



Subdivision and Telecommunications Facility, Mount Selwyn Alpine Resort

Development Application Assessment
DA 22/4928

March 2023

Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Subdivision and new Telecommunications Facility, Mount Selwyn Alpine Resort

Subtitle: Development Application Assessment, DA 22/4928

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

© State of New South Wales through Department of Planning and Environment 2023. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (March 2023) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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
CPP	Community Participation Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks & Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy

Contents

1	Introduction	1
2	Matters for Consideration	4
2.1	Strategic Context.....	4
2.2	Permissibility	4
2.3	Mandatory Matters for Consideration.....	4
2.4	Other approvals.....	15
3	Engagement.....	17
3.1	Department's engagement.....	17
3.2	Summary of submissions	17
4	Assessment	18
4.1	Management of impacts from proposal.....	18
4.2	Visual impacts	20
4.3	Electromagnetic energy (EME) impacts.....	21
5	Recommendation.....	22
	Appendices	23
	Appendix A – Guidelines and Industry Codes	23
	Appendix B – Recommended Instrument of Consent	31

1 Introduction

The application seeks approval for subdivision and installation of a telecommunications facility and associated works at Mount Selwyn Alpine Resort (**Figure 1**), known as Selwyn, within Kosciuszko National Park (KNP).

Selwyn is located at 213 Kings Cross Road, Kiandra, approximately 90 kilometres southwest of Canberra in the northern section of KNP and approximately 7 kilometres to the northeast of the Snowy Hydro township of Cabramurra. The Resort can be accessed by vehicle from the Link Road (off Snowy Mountains Highway) and then on to Kings Cross Road.

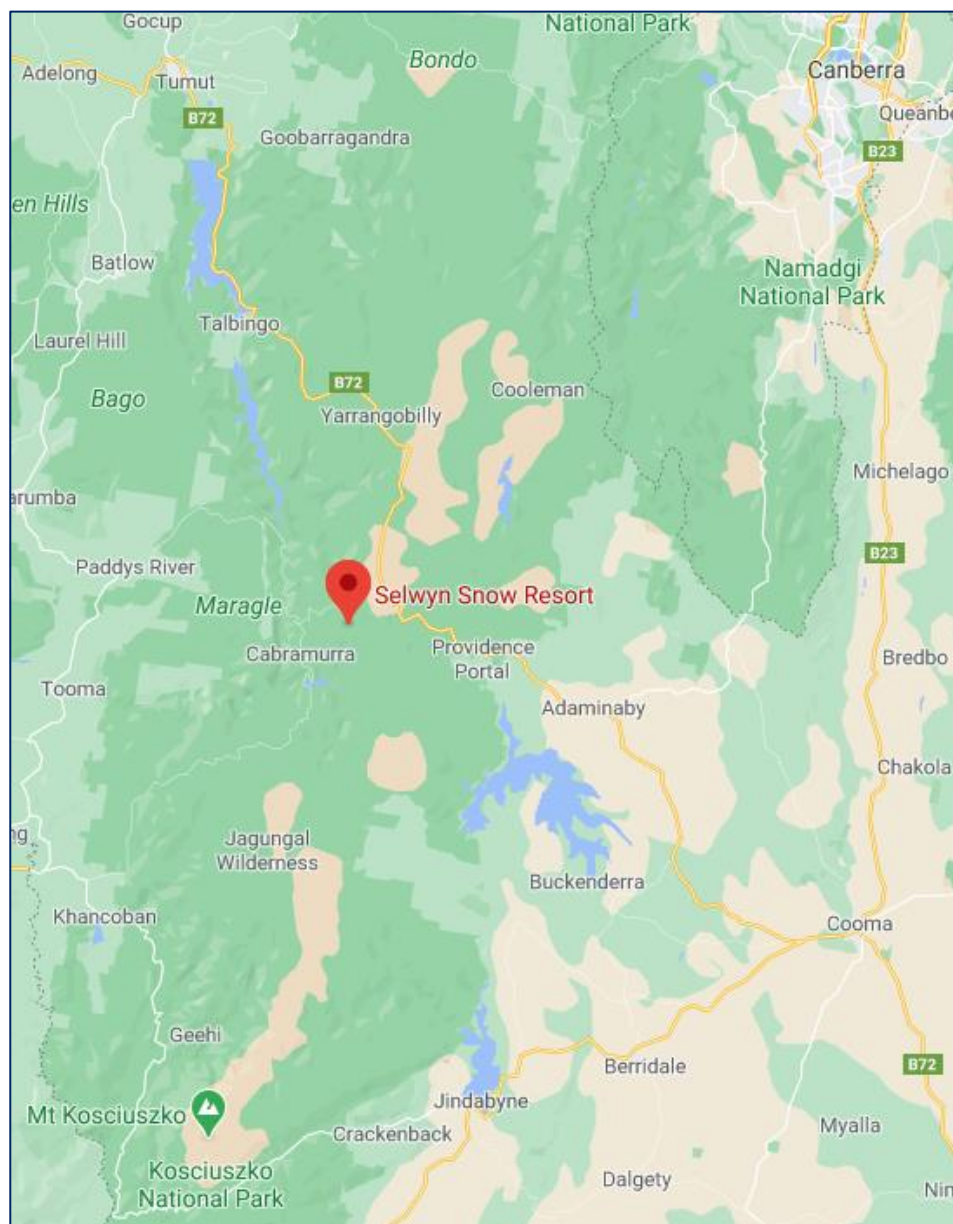


Figure 1 | Locality (Source: Google Maps 2023)

The Resort is the most northerly of Australia's ski resorts with a base elevation of 1,492 metres and a top elevation of 1,614 metres Australian Height Datum (AHD). The resort is managed under a lease from NPWS of an area of approximately 203 hectares. The primary focus of Selwyn is to provide day visitors

with opportunities for skiing and snow activities catering predominantly for beginners and intermediate skiers. The resort provides recreational resources and generates economic activity for surrounding communities, including the townships of Adaminaby, Tumut and Tumbarumba.

