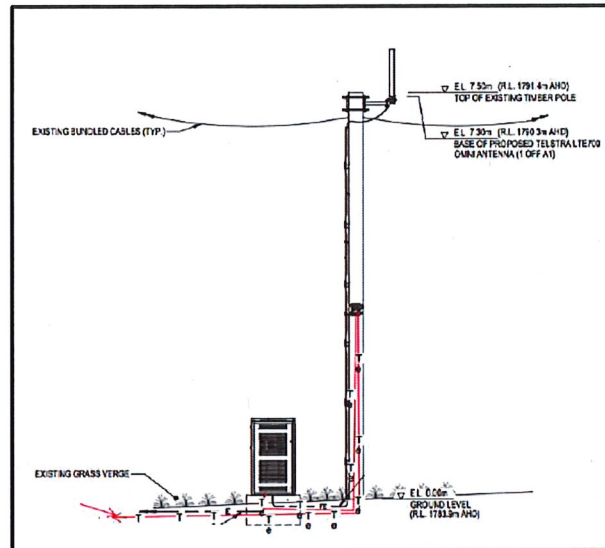


Figure 4: Proposed telecommunication facility (Source: Applicant's submitted documentation)

3. STATUTORY CONTEXT

3.1 Consent Authority

Under clause 7 of *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (the Alpine SEPP), the Minister for Planning is the consent authority for the application as the development takes place within a ski resort area as referred to in clause 32C (2)(a) of Schedule 1 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

3.2 Determination under Delegation

In accordance with the Minister's delegation of 11 October 2017, the Team Leader, Alpine Resorts Team may determine the application as:

- 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.

3.3 Permissibility

The proposed facility is consistent with the definition of 'telecommunications facilities'. Pursuant to clause 11 of the Alpine SEPP, 'telecommunications facilities' are permissible with consent within the Charlotte Pass Alpine Resort.

3.4 Notification

After accepting the application, the Department placed the application on its website available to the public. The Department also notified nearby tourist accommodation buildings including Knockshanoch, Jerrabomberra, Stillwell and Southern Alps. No public submissions were received during the assessment of the application.

The Department notified the Office of Environment and Heritage (OEH) about the proposal, who provided comments in relation to flora and fauna, Aboriginal cultural heritage and leasing. The Department of Primary Industries – Water (DPI Water) was also contacted in relation to the proposal, they advised that they would not require a formal referral.

The Applicant also consulted with Charlotte Pass management during the preparation of the application.

3.5 Considerations under section 4.15 of the EP&A Act

Under section 4.15 of the EP&A Act, in determining a development application, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by section 4.15.

The Department's consideration of the development against the provisions of section 4.15 of the EP&A Act is contained in **Section 5** and within **Appendix B** of this report.

3.6 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) and development control plan/s (DCP) that apply to the proposal.

The Alpine SEPP is the only EPI which applies to the site for this type of development. An assessment against the requirements of the Alpine SEPP is provided in **Appendix C**. The Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.

3.7 Objects of the EP&A Act

In determining an application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act.

The proposal complies with the objects as it promotes the orderly and economic use of the site for the benefit of the visitors to the Charlotte Pass Alpine Resort. The proposal would not result in an adverse environmental impact given the works to an existing utility pole and the trenching is on previously disturbed land.

3.8 Ecologically Sustainable Development

The EP&A Act adopts the definition of 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. The Department has considered the project in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via an assessment of the impacts of the proposal.

3.9 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.

3.10 Strategic context

The Department considers the proposal is consistent with the South East and Tableland Region Plan 2036 which was released by the Department of Planning in July 2017. The plan aims to, among other things, increase visitation to the NSW ski resorts.

The proposed development assists with this by providing improved mobile coverage for visitors to the ski resort and Kosciuszko National Park.

4. ASSESSMENT

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The key issues in the Department's assessment are:

- visual amenity;
- construction access and timing;
- managing environmental impacts; and
- Electro-Magnetic Energy (EME).

Each of these key issues is discussed in the following sections of the report.

4.1 Visual amenity

The potential visual impact associated with the installation of the omni antenna and ancillary equipment is expected to be minimal. The utility pole being used is existing and currently accommodates an array of electrical cabling. The co-location of these services and utilisation of the existing pole reduces the introduction of new visual impacts. The height of the pole would not be noticeably increased. The equipment proposed to be installed by Telstra consists of small cell equipment, which by design is small and compact.

