



Co-location of Telecommunications Facilities, Blue Cow

*Development Application
Assessment
(DA 9917)*

October 2019

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Cover photo

Main Range, Kosciuszko National Park (Source: Alpine Resorts Team)

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning and Public Spaces
NPWS	National Parks and Wildlife Service
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy



Executive Summary

This report provides an assessment of a Development Application (DA 9917) seeking approval for the co-location of telecommunications facilities (for Optus) onto an approved Telstra telecommunications tower and the decommissioning of existing facilities on the Blue Cow Ski Terminal at Blue Cow, Perisher Range Alpine Resort, Kosciuszko National Park (KNP). The Applicant is Commplan Pty Ltd.

The Minister for Planning and Public Spaces is the consent authority for development within a ski resort in KNP and the proposal is permissible with consent under the provisions of *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP).

The proposal was publicly exhibited between 22 February 2019 to 8 March 2019 (14 days). The Department of Planning, Industry and Environment (the Department) received a submission from the National Parks and Wildlife Service (NPWS) during the exhibition. No submissions from the public were received.

The Department has assessed the proposal in accordance with relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the principles of Ecologically Sustainable Development, and issues raised in all submissions.

The Department considers the proposal is acceptable as:

- there will not be a significant impact on any threatened species, populations or ecological communities as confirmed by the submitted Biodiversity Development Assessment Report (BDAR)
- the proposal would not result in any significant visual impacts on the Main Range as the appearance of the structure would be partly screened by the existing vegetation and be at a lower height than the approved Telstra headframe
- the Electromagnetic Energy (EME) levels for the proposed facility comply with the relevant standards
- site management measures are recommended to be in place to minimise construction impacts on the surrounding environment and identifies areas for stockpiling of materials
- the proposal involves rehabilitation of impacted areas following works
- issues raised by the State government agency (the NPWS) have been addressed through recommended conditions of consent

The Department's assessment concludes the application is in the public interest as it provides improved mobile phone coverage to the immediate area, enabling visitors and guests access to telecommunications services, which supports the Alpine SEPP and regional plan for the locality.

The Department therefore recommends the application be approved subject to conditions.



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1. Introduction

This report provides an assessment of a Development Application (DA 9917) seeking approval for the co-location of telecommunications facilities (for Optus) onto an approved Telstra lattice tower and the decommissioning of existing facilities on and within the Blue Cow Ski Terminal at Blue Cow, Perisher Range Alpine Resort within KNP.

DA 9917 has been lodged by Commplan Pty Ltd (the Applicant) under Part 4 of the EP&A Act.

1.1 Site location and context

The site is located in Blue Cow Precinct of Perisher Range Alpine Resort, which is in the southern part of KNP (**Figure 1**). The proposal is located on the edge of the Blue Cow ski area and during winter, the area is a popular destination for snow related activities, while during summer months the area is a popular destination for hikers.

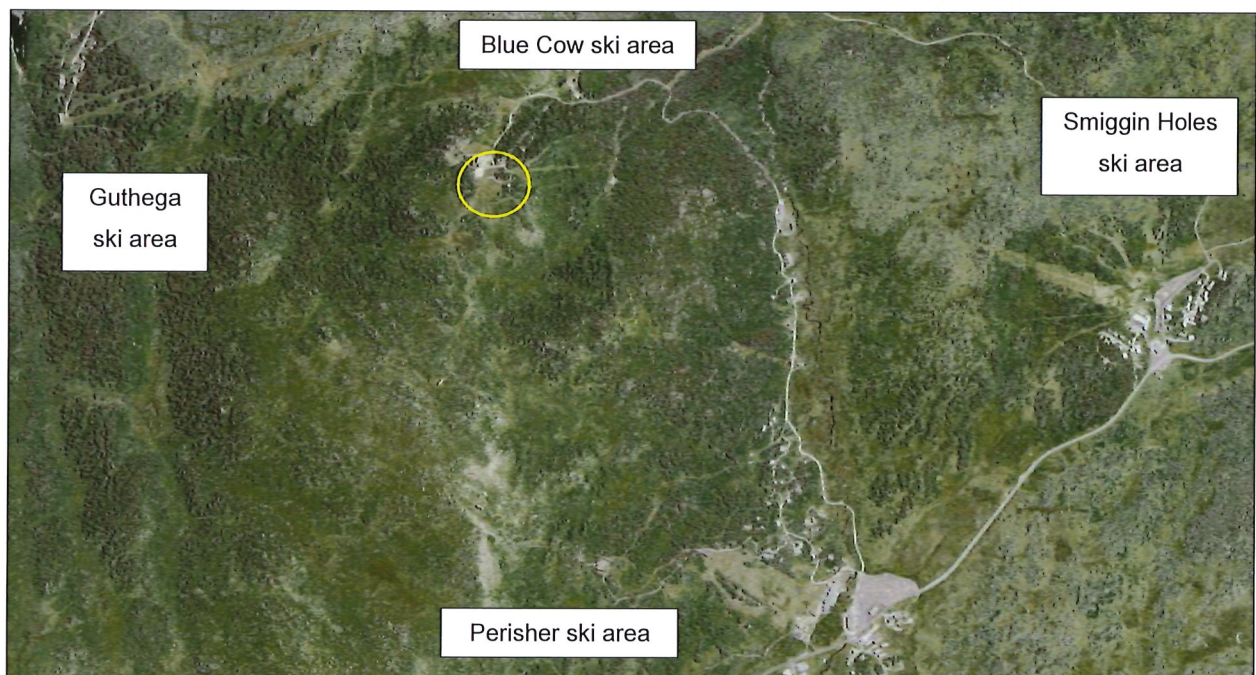


Figure 1: Location of site (circled) in context of Perisher Range Alpine Resort (Source: SIX Maps 2019)

The area of the works is located within a small clearing approximately 165 metres south-east of the Blue Cow Ski Terminal (**Figure 2**), adjacent to an existing water reservoir located 35 metres north of the site that also contains a Snowy Hydro radio and cloud-seeding facility. The ski-tube rail tunnel, which runs from Bullocks Flat to Blue Cow, is nearby the site within a 'Ski-tube exclusion zone'.