The Resort was established in the 1960s however all of the buildings at the site experienced extensive damage during the 2019/2020 bushfires and were removed. It is currently a construction zone with the bush fire recovery rebuilding of the staff accommodation (DA 10639), a visitor centre (DA 10644), a resort operations centre (DA 10647), a sewage treatment plant (DA 22/5248) along with other necessary infrastructure required to support ski resort activity and visitor experience.

The development site of the proposed telecommunications facility is located within Lot 36 DP 46316 on the north eastern side of the resort (**Figure 2**). There are two (2) existing telecommunications towers nearby on the same ridge, comprising a Telstra Tower and a National Parks communications tower located approximately fifty (50) metres to the east. The site is partly disturbed land with existing vegetation required to be cleared to support the proposed Asset Protection Zone (APZ) around the tower site. Access is available from the adjoining Selwyn Trail access track that passes to the north of the proposed tower site and then curves in a southern direction within approximately twelve (12) metres to the west of the site.



Figure 2 | Location of site in context of existing infrastructure (Source: Applicant's documentation).

The proposed works include subdivision of the land (to create an allotment out of the headlease) and the installation of telecommunications infrastructure (**Figure 3**), including:

- a 35-metre monopole with a triangular headframe, total height of structure is 41.20 metres;
- six (6) panel antennas (no more than 2.8 metres in length) mounted to the proposed headframe on the monopole at a height of 36 metres (antenna centreline);
- a set of Remote Radio Units (RRUs) mounted to the proposed headframe at a height of 36.5 / 35.6 / 35 metres;

- one (1) radio communications dish (1800mm diameter) at a height of 33.2 metres mounted to the monopole;
- one (1) radio communications dish (1200mm diameter) at a height of 33.2 metres;
- one (1) equipment shelter (2.5 metres x 1.8 metres) on an elevated platform with a snow roof;
- new fencing with access gates to create a secure compound;
- ancillary equipment associated with operation of the facility including; cabling, underground conduits, underground pits, cable trays, ladders, safe access methods, bird proofing, an electrical earthing system, electrical works, air-conditioning equipment and an ice-shield to protect site personnel, and
- clearing and/or modification of native vegetation (including selective removal or trimming, fuel load reduction and under-storey removal) for the installation of the facility, APZ, access trail and trenching for power lines.

The proposal has an estimated cost of works of approximately \$250,000.

Supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal website at:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

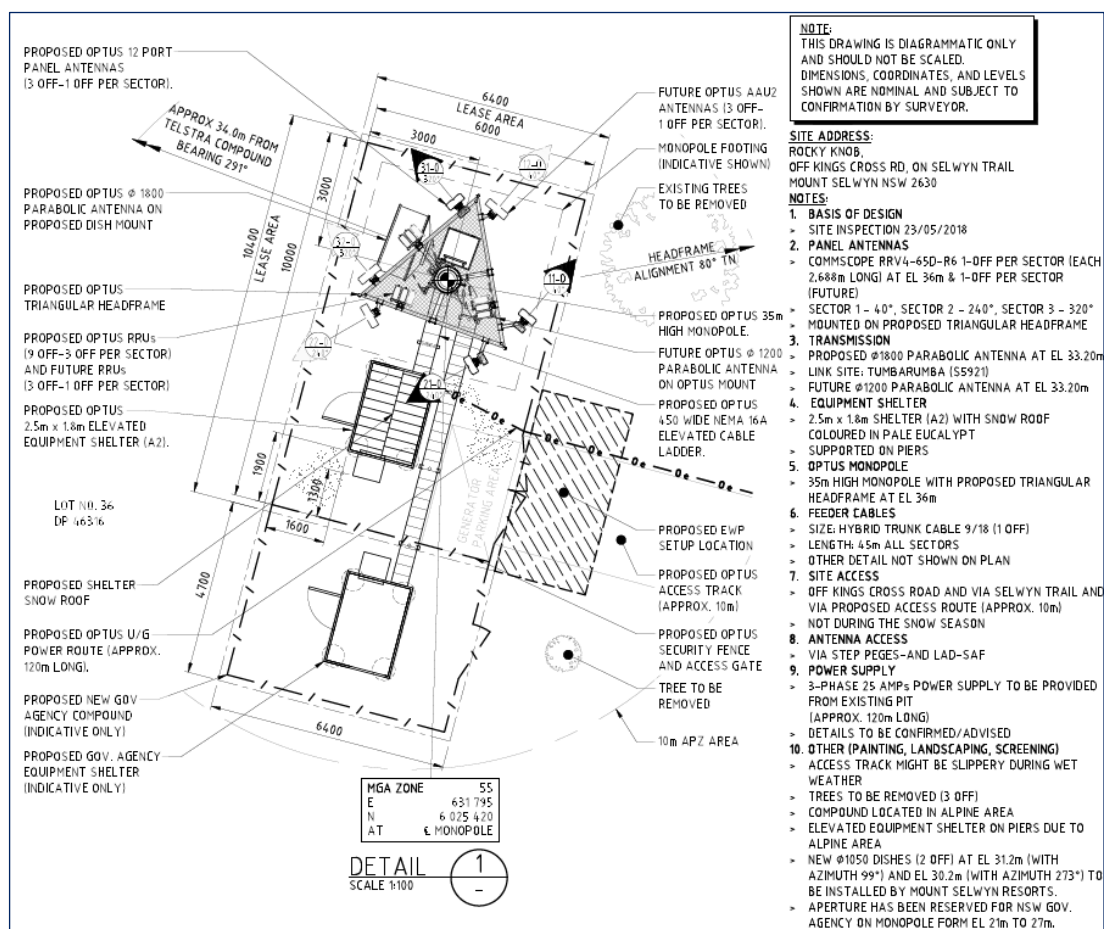


Figure 3 | Proposed tower (Source: Applicant's documentation)

2 Matters for Consideration

2.1 Strategic Context

South East and Tableland Regional Plan 2036 and Riverina Murray Regional Plan 2041

The proposal is consistent with the Regional Plans as it as it would provide improved public access to telecommunications within the resort (as Optus was not provided previously), which contributes to the safety and amenity of visitors to the resort.