The existing timber pole would be modified in appearance by a small measure. These changes in appearance would comprise of:

- a small omni antenna at the apex of the pole;
- feeders that will run up the length of the timber pole; and
- a compact equipment shelter at the base of the timber pole that has the appearance of a meter box.

The remainder of the associated works including trenching for electrical and fibre optic cable would be subterranean.

Based on the above, the Department concludes that the visual impact of the proposal would be minimal and generally blend in with existing infrastructure at the site.

4.2 Construction access and timing

The Applicant has indicated that they wish to complete the works prior to the 2018 ski season. Site access is achieved by a sealed road off Kosciuszko Road to the Charlotte Pass Ski Resort. Depending on snow levels, the road to Charlotte Pass will be closed and access is only achieved by over-snow vehicle. If the road is closed due to snowfall the Applicant advised that it would be required to wait until road access is available again after the season has ended.

Charlotte Pass Ski Resort was consulted in the preparation of the application and would be advised prior to the commencement of works to confirm if access to the site is available.

Noting the above, the Department concludes that the proposal can be undertaken either prior to the 2018 season, weather permitting and with Charlotte Pass management endorsement, or alternatively after the season has ended.

4.3 Managing environmental impacts during construction

The proposal includes approximately 110 metres of trenching for cabling at a depth of between 600 to 900mm as well as works to an existing utility pole and a small equipment shelter. The trenching would not necessitate the removal of any vegetation, as it travels along disturbed land in the central part of the resort. The remainder of the cable (approximately 125 metres) is to be hauled through existing conduit. This is achieved with minimal impact by pulling cable through

existing PVC pipe, temporary fencing or a temporary shelter may be required to protect workers from the weather, however due to the disturbed nature of the site this would be minimal impact.

The site is within 40 metres of Spencers Creek, and the DPI Water was consulted during the assessment of the application. They did not require a formal referral as:

- The proposed works are entirely within the developed footprint of the Charlottes Pass Village.
- More specifically, the trenching is to be located within the existing road network and immediately adjoining the existing buildings and along with other existing infrastructure/utilities.
- The proposed trenching would be considered conventional work and likely to be of short duration.
- The implementation of conventional erosion and sediment control measures should manage the work site and minimise any risks to waterfront land.

On the basis of the above, DPI Water advised that the referral of this matter as Integrated Development and a subsequent Controlled Activity Approval is not considered necessary in this instance. DPI Water raised no objection to the proposal as presented.

The OEHL have also reviewed the application and did not raise any objections. Advice was received relating to flora and fauna, leasing and Aboriginal Cultural Heritage that can be summarised as follows:

- a trenching alignment inspection is required prior to works commencing;
- machinery must avoid wet areas;
- sod replacement techniques must be used for revegetation in the first instance;
- rehabilitation works must be in accordance with the applicable rehabilitation guidelines;
- straw bales must be certified weed free;
- revegetation must be monitored; and
- fauna must be able to escape from excavations.

These requirements have been incorporated into the conditions of consent.

No materials or waste will be stored on the ground of the subject site. A condition has also been recommended to ensure that no materials are stored on the subject site.

Construction vehicles will access the site via the existing road depending on weather and resort operations. There are no foreseeable issues in construction vehicles being parked at the site as there is adequate hardstand area available for parking and outside the ski season the building is not used by patrons.

Construction impacts such as noise, dust and vibration, mainly associated with trenching, would be short term and managed by conditions of consent. The adjacent lodges have been notified about the works and impacts to nearby lodges are anticipated to be minimal and at off-peak times.

On the basis of the above, the Department concludes that the impacts of the proposal can be managed appropriately resulting in a minimal impact on the environment.

4.4 Electromagnetic Energy (EME)

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 Nuclear Safety Agency (ARPANSA) and is the *Radiocommunications (Electromagnetic Radiation-Human Exposure) Standard 2003*. Carriers must comply with standards set down by the ACMA. Therefore, Telstra must comply with the appropriate exposure limits as set down by ACMA for the proposed telecommunications installation upgrade at Charlotte Pass.

The EME levels at the site would be a maximum of 1.39% (at 9.41 metres from the proposed antenna) of the ARPANSA exposure limit, which would decrease further from the site. The EME levels comply with the relevant standards.