The Blue Cow Ski Terminal is accessed off an existing access track available during summer, while a new access path is to be provided to the approved Telstra lattice tower.



Figure 2: Location of site (circled) in context of the Blue Cow Ski Terminal (Source: SIX Maps 2019)

The Blue Cow Ski Terminal provides food and beverage facilities, a ski tube train terminal and internal and external seating areas. Optus and other carriers telecommunications facilities (**Figure 3**) are provided on the building along with equipment within a communications room located within the building.



Figure 3: Existing Optus antenna on Blue Cow Ski Terminal (Source: Applicant's documentation)

1.2 Relevant associated approval

On 22 January 2016, the Team Leader of the Alpine Resorts Team, as delegate for the then Minister for Planning approved DA 7201 to construct a telecommunications lattice tower (for Telstra) and ancillary equipment with associated works (such as trenching, cabling). The development consent permitted the following works:

- construction of a 20.75-metre-high lattice tower (**Figure 4**) with panel antennas and remote radio units, with an attached equipment shelter
- trenching for cabling to the site (to provide power and fibre supply) from the Blue Cow Ski Terminal
- installation of an access path for construction and maintenance off an existing access track

Works are yet to commence on this approval.

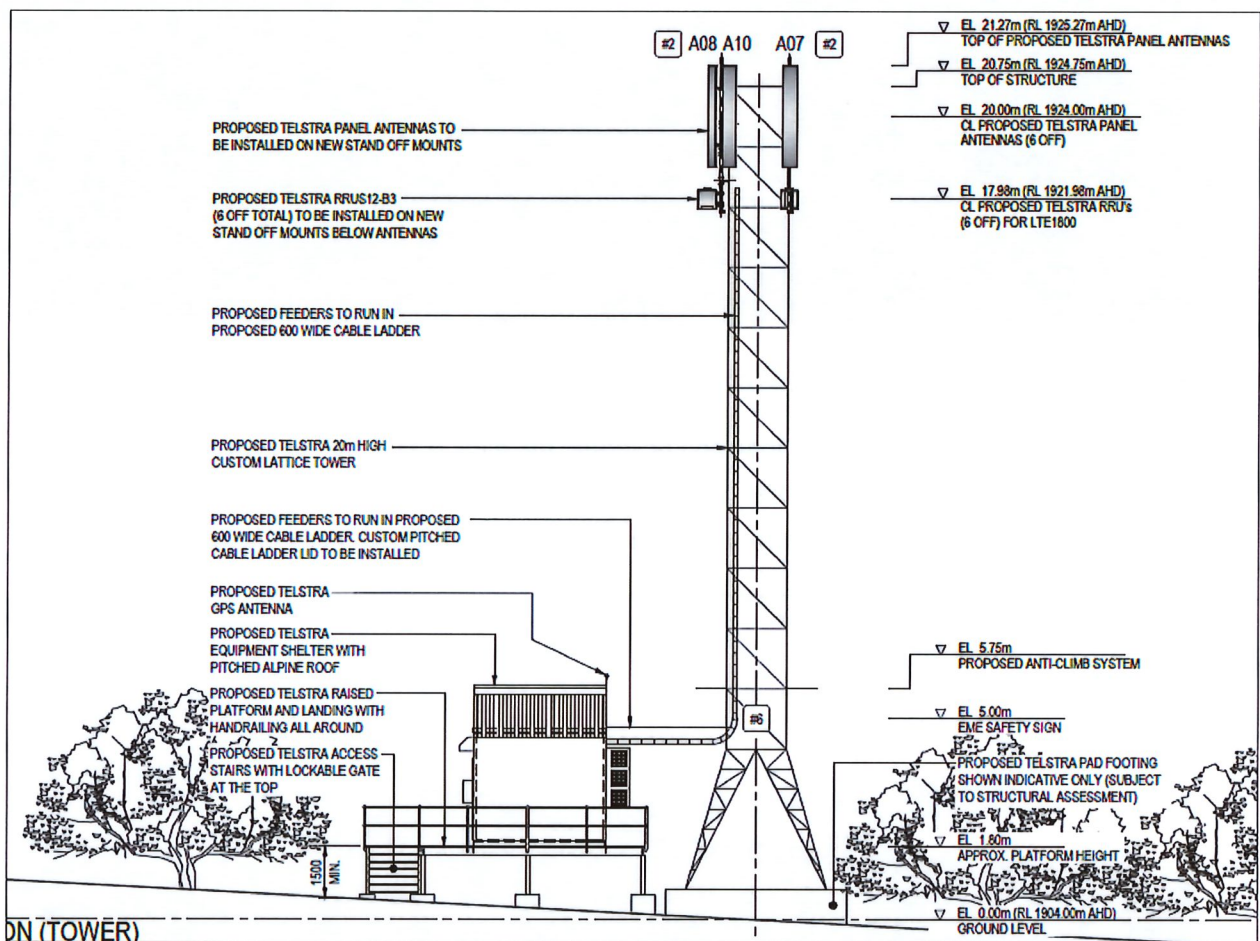


Figure 4: Approved Telstra telecommunications facility (Source: DA 7201 documentation)