Snowy Mountains Special Activation Precinct Master Plan

The proposal is consistent with the Master Plan as it supports the operation of Mount Selwyn Alpine Resort.

Precincts - Regional SEPP

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP as the potential impacts on the natural environment and cultural heritage have been mitigated through site selection that utilises an existing disturbed area, with minimal vegetation clearing required.

2.2 Permissibility

The proposal includes subdivision of land and installation of a telecommunications facility consistent with the definition of 'subdivision' and 'telecommunications facility'. Pursuant to section 4.9 of the Precincts - Regional SEPP (the section of the SEPP in effect at the time of lodgement of the Application, since amended), 'subdivision' and 'telecommunications facilities' are permissible with consent within the Mount Selwyn Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

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,	<p>The proposal supports the ongoing use of the Mount Selwyn Alpine Resort for tourism through improving existing telecommunications services.</p> <p>The location of the works and measures to contain and abate construction impacts minimise impacts on the environment.</p>
(b) to facilitate ecologically sustainable development by integrating relevant	The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Mitigation measures during

economic, environmental and social considerations in decision-making about environmental planning and assessment,	construction have been considered and rehabilitation of impacted areas is 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 Mount Selwyn Alpine Resort.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The impacts upon the environment have been limited where possible, utilising a partially cleared area with conditions of consent also imposed to ensure appropriate environmental management.</p> <p>Impacts on any threatened or vulnerable species, populations, communities or significant habitats have been considered in the submitted Biodiversity Assessment, which is discussed in Section 4 and Appendix B.</p>
(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 or 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 natural environment in order to provide the facility at the site. Provision for the future co-location with other carriers is also included within the design.
(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 A).
(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 3), 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 3**), which included displaying the application on the NSW Planning Portal website.

Section 1.4 of the EP&A Act (Application of Part 7 of the Biodiversity Conservation Act 2016)

To satisfy the requirements of section 1.7 of the EP&A Act, the Applicant undertook an assessment of the proposal against the provisions of section 7.3 of the BCA Act.

The location of the proposal provides a wide variety of flora and fauna species. The Applicant's ecologist states that the study area provides potential habitat for a range of native fauna, including the following threatened species:

- Alpine She-oak Skink (endangered – potential to occur)
- Dusky Woodswallow (vulnerable – potential to occur)
- Mountain Pygmy-possum (endangered – potential to occur)
- Eastern Pygmy-possum (vulnerable – potential to occur)
- Broad-toothed Rat (vulnerable – potential to occur)
- Smoky Mouse (endangered – potential to occur)

A five-part Threatened Species Test of Significance in accordance with BC Act was undertaken by the Applicant to consider the impact of the proposal upon the Alpine She-oak Skink, Dusky Woodswallow, Mountain Pygmy-possum, Eastern Pygmy-possum, Broad-toothed Rat and Smoky Mouse that is known to, or has potential to, occur at the site. The test of significance shows that the proposal is not likely to result in a significant impact on the threatened species that were assessed.

The Applicant's summary is provided in **Table 2** below.

Table 2 | Test of Significance consideration

Threatened Fauna	Assessment
Alpine She-oak Skink	<p>The proposed works will impact on 0.08 hectares of medium quality habitat through the removal and modification of vegetation, woody debris and rocky debris. The area to be impacted occurs within a large patch (>1000 hectares) of potential habitat for Alpine She-oak Skink. As the habitat to be impacted is relatively small within a large habitat corridor it is unlikely the removal of this habitat will have an adverse effect of the life cycle of the species.</p> <p>The installation of the tower may provide greater perching opportunity as an additional means for birds of prey to predate on Alpine She-oak Skink. However, considering there are existing towers in the area surrounding the site, and other</p>

hunting strategies are already employed by these birds, predation on Alpine She-oak Skink by birds is not expected to increase significantly as a result of the tower installed for the Project.

The proposed works will include preclearance investigation by an appropriately qualified ecologist to ensure that there is no presence of individuals prior to minimise the potential for direct mortality from the works. All woody debris will be stockpiled and re-located within adjacent retained areas.

The small area of habitat proposed to be impacted could impact individuals, however, the small scale of clearance proposed with added mitigation measures, within an area containing larger continuous areas of suitable habitat, is considered unlikely to affect a viable local population of the species such that it could be placed at risk of extinction.

Dusky Woodswallow		Dusky Woodswallow was not recorded during the surveys (no targeted survey was undertaken). There are known records of the species within 10 kilometres of the study area (OEH 2018). There is potential for the study area to be used occasionally by this species for foraging, although it is unlikely that individuals rely upon resources in the study area.
Mountain Possum	Pygmy	Mountain Pygmy Possum was not recorded during the surveys (no targeted survey was undertaken). There are known records of the species within 10 kilometres of the study area (OEH 2018). There is potential for the study area to be used occasionally by this species for foraging and as movement corridor, although it is unlikely that individuals rely upon resources in the study area.
Eastern Possum	Pygmy	Eastern Pygmy Possum was not recorded during the surveys (no targeted survey was undertaken). There are known records of the species within 10 kilometres of the study area (OEH 2018). There is potential for the study area to be used occasionally by this species for foraging, although it is unlikely that individuals rely upon resources in the study area.
Broad-toothed Rat		Broad-toothed Rat was not recorded during the surveys (no targeted survey was undertaken). There are known records of the species within 10 kilometres of the study area (OEH 2018). Potential habitat for this species occurs within the study area, primarily in the form of sheltering and foraging habitat among shrubs and tussock grasses, although it is unlikely that individuals rely upon resources in the study area.