5. CONCLUSION

The Department has assessed the merits of the proposal taking into consideration the key issues associated with the proposal and is satisfied that the impacts have been satisfactorily addressed within the proposal and the recommended conditions.

In relation to the proposal, the Department considers that:

- there will not be a significant impact on any threatened species, populations or ecological communities; and
- the proposal is appropriate as it provides improved coverage for people using the Charlotte Pass area including during emergency operations such as search and rescue.

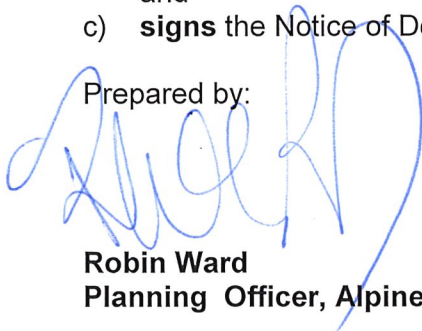
Overall, the Department is satisfied that the Development Application has been appropriately designed and recommends that the application be approved subject to the imposition of conditions.

6. 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 4.15 of the EP&A Act, including the findings and recommendations of this report; and
- b) **grants consent to** the Development Application (DA 9111), subject to conditions under section 4.16(1)(a) of the EP&A Act, having considered matters in accordance with (a) above; and
- c) **signs** the Notice of Determination at **Appendix D**.

Prepared by:



Robin Ward
Planning Officer, Alpine Resorts Team

DECISION

Approved by:



16/5/2018

Daniel James
Team Leader, Alpine Resorts Team
as delegate of the Minister for Planning

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=9111

APPENDIX B. CONSIDERATIONS UNDER THE EP&A ACT

Section 4.15 – Matters for consideration

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(a)(i) any environmental planning instrument (EPI)	Consideration of the provisions of all EPIs that apply to the proposed development is provided in Appendix C 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	The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in Section 4 of this report. The Department is satisfied that all environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.
(c) the suitability of the site for the development,	The suitability of the site has been considered in Section 4 of this report.
(d) any submissions made in accordance with this Act or the regulations,	The Department received one agency submission from the OEH and did not receive any public submissions regarding the application. The advice from the OEH has been incorporated into conditions of consent.
(e) the public interest.	<p>The proposed development is consistent with the aim and objectives of the Alpine SEPP and would benefit visitors to Charlotte Pass Resort. There would also not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.</p> <p>The Department considers that the proposed development is therefore in the public interest.</p>

APPENDIX C. CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

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

CI 14(1) – Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in clause 2	The proposal is consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and provides improved telecommunications coverage for the Charlotte Pass area.
(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 allows for an improved experience for visitors and workers without an adverse impact on the environment. The improved mobile coverage also improves safety for the users of the area.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	No adverse cumulative impacts are anticipated as the proposal is located on an existing utility pole and all trenching works will be reinstated to their pre-works state.
(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 proposal will not significantly alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The structure would be fully supported by an existing utility pole and would not result in the load-bearing capacity of the pole being exceeded. Further, the works involve moderate ground disturbance in the form of trenching. The trenching would be a maximum depth of 900mm and has been designed by an appropriately qualified structural engineer.</p> <p>The Department has considered the documentation provided by the Applicant and the objectives of the Geotechnical Policy.</p> <p>The works involve excavation near existing buildings of less than one metre and have been reviewed by a structural engineer. Therefore no further assessment on geotechnical or structural matters is considered necessary.</p>
(g) any sedimentation and erosion control measures,	Sedimentation and erosion matter are managed through conditions of consent and site environmental management measures.
(h) any stormwater drainage works proposed,	No negative impacts to stormwater or drainage are anticipated.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The utility pole is visible from the Main Range, however the facility would be small and not noticeable among the existing electrical cabling located on the pole.
(j) any significant increase in activities, outside of the ski season,	The proposal will not result in a significant increase in activities outside the ski season.
(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,	These plans are not applicable to Charlotte Pass Resort.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal is located on waterfront land and DPI Water have reviewed the application refer to Section 4.3 for discussion.

CI 17 – Applications referred to the Office of Environment and Heritage (OEH)	
Due to the nature of the works, the proposal was not referred to the OEH.	
CI 26 – Heritage conservation	
European heritage	The proposal will not impact on any European heritage items.
Aboriginal heritage	The proposal will not impact on any Aboriginal heritage items.

APPENDIX D. RECOMMENDED CONDITIONS OF CONSENT