2. Project

The application seeks approval for the following onto the approved Telstra facility (**Figure 5**):

- installation of three (3) panel antennas on a face mount at a height of 13.7 metres (antenna centreline) on the planned 20 metre Telstra lattice tower
- installation of a remote radio units (RRUs) mounted to the planned tower adjacent to the proposed panel antennas at heights of 13.7 metre and 12.7 metre
- placement of an equipment shelter (2.5 metre x 1.8 metre) on an elevated platform, with the equipment shelter to be “pale eucalypt” in colour
- installation of an elevated cable tray from the new shelter to the tower and up the tower to the antennas
- installation of underground cables in conduits in the trench to be created, laid and the land restored as part of the installation of the Telstra facility
- installation of ancillary equipment and infrastructure associated with operation of the facility
- decommissioning of existing facilities on the rooftop and within the Blue Cow Terminal building

The proposal has an estimated cost of works of approximately \$100,000.

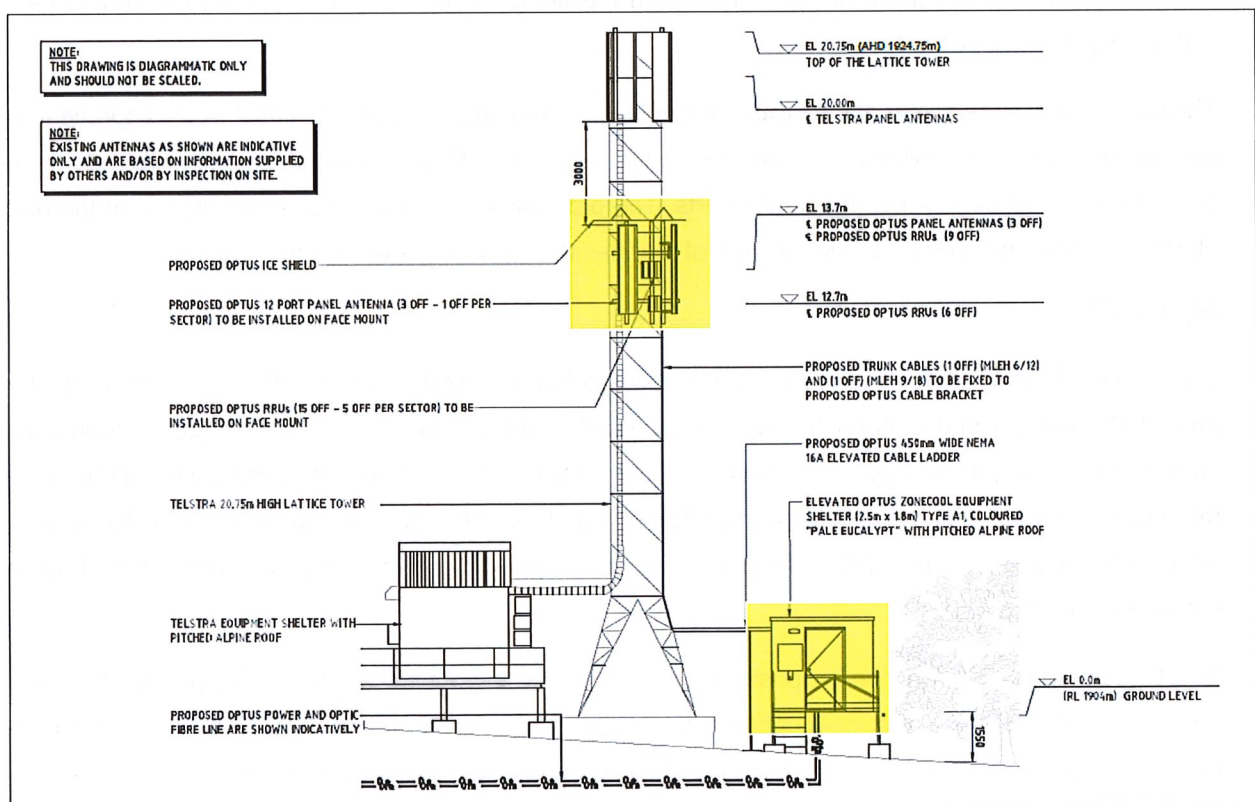


Figure 5: Location of proposed antennas (highlighted) on approved telecommunications facility and new equipment shelter (highlighted) (Source: Applicant's documentation)



3. Strategic Context



The Snowy Mountains region offers a diverse and unique mix of visitor destinations including the KNP, the alpine resorts, the iconic Snowy River and the highest mountains on the Australian continent. A strong tourism economy is driven mainly by skiing and related winter sport experiences during the peak winter season. The region, including the alpine resorts, also provides opportunities for a range of other recreational activities during the warmer months such as hiking, fishing, kayaking and mountain-biking. The resorts are important to NSW due to their economic and social contribution as well as their location within a unique alpine environment. The two main documents that support the strategic context of the alpine resorts are the *South East and Tableland Regional Plan 2036* and the Alpine SEPP.

South East and Tableland Regional Plan 2036

The South East and Tableland Regional Plan 2036 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The plan provides an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions.

In relation to the alpine resorts, the Regional Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality.

The Department considers that the proposal is consistent with the Regional Plan as it would improve access to telecommunication services and coverage within the area for Optus customers, which supports the goal of increasing visitation to the NSW ski resorts. The proposal has also minimised its impact on the unique alpine environment through the co-location of facilities that reduces environmental impacts.