Smoky Mouse	Smoky Mouse was not recorded during the surveys (no targeted survey was undertaken). There are known records of the species within 10 kilometres of the study area (OEH 2018). Potential habitat for this species occurs within the study area, primarily in the form of sheltering and foraging habitat among shrubs and tussock grasses, although it is unlikely that individuals rely upon resources in the study area.
-------------	--

To further mitigate potential impacts, the Applicant's ecologist recommended the implementation of a number of measures including:

- Identifying the limits of the proposed clearing works as 'No Go' zones in a project Construction Environmental Management Plan (CEMP) and on site.
- Retain mature trees during APZ establishment, particularly those that support hollows.
- Ensure modification to the project considers impacts on the overall quality of any native vegetation currently to be retained.
- Ensure appropriate sediment control measures are in place to ensure run-off during construction does not result in indirect impacts to native plant communities.
- Any stockpiling or storage of construction materials should be located within areas to be cleared.
- Pre-clearance surveys are to be undertaken by an ecologist prior to removal of vegetation and disturbance/removal of surface rock and woody debris to confirm absence of threatened species.
- All woody debris is to be collected and relocated into adjacent areas as selected by a suitably qualified ecologist.
- Areas left bare after works are revegetated with native species typical to the Plant Community Types (PCTs) as mapped.
- Reduce clearing within steep slope areas.

Considerations under section 4.15 of the EP&A Act

Table 3 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts - Regional SEPP and the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP) are the principal EPIs which applies to the site for this type of development.</p> <p>An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP and relevant</p>

provisions within the Transport and Infrastructure SEPP is provided below.

The Department is satisfied that the application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP and the Transport and Infrastructure SEPP.

(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4).</p> <p>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.</p>
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development, with minimal native vegetation impacts likely to occur as a result of the proposal. The proposal is considered to have positive economic and social impacts.
(c) the suitability of the site for the development,	The site is suitable for the development, as discussed in Section 4 of this report.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency discussions during the assessment of the application. See Section 3 of this report.
(e) the public interest.	The works are consistent with the aims and objectives of Chapter 4 of the Precincts - Regional SEPP and the Transport and Infrastructure SEPP. The development supports the use of Mount Selwyn Alpine Resort and would not have an adverse impact on the

environment. The proposal is consistent with the principles of ESD.

As such, the proposal is believed to be in the public interest.

Environmental Planning Instruments

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) and *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) are applicable to the development.

Consideration of Chapter 4 of the Precincts - Regional SEPP and the applicable sections of the Transport and Infrastructure SEPP (provisions at the time of lodgement of the application are provided below (**Table 4** and **5** respectively):

Table 4 | Chapter 4 SEPP (Precincts - Regional) considerations

Section 4.12(1) - Matters to be considered by consent authority

(a) the aim and objectives of this policy, as set out in section 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP in that it is consistent with the principles of ESD and supports the ongoing use of the ski resort.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<p>The proposal is appropriate as it is located within an existing disturbed area with minimal impact on the environment.</p> <p>The land is not subject to flooding. The site is identified as bushfire prone land and an APZ around the site is proposed to be implemented. The land is identified as not being in an area of geotechnical sensitivity, with geotechnical considerations discussed below.</p> <p>Natural hazards have been adequately addressed.</p>
(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 will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.
(d) any statement of environmental effects,	The SEE and supporting information supplied are considered adequate to enable a proper assessment of the works.

(e) the character of the alpine resort,	<p>Improving access to telecommunications facilities is in the Applicant's and Mount Selwyn Alpine Resorts interest.</p> <p>The location of the facility is not considered to adversely impact on the character of the resort, noting another telecommunications facility is located approximately 50 metres from the site with co-location options on that facility not possible.</p>
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The site is located outside of the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Mount Selwyn Map.</p> <p>The application is supported by a Geotechnical Site Investigation and Form 4 prepared by Intrax Consulting Engineers Pty Ltd.</p> <p>The report includes recommendations for the construction of the works including excavation, foundations, precautions and inspection hold point requirements.</p> <p>The Department concludes that potential geotechnical impacts have been addressed appropriately and subject to compliance with the recommendations of the Geotechnical Site Investigation, no concerns are raised with the proposal.</p>
(g) any sedimentation and erosion control measures,	<p>No adverse impacts are expected during to the works, with the implementation of the submitted Site Environmental Management Plan arrangements and compliance with conditions.</p>
(h) any stormwater drainage works proposed,	<p>No negative impacts to stormwater or drainage are anticipated due to the nature of the proposed works.</p>
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	<p>The proposal will not result in an unacceptable visual impact, refer to Section 4 in this report.</p>
(j) any significant increase in activities, outside of the ski season,	<p>The proposal does not result in an increase in activities outside the ski season, with Mount Selwyn Alpine Resort only open to the public during winter.</p>

(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,	Not applicable to the proposal as the site is located within Mount Selwyn Alpine Resort.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The site is not within a riparian corridor.