Alpine SEPP

The Alpine SEPP governs development on land within the ski resort areas of KNP. The SEPP aims to protect the natural and cultural heritage of land within the resorts and to encourage environmentally sustainable development. Under the provisions of the Alpine SEPP, the NPWS have a commenting role as the land manager which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the broad range of values found in the park.

The Department considers the proposal is consistent with the Alpine SEPP as the proposal minimises native vegetation impacts with co-locating onto an approved site rather than a new site (with the exception of the equipment shelter), while rehabilitating disturbed areas at the completion of works.



4. Statutory Context

4.1 Consent Authority

Under clause 7 of the Alpine SEPP, the Minister for Planning and Public Spaces 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*.

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
- there are less than 25 public submissions in the nature of objections

4.2 Permissibility

The proposal includes the installation of a telecommunications facility consistent with the definition of 'telecommunications facility'. Pursuant to clause 11 of the Alpine SEPP, 'telecommunications facilities' are permissible with consent within the Perisher Range Alpine Resort.

4.3 Other Approvals

Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the Commonwealth Government is required to assess and approve a development if it is likely to impact on a matter of national environmental significance.

The Applicant's assessment concluded that the proposed development is not considered likely to result in a significant impact to species or communities listed under the EPBC Act, and as such a referral to the Commonwealth Minister of the Environment and Energy (at the time of receipt of the application) is not required.

4.4 Mandatory Matters for Consideration

Objects of the EP&A Act

The Department has considered the proposal against the relevant objects of the EP&A Act in **Appendix B**. The Department is satisfied the proposal is consistent with the objects as:

- the works are aimed at promoting the orderly and economic use of the site through co-locating the proposal onto an approved Telstra tower and providing increased access to telecommunication facilities

- the proposed would not have an unacceptable impact on the environment thus being ecologically sustainable development, with impacts upon native vegetation limited where possible and rehabilitation proposed to disturbed areas at the completion of works
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage, or on the existing landscape when viewed from the Main Range

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered by the Applicant and mitigation measures are proposed to be incorporated into the design.

The proposal is consistent with the ESD principles and the Department is satisfied the proposed works have been developed having regard to the ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal does not pose a threat of serious or irreversible environmental damage and potential impacts have been identified, mitigation measures and environmental safeguards recommended
- the proposal is not expected to adversely impact upon the health, diversity or productivity of the environment for future generations
- the proposal endeavours to minimise environmental impacts
- the Applicant has recognised the value of the environment and designed the development accordingly through applying for the co-location of equipment onto an approved Telstra tower rather than a new site which would cause additional vegetation impacts

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The BC Act introduced a Biodiversity Offsets Scheme that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or
- the 'test of significance', in section 7.3 of the BC Act, identifies that the development or activity is likely to significantly effect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The proposed native vegetation clearing is below the threshold.

The Applicant submitted a Biodiversity Development Assessment Report (BDAR) to meet the requirements of the Biodiversity Assessment Method 2016 as the site is mapped on the Biodiversity Values Map. Further consideration and assessment of the BDAR is provided in **Section 6** below.

The BDAR also determined that matters of National Environmental Significance (MNES) are not likely to be significantly impacted by the proposal and as such, a referral to the Commonwealth Environment Minister is not required.

There are currently no declared areas of outstanding biodiversity value within Kosciuszko National Park.

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 as outlined in **Table 1** below.

The table represents a summary for which consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report, referenced in the table.

Table 1 | Section 4.15(1) Matters for Consideration

(a)(i) any environmental planning instrument (EPI)	The Alpine SEPP and the State Environmental Planning Policy (Infrastructure) 2007 are the only EPI's 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 . The Department is satisfied that the application is consistent with the requirements of the Alpine SEPP and Infrastructure SEPP.
(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 application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 6) and fees (Part 15, Division 1). 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.

<p>(b) the likely impacts of that development</p>	<p>The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through conditions of consent.</p> <p>The proposal would have positive economic and social impacts by improving access to telecommunications services across an increased area of coverage that supports ongoing visitation to Blue Cow during winter.</p>
<p>(c) the suitability of the site for the development,</p>	<p>The site is suitable for the development as discussed in Section 6 of this report.</p>
<p>(d) any submissions made in accordance with this Act or the regulations,</p>	<p>Consideration has been given to the agency submissions received during the exhibition period. See Section 5 of this report.</p>
<p>(e) the public interest.</p>	<p>The works are consistent with the aim and objectives of the Alpine SEPP and would be compatible with other telecommunication facilities at Blue Cow.</p> <p>The environmental impact is acceptable, and the proposal is consistent with the principles of ESD. As such, the proposal is in the public interest.</p>



5. Engagement

5.1 Department's Engagement

The Department exhibited the application from 22 February 2019 to 8 March 2019 (14 days):

- on the Department's website
- at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne)

The application was also exhibited to Snowy Hydro, Perisher Chamber of Commerce and SLOPES (Ski Lodges Organisation of Perisher, Smiggins and Guthega) and forwarded to the NPWS pursuant to clause 17 of the Alpine SEPP.

Following the receipt of the comments from the NPWS, the Department placed a copy of the submission on its website and requested that the Applicant provide a response to the issues raised.

5.2 Summary of submissions

The Department received comments from the NPWS. No public submissions were received.

5.3 Key Issues - Government Agencies

The NPWS did not object to the proposal and provided the following:

- the BDAR has appropriately assessed the biodiversity impacts associated with the proposal, all measures to mitigate and manage impacts be put in place and that a Biodiversity Management Plan is to be prepared
- additional assessment is required in terms of the assessment of Aboriginal Cultural Heritage
- the proposal would require a co-user telecommunications licence prior to commencement of works
- the maximum EME level for the proposed system is below the maximum public exposure level
- conditions are recommended to address vegetation and fauna habitats, preparation of a rehabilitation and monitoring plan, requirements for machinery and stockpiling, imported materials, stabilising agent, stormwater management and preparation of a Site Environmental Management Plan (SEMP)

5.4 Response to submissions

The Applicant provided further information to address the Aboriginal Due Diligence comments and advised that a SEMP is proposed to be provided during the construction certificate documentation.

The NPWS reviewed the further information and advised that the assessment of Aboriginal Cultural Heritage has followed a suitable process and due diligence.

The Department has considered the comments received from the NPWS in **Section 6**.



6. 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:

- impacts on biodiversity
- visual impacts
- electromagnetic energy impacts

These issues are discussed below. Other issues considered during the assessment of the application are discussed at **Section 6.4**.

6.1. Impacts on Biodiversity

The Department has carefully considered the potential biodiversity impacts associated with the proposal given the location of the site and the sensitive nature of the flora and fauna within the alpine area. The Department's assessment of the potential environmental impacts of the proposal along with appropriate mitigation and management measures are considered below:

Endangered Species and Communities

The Applicant submitted a BDAR as required under the BC Act due to the development area being identified on the Biodiversity Values Map (**Figure 5**) as having an area of high biodiversity value, which triggers the Biodiversity Offset Scheme.



Figure 5: Biodiversity Values Map and site location (Source: OEH Biodiversity Offset Map)

The BDAR identified one native vegetation types (*Alpine Snow Gum shrubby woodland at high altitudes in Kosciuszko NP, Australian Alps Bioregion*) and four threatened fauna species (*Mountain Pygmy-possum*, *Alpine She-oak Skink*, *Guthega Skink*, and *Broad-toothed Rat*) on the site that would be impacted by the proposal. The BDAR also commented that the *Dusky Woodswallow*, *Gang-gang Cockatoo*, *Varied Sittella*, *Eastern False Pipistrelle*, *Little Eagle*, *Scarlet Robin* and *Pink Robin* have potential to occur on the site.

The BDAR determined that the potential impacts associated with the proposal have been minimised through designing the proposal to co-locate facilities onto the approved Telstra tower and only provide an extended compound area to install the equipment shelter. However, the BDAR acknowledges that there would be some unavoidable impacts on the *Alpine Snow Gum*, and on habitat utilised by the *Alpine She-oak Skink*, *Broad-toothed Rat*, *Guthega Skink* and the *Mountain Pygmy Possum*.

The Department accepts that the impacts to the *Alpine Snow Gum* and the *Alpine She-oak Skink*, *Broad-toothed Rat*, *Guthega Skink* and the *Mountain Pygmy Possum* habitat would be unavoidable given the extent of works proposed (which has been minimised with the co-location of the facilities), however it is also acknowledged that there is other suitable habitat that surround the site and immediate locality. To offset these impacts, the BDAR recommends ecosystem and four species credits are required to offset the unavoidable impacts to the vegetation and habitats present within the works area.

The Department considers that the proposal is unlikely to cause SAIL following a review of the former OEH's *Guidance to assist a Decision-Maker to Serious and Irreversible Impacts 2017*.

The NPWS did not raise any concerns with this assessment and recommended that the Applicant prepare a Biodiversity Management Plan. Mitigation measures identified in the BDAR are recommended to be incorporated into the SEMP.

With the proposed measures to minimise impacts where possible and the recommended conditions requiring the retiring of ecosystem and species credits, the Department is satisfied that the biodiversity impacts of the proposal would be appropriately offset.

Vegetation removal and rehabilitation

The proposed works involve direct impacts upon vegetation (being the *Alpine Snow Gum shrubby woodland at high altitudes in Kosciuszko NP, Australian Alps Bioregion*), as identified in the BDAR. The Department notes that the works take place within an area containing native ground cover and adjacent areas containing Snow Gums.

An approved Telstra compound is already approved, with the application proposing to extend this compound and subsequent disturbance additional native vegetation.

The NPWS has not raised any concerns with the disturbance to the vegetation, however recommended an onsite inspection be carried out prior to vegetation removal and that all machinery should be stored on existing disturbed areas. The NPWS also recommended that a Rehabilitation and Monitoring Plan (R&MP) be prepared prior to commencement of works (for approval by the Secretary or nominee following

consultation with the NPWS). The R&MP would outline the implementation, maintenance, monitoring and reporting of the rehabilitation areas.

The Department has also recommended conditions requiring rehabilitation works to be conducted in accordance with “*Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park (DECC 2007)*”.

Subject to recommended conditions, the Department considers the disturbance of the native vegetation as a result of the proposed construction works to be acceptable.

Construction access

Proposals within the Alpine resorts are required to consider their impact of construction activities upon the environment. In this regard, access to the approved Telstra site is proposed via a new path off the existing track to the water tank connecting onto the main Blue Cow access track (**Figure 6**). The new access was approved as part of the Telstra application.

Access to the Blue Cow Ski Terminal is available off the existing access track.



Figure 6: Proposed access arrangements – off existing access track to the site (Source: SIX Maps 2019)

The proposed works are within the ski-tube exclusion zone, a condition of consent has been applied to ensure that the construction techniques, and their potential impacts on the ski-tube tunnel, are properly investigated and the relevant approvals are obtained.