Section 4.14 – additional matters to be considered for subdivision

(a) to the fullest extent practicable, lot boundaries follow ecological, catchment, topographical or other natural boundaries in the vicinity (if any) so as to facilitate the long-term protection of biodiversity values and conservation management, and	The lot boundary is associated with the function of the telecommunications facility within an existing disturbed area and will not lead to any significant impacts on the environment or conservation values.
(b) if it is proposed that the land be built on—the land is not subject to flooding or geotechnical risks or is otherwise unsuitable for building purposes, and	A Geotechnical Site Investigation has been submitted with the application. The report concludes that the site is suitable for the proposed development subject to recommendations. The Department has also recommended conditions in relation to construction of the facility.
(c) the subdivision will (to the extent relevant) achieve the most efficient use of existing public utility services (such as water supply and sewerage services), and	The subdivision would not negatively impact use of the existing services with the future telecommunications facility well located and able to connect to existing utility services in the locality.
(d) the subdivision will not have any significant adverse impact on any of the following plant communities on land identified as containing such a plant community in any Figure (other than Figures 1 and 11) in the Kosciuszko Resorts Vegetation Assessment— (i) feldmark, (ii) short alpine herbfield, (iii) snowpatch.	<p>The subdivision is located within an existing disturbed area and is will not lead to adverse impacts on identified plant communities.</p> <p>No objection is raised by NPWS in relation to the proposed subdivision and its impact on the existing environment.</p>

Section 4.15 – applications referred to the National Parks and Wildlife Service

The proposal was referred to the NPWS pursuant to section 4.15 of the Precincts - Regional SEPP. Refer to comments received at **Section 3** and as required, discussions on the proposal at **Section 4**.

Section 4.24 – Heritage conservation

European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	The NPWS raised no concerns, 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 (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) is applicable to the development. Consideration of the matters to be considered is provided below:

Table 5 | Transport and Infrastructure SEPP considerations

Section 2.1 – Aim of Chapter:

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

Part 2.3 of the Chapter sets out development controls for certain types of development and Division 21 of the Part sets out the development controls for telecommunications and other communication facilities

Section 2.140 - Definitions

The telecommunications component of the proposal fits the following definitions:

telecommunications facility means:

- (a) any part of the infrastructure of 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 means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

Section 2.143: Development permitted with consent

Development for the purpose of telecommunications facilities, other than development in section 2.141 or development that is exempt development under section 2.20 or 2.144, 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 section 2.141 and not exempt development under section 2.20 or 2.144 and is therefore permissible with consent.

Before determining a development application for development to which this section 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 Planning Secretary for the purpose of this section and published in the Gazette.

The Department published 'NSW *Telecommunications Facilities Guideline Including Broadband*' in July 2010 (updated in October 2022) to supplement the telecommunications facility provisions in the then Infrastructure SEPP. An assessment of the proposal against this guideline is provided below in **Appendix A**.

In summary, the proposal is consistent with the guideline.

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 ESD principles and the Department is satisfied the proposed change of use to a bedroom and associated minor works have been developed having regard to ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations,
- the Applicant has recognised the value of the environment and restricted works to the existing disturbed areas, with minimal vegetation management required for construction and to meet a 10 metre Asset Protection Zone around the facility,
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage.

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 (BOS) 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 Applicant advises that the proposed native vegetation clearing is below the threshold. The Department has reviewed the threshold requirements against the proposal and the works below the threshold requirement of 1 hectare (proposed vegetation clearing of between 1500-1600 square metres around the tower, access to the site, trenching and implementation of the APZ).

The Department notes that the development site is not within an area mapped on the BVM.

As discussed in **Section 2.3** above, a five parts Threatened Species Test of Significance in accordance with BC Act was undertaken by the Applicant to consider the proposal’s impact upon the Alpine She-oak Skink, Dusky Woodswallow, Mountain Pygmy-possum, Eastern Pygmy-possum, Broad-toothed Rat and Smoky Mouse that is known to, or has potential to, occur at the site. The test of significance shows that a significant impact is not likely to result from the proposal on the threatened species that were assessed.

To mitigate potential impacts, the Applicant is proposing measures to minimise impacts of construction and rehabilitate the works area following completion. These recommendations are supported and included within the recommended conditions of consent in **Appendix B**.

The Department notes that there is currently no declared area of outstanding biodiversity value within KNP.

The Department is therefore satisfied that the BOS does not apply. The NPWS also concurs with the Applicant’s assessment. Implementation of the recommended methods to minimise impacts on surrounding vegetation is supported.

2.4 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 proposal would not result in any substantial adverse impacts on the environment or have any significant effects on threatened species, endangered populations, ecological communities, or their habitats, listed under the *Biodiversity Conservation Act 2016* (BC Act) or the EPBC Act.

Rural Fires Act 1974

It is noted that the development site is located on bushfire prone land (BFPL). While the development of telecommunication infrastructure on BFPL does not require the approval from the NSW Rural Fire Service (RFS) and issue of a Bush Fire Safety Authority, the RFS have issued a practice note wherein they provide

Telecommunication towers in bushfire prone areas are considered to be critical infrastructure for firefighting communications and for providing warnings, information and communication channels for people in bush fire prone areas during bush fire emergencies. As such, the RFS recommend a ten (10) metre APZ for all telecommunication towers and associated buildings, and recommend the critical infrastructure is made from materials designed to withstand 40kWm² of radiant heat and to withstand ember penetration into the structure and associated infrastructure.

The NPWS requested that the Applicant provide an APZ and access management plan for the site prior to any vegetation being removed. No plan has been received, and following discussions with the NPWS, the Department is recommending the preparation of an APZ management plan prior to the issue of the construction certificate.

Subdivision and Telecommunications Facility, Mount Selwyn Alpine Resort (DA 22/4928) | Assessment Report

3 Engagement

3.1 Department's engagement

The Department's Community Participation Plan, November 2019, prepared in accordance with schedule 1 of the EP&A Act requires applications of development consent to be exhibited for a period of 14 days. However, applications under the Precincts – Regional SEPP are not required to be public exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than 50 metres away from a tourist accommodation building.

The Department exhibited the application between 1 April 2022 until 14 April 2022 on the NSW Planning Portal website

The application was referred to the NPWS pursuant to section 4.15 of Chapter 4 of the Precincts – Regional SEPP.

3.2 Summary of submissions

During the exhibition period, the Department received comments from NPWS. No public submissions were received.