Given the location of the facility in the Blue Cow area, impacts on adjoining amenity during construction are considered to be minimal and do not require specific conditions of consent. Conditions are recommended relating to the laying of the underground cables for optic fibre and power relating to the proposed facility (with the Optus cabling to be provided within the approved Telstra trench).

The Department is satisfied that the works can be undertaken without causing an adverse impact on the environment due to the use of existing tracks and one access track approved under the Telstra application.

Conclusion

The Department is satisfied the Applicant has taken the appropriate steps to avoid, minimise and offset the proposal's biodiversity impacts consistent with the principles of the *Biodiversity Conservation Act 2016* and Regulation.

The Department considers the BDAR has appropriately considered the biodiversity impact of the proposal works and the proposal's biodiversity impact is limited to the extent necessary to enable construction of the co-located telecommunications facility.

The Department therefore considers the proposal is acceptable subject to the following conditions:

- retiring of the class and number of credits to the Biodiversity Conservation Fund as determined in the BAM Credit Summary Report, Section 7 of the BDAR submitted for the proposal
- rehabilitation of disturbed areas
- preparation of a rehabilitation and monitoring plan

6.2. Visual impacts

The proposed works involve the co-location of telecommunications equipment onto an approved Telstra lattice tower that was previously considered to have an acceptable visual impact upon the immediate locality and also the Main Range (photomontage of proposal in **Figure 7**).

The Department formed the view that the Telstra lattice tower was acceptable due to:

- the structure being located away from more sensitive land uses such as accommodation buildings within the resort
- the design is a lattice style tower intended to reduce visual impacts
- the structure was partially screened by existing vegetation
- the facility could be utilised by other carriers to avoid further structures, reducing the future cumulative visual impact from numerous telecommunication facilities



Figure 7: Photomontage of approved Telstra telecommunications facility viewed from Blue Cow Ski Terminal (Source: Department report for DA 7201)

The additional impact associated with the proposal is restricted to whether the introduction of a new headframe containing antennas below the Telstra headframe (as shown in **Figure 7**) and a new equipment shelter adjoining the lattice tower has an acceptable visual impact.

The Department considers the proposal is acceptable as:

- the additional headframe and equipment shelter do not have any significant additional visual impact upon the environment or when viewed from the Main Range / adjoining ski slopes
- the works would be partly screened by the existing vegetation located between the site and the adjoining ski slopes

The Department concludes that the proposal would not have any significant visual impacts.

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

Carriers must comply with standards set down by the ACMA. Therefore, the co-location of facilities onto the Telstra lattice tower must comply with the appropriate exposure limits as set down by ACMA.

In order to demonstrate compliance with the standard, ARPANSA created a prediction report using a standard methodology to analyse the maximum potential impact of any new telecommunications facility. Carriers are obliged to undertake this analysis for each new facility and make it publicly available.

The maximum EME level calculated for the proposed systems (Telstra and Optus facilities combined) at the site is 9.61% of the public exposure limit at 40 metres from the lattice tower, which then reduces further away from the tower. The EME levels for the proposed facility comply with the relevant standards and are therefore acceptable.

The Department is satisfied that the facility would comply with the public health and safety standard by a significant margin.

6.4. Other Issues

The Department's consideration of other issues is provided at **Table 2**.

Table 2 | Summary of other issues raised

Issue	Assessment	Department Consideration and Recommendations
Materials / stockpile sites	<ul style="list-style-type: none"> The Applicant has not provided a SEMP with the application and intends to prepare the SEMP during the construction certificate documentation. 	<ul style="list-style-type: none"> The Department has recommended that the SEMP be prepared and implemented prior to and during the works being carried out. The Department has also adopted the NPWS recommended conditions including machinery, stockpile sites and soil and waste management. Particularly that works are to comply with 'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'.
Compliance with the Building Code of Australia	<ul style="list-style-type: none"> The proposed works are required to comply with the BCA and relevant Australian Standards. 	<ul style="list-style-type: none"> The Department has recommended standard conditions to ensure all other works are constructed to comply with the BCA and relevant Australian Standards.
Removal of existing equipment from Blue Cow Ski Terminal	<ul style="list-style-type: none"> The proposal includes the removal of the existing equipment from the rooftop of Blue Cow Ski Terminal. The internal equipment is to remain, noting that other Optus telecommunications facilities are provided within the Blue Cow Ski Terminal. 	<ul style="list-style-type: none"> The removal of the obsolete equipment is supported to reduce clutter on the rooftop of the building. The removal of the equipment is authorised by the Federal <i>Telecommunications Act 1997</i> as a 'maintenance activity'.



7. Evaluation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

- there will not be a significant impact on any threatened species, populations or ecological communities as confirmed by the submitted BDAR
- the proposal would not result in any significant visual impacts on the Main Range as the appearance of the structure would be partly screened by the existing vegetation and be at a lower height than the approved Telstra headframe
- the EME levels for the proposed facility comply with the relevant standards
- site management measures are recommended to be in place to minimise construction impacts on the surrounding environment and identifies areas for stockpiling of materials
- the proposal involves rehabilitation of impacted areas following works
- issues raised by the State government agency (the NPWS) have been addressed through recommended conditions of consent

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest. The Department therefore recommends that the application be approved subject to the recommended conditions.



8. Recommendation

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

- **considers** the findings and recommendations of this report; and
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of DA 9917; and
- **signs** the attached development consent and recommended conditions of consent (see attachment).