The NPWS did not object to the proposal and provided comments and recommended conditions on leasing and the KNP Plan of Management, BC Act, protection of native vegetation fauna and fauna habitats (including commentary on trenching measures, exotic species management, machinery / equipment / materials, stockpiles, construction periods, and rehabilitation measures), Aboriginal cultural heritage and on visual impacts.

As noted previously, the NPWS sought the submission of a APZ and access management plan for approval prior to undertaking any vegetation clearing. The Department notes that no plan has been provided during the assessment of the application.

Following discussions with the NPWS the Department is recommending the preparation of the APZ and access management plan prior to the issue of the construction certificate.

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:

- impacts on biodiversity
- visual impacts
- electromagnetic energy impacts

Each of these issues are discussed in the following sections of this report.

4.1 Management of impacts from proposal

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.

Vegetation removal and rehabilitation

The Applicant comments that the works involve:

- native vegetation clearing of 71 square metres around the tower (see **Figure 5** for a depiction of the current site vegetation and existing landscape) and approximately 700 square metres of clearing / selective removal of vegetation for the access path / trenching and APZ
- removal and modification of 800 square metres of habitat
- potential erosion (and resultant sedimentation) on disturbed slopes

The Applicant's ecologist comments that:

- The impact to the area will be minimised by selective trimming of vegetation within the APZ to retain large trees with higher ecological values and by selecting the access area and trenching for the power line alignment to minimise the need for vegetation removal.
- The proposal will not result in a significant effect on threatened biota.
- The proposal is considered unlikely to have a significant impact on a Matter of National Environmental Significance, and a referral to the Commonwealth is not recommended.

The Department also considers that the proposal is unlikely to cause SAIL following a review of the *Guidance to assist a Decision-Maker to determine a Serious and Irreversible Impact 2019*.

NPWS recommended that the Applicant prepare a Site Environmental Management Plan (SEMP) addressing trench measures; exotic species management; machinery, equipment and materials; stockpile

sites, and soil and waste management; construction period; and the rehabilitation, monitoring and maintenance.

The Applicant has noted this comment and raised no concerns with complying with preparing a SEMP. A condition is recommended to ensure compliance.

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)*” and that site management arrangements are in place prior to commencement of works to ensure that the works do not go into areas that have not been assessed as part of this application.

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

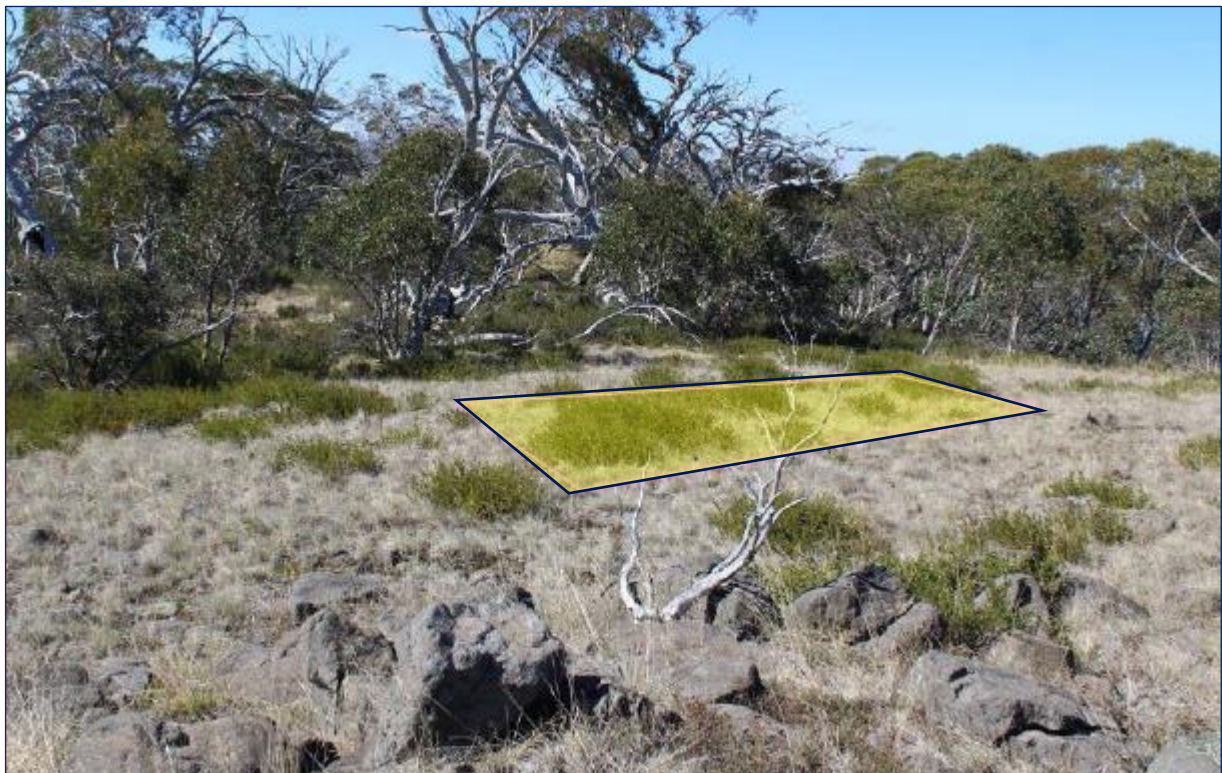


Figure 5 | Proposed compound site and vegetation (Source: Applicant’s documentation)

Construction access and stockpile locations

Proposals within the Alpine resorts are required to consider their impact of construction activities upon the environment. In this regard, access to the site is proposed via the existing Selwyn Trail summer access track and to the adjacent telecommunication towers and then via a new access track to the proposed site. During winter, maintenance and emergency access would be discussed with Mount Selwyn Alpine Resort staff.

Given the location of the facility, 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 location of material and storage areas and ensuring no environmental impacts during construction.

The Department has also adopted the NPWS recommended conditions including stockpile sites and access management, including the submission of an APZ and access management plan.

4.2 Visual impacts

The proposed works involve the construction of a new 35 metre (plus headframe that provides a total height of 41.20 metres) tower adjacent to existing telecommunications facilities. The Department notes that the site is in close proximity of the existing Telstra tower (**Figure 6**) and NPWS communications facility.

The Applicant comments that no co-location opportunities were available that met the requirements for the project to proceed or could not be facilitated due to existing agreements to occur in relation to the land. The proposed Optus facility would also allow for Mount Selwyn Alpine Resort and other NSW Government agencies to share the facility and install their own radiocommunications infrastructure on the monopole (subject to a separate development application).

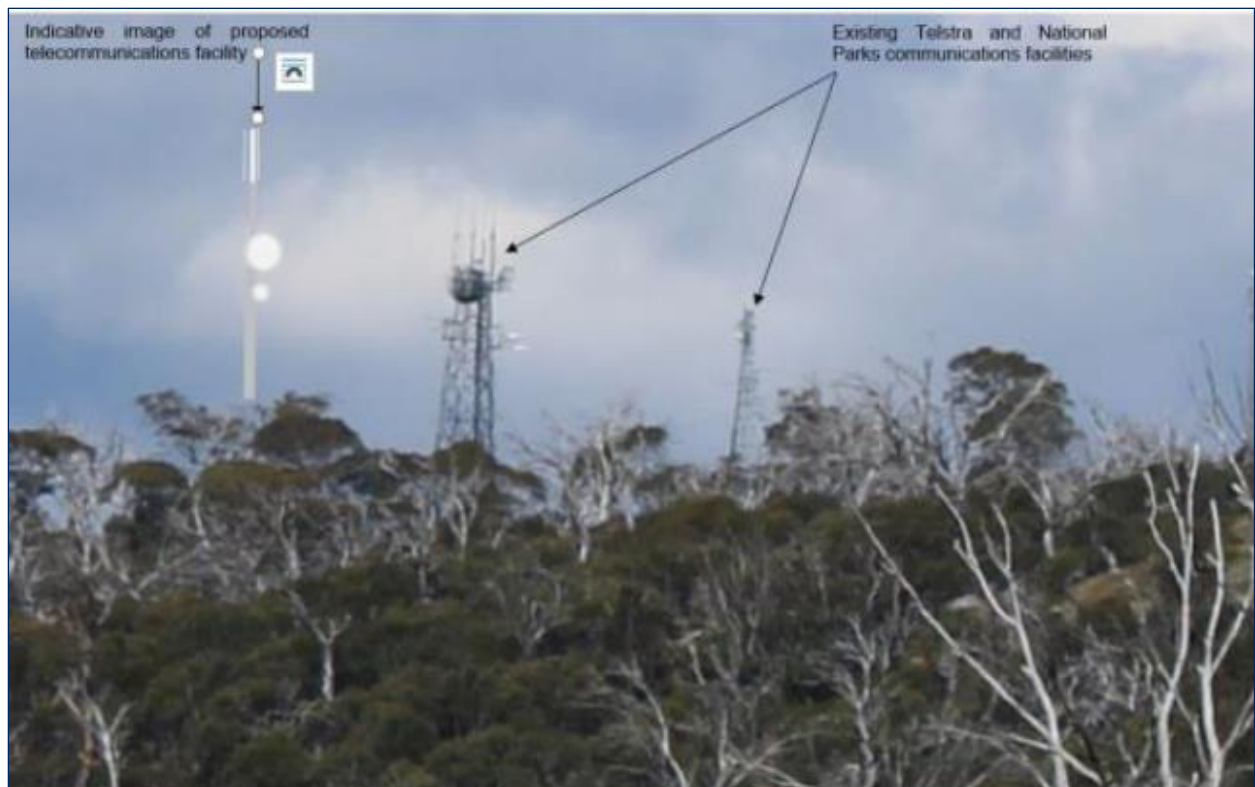


Figure 6 | Indicative image of proposed tower in relation to existing telecommunication facilities nearby
(Source: Applicant's documentation)

The Department's assessment has considered the existing site, adjoining telecommunications facilities and ability to view the site from the surrounding area, including ski slopes. The Department considers the proposal is acceptable as:

- the new telecommunications facility does not have any significant additional visual impact upon the environment or when viewed from the adjoining sites'
- the proposal to site the facility in the subject location is compatible with the existing towers, and it is suitable and desirable to cluster telecommunications facilities in the locality, having regard to both operational requirements and visual impact, and

- the works would be partly screened by the topography of the surrounding area and painted a natural grey to blend into the sky / snow backdrop.

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

4.3 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 Exposure) Standard 2003*.

Carriers must comply with standards set down by the ACMA. Therefore, the new facility 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 changes at this site is 0.73% out of 100% of the public exposure limit, when 245 metres from the location. 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.

5 Recommendation

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 an impact on any threatened species, populations or ecological communities as confirmed by the Applicant and supported by the NPWS
- the proposal would not result in any significant visual impacts given the location of the works and the existing infrastructure in the region
- 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

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 recommended conditions. In accordance with the Minister's delegation of 9 March 2022, the Team Leader, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed
- there are less than 15 public submissions in the nature of objections
- the application is in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies

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

- **considers** the findings and recommendations of this report
- **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 22/4928, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix B**)

Recommended by:



Mark Brown
Senior Planner
Alpine Resorts Team

Adopted by:



Daniel James
Team Leader
Alpine Resorts Team

as delegate of the Minister for Planning

Appendices

Appendix A – Guidelines and Industry Codes

NSW TELECOMMUNICATIONS FACILITIES GUIDELINE INCLUDING BROADBAND (JULY 2010)

These guidelines were produced by the former NSW Department of Planning to provide a guide to Statewide planning provisions and development controls for telecommunication facilities in NSW contained in the former Infrastructure SEPP (now known as the Transport and Infrastructure SEPP). The Guidelines were updated in October 2022, however the 2010 version is relevant to the application at the time of lodgement.