Recommended by:

Mark Brown
Senior Planner
Alpine Resorts Team



9. Determination

The recommendation is: **Adopted** / Not adopted by:


31/10/2019

Daniel James

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning and Public Spaces



Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows.

1. Statement of Environmental Effects

- http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9917

2. Submissions

- http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9917

3. Response to Submissions

- http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9917

Appendix B – Statutory Considerations

OBJECTS OF THE EP&A ACT

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects.

Therefore, in making an assessment, the objects set out in Section 1.3 of the EP&A Act should be considered to the extent they are relevant. A response to the objects is provided in the table below.

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal supports the use of Perisher Range Alpine Resort for tourism through improving existing telecommunications services. The location of the works and construction impacts minimise impacts on the environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Mitigation measures during construction and rehabilitation of impacted areas are supported.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that are aimed at improving telecommunication facilities within KNP for the benefit of visitors to Perisher Range Alpine Resort.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The impacts upon the environment have been limited where possible, particularly with a co-location onto the approved tower rather than a greenfield site. Impacts on any threatened or vulnerable species, populations, communities or significant habitats have been considered in the submitted BDAR, which is discussed in Section 5 and 6 .

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting and minimises impacts upon the existing natural environment through collocating equipment onto an approved tower.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies and procedures (refer to Appendix D).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5), which included consultation with government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal (Section 5), which included notifying Perisher Chamber of Commerce, SLOPES and Snowy Hydro, displaying the application on the Department's website and at the Department's Jindabyne office.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIS that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (Alpine SEPP) is applicable to the development. Consideration of the matters to be considered is provided below:

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 supports the ongoing use of the ski resort.

<p>(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),</p>	<p>The proposal is appropriate as it minimises its environmental impact by co-location facilities onto an approved Telstra lattice tower. Natural hazards have been adequately addressed.</p>
<p>(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,</p>	<p>No adverse cumulative impacts are anticipated as the proposal will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.</p>
<p>(d) any statement of environmental effects,</p>	<p>The SEE and information supplied are considered adequate to enable a proper assessment of the works.</p>
<p>(e) the character of the alpine resort,</p>	<p>The proposal would not adversely alter the character of the resort. Improving access to telecommunications facilities is in the Applicant's interest.</p>
<p>(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,</p>	<p>The site is within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Reports Perisher Map.</p> <p>The Application is supported by a Form 4 prepared by Martens and Associates Pty Ltd, which references the approved geotechnical investigation carried out for the Telstra Lattice tower, which was also carried out by Martens and Associates Pty Ltd.</p> <p>A cover letter provided with the Form 4 recommends the development is designed and constructed in accordance with the Telstra tower report.</p>
<p>(g) any sedimentation and erosion control measures,</p>	<p>The construction of the works involves earthworks and implementation of sedimentation and erosion control measures. Conditions are recommended to ensure implementation during works.</p> <p>A detailed Site Environmental Management Plan (SEMP) is to be provided with the construction certificate documentation.</p>

(h) any stormwater drainage works proposed,	No negative impacts to stormwater or drainage are anticipated, with the adoption of the BDAR recommendations.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	Refer to Section 6.2 .
(j) any significant increase in activities, outside of the ski season,	The proposal does not result in an 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 (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,	The proposal has been considered under the PRRMP and the Department concludes that the works would not impact upon the PRRMP.
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to proposal.
CI 17 – applications referred to the National Parks and Wildlife Service	
The proposal was referred to the NPWS pursuant to clause 17 of the Alpine SEPP. Refer to comments received at Section 5 and discussion on proposal at Section 6 .	
CI 26 – Heritage conservation	
European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	The NPWS raised no concerns with the due diligence carried out by the Applicant, however recommended that 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.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) is applicable to the development. Consideration of the matters to be considered is provided below:

CI 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.	
CI 113 - Definitions	
The telecommunications component of the proposal fits the following definitions: co-location purpose means for the purpose of placing the telecommunications facilities of two or more carriers on the same support structure. telecommunications facility means: (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. telecommunications network has the same definition as in the standard instrument.	
Clause 115: Development permitted with consent	
(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.	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.
(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 Secretary for the purpose of this clause and published in the Gazette.	The Department of Planning published 'NSW Telecommunications Facilities Guideline Including Broadband' in July 2010, to supplement the telecommunications facility provisions in Infrastructure SEPP. An assessment of the proposal against this guideline is provided below. In summary, the proposal is consistent with this guideline.

Appendix C – Guidelines and Industry Codes

GUIDELINES AND INDUSTRY CODES AS REFERRED TO IN THE INFRASTRUCTURE SEPP

NSW TELECOMMUNICATIONS FACILITIES GUIDELINE INCLUDING BROADBAND (JULY 2010)

These guidelines were produced by the former 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 proposal 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 co-location of telecommunications facilities onto the approved Telstra lattice tower that will not result in an unacceptable visual impact, refer to Section 6.2 in this report.
(e) A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.	The location and design of the Telstra tower was considered appropriate under DA 7201. The co-location of telecommunications facilities onto the tower does not impact this assessment.
(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.	Refer to Section 6.2 in this report.
(j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.	Industry Code C564:2018 Mobile Phone Base Station Deployment (2018) – 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 includes the use of the approved Telstra trenching for telecommunication lines, that reduces 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 proposal includes the co-location of telecommunications facilities onto the approved Telstra lattice tower, which avoids the proliferation of telecommunications facilities and unnecessary clutter.
(c) Towers may be extended for the purposes of co-location.	The proposal includes the installation of Optus telecommuncations facilities below the approved Telstra headframe.
(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.	The proposal involves the co-location of Optus telecommunication facilities onto the Telstra lattice tower. Consideration of cumulative radio frequency emissions is provided in Section 6.3 of this report. See also discussion below at Principle 3(a) regarding application and compliance with the Radiation Protection Standard.
Principle 3: Health standards for exposure to radio emissions will be met.	
(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 (Telstra and Optus) that comply with the relevant standards. Refer to Section 6.3 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	The application is supported by a report that establishes EME levels for the proposed facility comply with the relevant standards. Refer to Section 6.3 of this report.