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.

(a) As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.	The proposal would be a new telecommunications facility, which is consistent with other telecommunications facilities within the immediate locality.
---	--

(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 Department's assessment of the proposal considers that the installation of the new telecommunications facility will not result in an unacceptable visual impact, refer to Section 4 in this report.
---	--

(c) Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.	The Applicant states that the proposed structure is to be painted grey, consistent with other adjacent facilities to blend into the natural environment and snow landscape.
--	---

(e) A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.	The design of facility responds to its setting and is consistent with adjoining telecommunications facilities at the site.
---	--

(g) A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.

The proposal is not considered to have an unacceptable impact on the locality. Refer to **Section 4** in this report.

(j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.

Industry Code C564:2020 Mobile Phone Base Station Deployment (2020) – see discussion below this table.

Principle 2: Telecommunications facilities should be co-located wherever practical.

(a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.

The proposal incorporates trenching for services along an existing track and then to a new access track to the site. Recommended conditions of consent will ensure minimal and acceptable environmental impacts during construction.

(b) Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter.

The proposed monopole structure will enable co-location of other carriers to avoid unnecessary clutter.

(f) If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.

Not applicable. The proposal does not involve co-location with other telecommunication facilities, however any future co-location will be assessed on its merits (future consideration either by the Department or NPWS).

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 that comply with the relevant standards. Refer to **Section 4** of this report.

(b) An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.

The application is supported by a report that establishes EME levels for the proposed facility comply with the relevant standards. Refer to **Section 4** of this report.

Principle 4: Minimise disturbance and risk, and maximise compliance

(a) The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the *Civil Aviation Regulations 1988* and the *Airports (Protection of Airspace) Regulations 1996* 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.

There is no airport within close proximity of the subject site (closest commercial airport being Cooma Airport, while Cabramurra (a Snowy Hydro township) has a grass / gravel airstrip approximately 10 kilometres from the site) and the proposal will not protrude above any obstacle limitation.

The proposed height of the telecommunications facility is also consistent with the other telecommunication facilities contained within the immediate vicinity of the site.

(b) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.

The subject site is not within close proximity to an airport or port of Commonwealth Defence land, therefore there will be no impact in this regard.

(c) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.

This would be the responsibility of the Applicant installing the telecommunications facility or ancillary facilities.

(e) The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.	The head-lessee has provided consent for the lodgement of the development application.
(d) The telecommunications facility is not to affect the structural integrity of any building on which it is erected.	Non applicable.
(e) The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.	The proposed facility is located within the boundaries of Mount Selwyn Alpine Resort, with the consent of the head lessee provided.
(f) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – <i>'Managing Urban Stormwater: Soils and Construction'</i> (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 facility is not located in an area directly impacted by any pedestrians or existing ski runs due to the rocky nature of the site.</p> <p>Signage is to be investigated advising of the telecommunications facilities and restricting access to the area.</p> <p>Construction access is considered acceptable and would only be by qualified technicians.</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 Appendix B, 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.	Refer to Section 4 for discussion on impacts to flora and fauna.

<p>(l) The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.</p>	<p>The NPWS raised no objection to the proposal and noted that the proposal does not trigger the Biodiversity Offset Scheme.</p> <p>The NPWS recommended conditions of consent in terms of the protection of native vegetation, flora and fauna habitats.</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>NPWS 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>
--	--

INDUSTRY CODE C564:2020 MOBILE PHONE BASE STATION DEPLOYMENT (2020)

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) minimisation of EME exposure to the public;</p> | <p>A condition is recommended to ensure compliance with the relevant standards.</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>The site is not a community sensitive location.</p> <p>The EME report considers impacts on surrounding community sensitive locations, confirming no locations identified.</p>
(d) the objective of avoiding community sensitive locations;	
(e) relevant state and local government telecommunications planning policies;	The Transport and Infrastructure SEPP has been considered in Section 2 .
(f) the outcomes of consultation processes with Councils and interested and affected parties as set out in Clause 6.4;	The proposal was placed on public exhibition, with no public submissions received.
(g) the heritage significance (built, cultural and natural);	The proposal is considered acceptable.
(h) the physical characteristics of the locality including elevation and terrain;	<p>The site is on an elevated ridgeline, as is necessary for the purposes of situating a communications tower. The development site has an elevation of approximately 1603 metres, being subordinate to the peak of Mount Selwyn located approximately 510 metres to the north-east which has a height of 1614 metres above sea level. While the development site is relatively flat, the surrounding terrain is undulating to steep.</p> <p>A Geotechnical Site Investigation supports the installation and placement of the tower and associated infrastructure at the site.</p>
(i) the availability of land and public utilities;	Power is to be provided to the site via trenching from an adjoining source.
(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 installation of the new facility will enable future co-location opportunities.
(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;	<p>The proposal includes provision of an Optus telecommunications facility that is expected to improve coverage within the area for the Mount Selwyn Alpine Resort and the surrounding locality.</p> <p>This however is a consideration for the Applicant and Optus.</p>
(b) the positioning of antennas to minimise obstruction of radio signals;	The design incorporated considerations to minimise impacts on existing radio signals.
(c) the objective of restricting access to areas where RF exposure may exceed limits of the EME standard;	The EME exposure limits do not exceed the EME standard. Access around the site is restricted with site fencing.
<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>(e) the objective of minimising power whilst meeting service objectives; and</p> <p>(f) whether the costs of achieving this objective are reasonable.</p>	This is a consideration for Optus.

4.2.4 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.

The application is supported by a report that establishes EME levels for the proposed facility that complies with the relevant standards. Refer to **Section 4** of this report.

Appendix B – Recommended Instrument of Consent