<p>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.</p>	<p>Recommended conditions of consent have been included requiring compliance with the relevant Industry Code C654:2018.</p>
<p>Principle 4: Minimise disturbance and risk, and maximise compliance</p>	
<p>(a) The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the <i>Civil Aviation Regulations 1988</i> and the <i>Airports (Protection of Airspace) Regulations 1996</i> 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.</p>	<p>There is no airport within 30 kilometres of the subject site and the proposal will not protrude above any obstacle limitation.</p>
<p>(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.</p>	<p>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.</p>
<p>(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.</p>	<p>This would be the responsibility of Optus installing the telecommunications facility or ancillary.</p>
<p>(e) The telecommunications facility is to be erected wholly within the boundaries of a property</p>	<p>The proposal would require involve obtaining a licence area from the NPWS.</p>

where the landowner has agreed to the facility being located on the land.	
(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 is to be provided and 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.	<p>The proposal includes securing the site from the public, which would predominantly only occur during the winter months.</p> <p>The equipment shelter would typically be securely locked, and no climbing devices installed on the tower. The facility is not located in an area directly impacted by the existing ski run.</p> <p>Construction access is considered acceptable.</p>
(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 Schedule 2 .
(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.	Recommended conditions of consent have been included requiring environmental impacts to be minimised and rehabilitation of disturbed areas.
(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>The NPWS raised no objection to the proposal subject to recommended conditions of consent.</p> <p>As confirmed within the submitted BDAR, 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 NPWS raised no objection to the proposal following the receipt of an Aboriginal Objects Due Diligence Assessment, however recommended that 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.</p>
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INDUSTRY CODE C564:2018 MOBILE PHONE BASE STATION DEPLOYMENT (2018)

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

Section 4 – Mobile Phone Radiocommunications Infrastructure Site Selection, Design and Operation	
4.1 New Site Selection	
4.1.4 The procedures must require, as a minimum, that for each site the Carrier have regard to:	
<p>(a) the reasonable service objectives of the Carrier including:</p> <ul style="list-style-type: none"> (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; 	<p>This is a consideration for the Applicant.</p>
<p>(b) minimization of EME exposure to the public;</p>	<p>A condition is recommended to ensure compliance with the relevant standards.</p>
<p>(c) the likelihood of an area being a community sensitive location (Examples of sites which may be considered to be sensitive include, residential areas, childcare centres, schools, aged care centres, hospitals and regional icons);</p>	<p>The site is not a community sensitive location. The EME report considers impacts on surrounding community sensitive locations, confirming no impacts.</p>
<p>(d) the objective of avoiding community sensitive locations;</p>	
<p>(e) relevant state and local government telecommunications planning policies;</p>	<p>Infrastructure SEPP has been considered in Appendix B.</p>

(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, with no public submissions received.
(g) the heritage significance (built, cultural and natural);	The proposal is considered to acceptable.
(h) the physical characteristics of the locality including elevation and terrain;	A Geotechnical Assessment supports the installation of the proposal onto the approved lattice tower and placement of an equipment shelter.
(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;	This is a consideration for the Applicant.
(k) the radiofrequency interference the planned service may cause to other services;	With the installation of facilities, the Applicant is supported by Telstra for co-location. No additional impacts are expected.
(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	The proposal includes the co-location of telecommunications facilities.
(n) cost factors.	This is a consideration for the Applicant.
4.2 Mobile Phone Radiocommunications Infrastructure Design	
4.2.3 With the objective of minimising unnecessary or incidental RF emissions and exposure, the procedures must ensure 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;	The proposal includes of Optus telecommunications facilities onto the approve Telstra tower is expected to improve coverage within the area.
(b) the positioning of antennas to minimise obstruction of radio signals;	The design incorporated considerations to minimise impacts on existing radio signals.

<p>(c) the objective of restricting access to areas where RF exposure may exceed limits of the EME standard;</p>	<p>The Applicant advises that new facility is designed to restrict public access to any areas that exceed the general public EME exposure limits.</p>
<p>(d) the type and features of the infrastructure that are required to meet service needs including:</p> <p>(i) the need for macro, micro or pico cells; and</p> <p>(ii) the need for directional or non-directional antennas.</p>	<p>The application is accompanied by an EME Report to establish the proposal meets the relevant standards, refer to Section 6.3 of this report.</p>
<p>(e) the objective of minimising power whilst meeting service objectives; and</p>	
<p>(f) whether the costs of achieving this objective are reasonable.</p>	
<p>4.2.5 The Carrier must make Site EME assessments for Mobile Phone Radiocommunication Infrastructure in accordance with the ARPANSA prediction methodology and report format (as referenced in Appendix B – ARPANSA EME Report Format). Note: The ARPANSA prediction methodology requires cumulative predictions from all Mobile Phone Base Station equipment installed at the site.</p>	
<p>The application is supported by a report that establishes EME levels for the proposed facility (cumulative Telstra and Optus) that comply with the relevant standards. Refer to Section 6.3 of this report.</p>	

Appendix D – Recommended Instrument of Consent

