



Upgrade to Optus Telecommunications Facility 'Cat Shed Workshop', Thredbo

Development Application Assessment
DA 22/9630

December 2022

Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Upgrade to Optus Telecommunications Facility 'Cat Shed Workshop', Thredbo

Subtitle: Development Application Assessment, DA 22/9630

Cover image: *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 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 and Public Spaces
NPWS	National Parks & Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy

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1 Introduction

The application seeks approval to upgrade an existing Optus telecommunications facility located near Cat Shed workshop, Thredbo within Kosciuszko National Park (KNP). The proposed upgrade involves replacement of four existing panel antennas, installation of four new remote radio units, replacement of the existing GPS antenna, installation of new base-station equipment, and installation of new cabling and other ancillary items. The Applicant is SAQ Consulting Pty Ltd (on behalf of Optus Mobile Pty Ltd).

The Applicant comments that the proposal is being sought to enable the provision of 5G services to Thredbo Village and surrounds, and as the upgrade is proposed on existing infrastructure, it is not expected the proposal will result in any adverse environmental impacts.

Supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal website at: <https://pp.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>



Figure 1 | The site (Base source: Nearmap 2022)

1.1 The Site and Surrounding Development

The site (**Figure 1**) is located south-east of the Cat Shed maintenance workshop, forming part of a large area of disturbed land, adjoining the ski runs. Native vegetation is located along the edge of the ski runs. An existing Optus telecommunications monopole and equipment shelter is located on the site.

The adjoining maintenance workshop is located near the site, and contains large snow ploughing vehicles, ancillary plant and other servicing equipment. The maintenance workshop area is accessed via a 4WD access track from the Thredbo Village.

1.2 Related Development Consents

On 16 September 2015, the Team Leader of the Alpine Resorts Team, as delegate for the then Minister for Planning approved a development application (DA 6968) for the subdivision and construction of an Optus telecommunications monopole and ancillary equipment and associated works (**Figure 2**).

On 16 December 2015, the Team Leader of Alpine Resorts Team, as delegate for the then Minister for Planning approved modification MOD 7383 (DA 6968 MOD 1) to the development to incorporate a new ice shield on the tower at an elevation of four metres from the slab footing.

On 16 March 2016, the Team Leader of Alpine Resorts Team, as delegate for the then Minister for Planning approved modification MOD 7531 (DA 6968 MOD 2) that sought consent to modify the approval as follows:

- realigning the fibre optic cable route to include underboring from the approved tower location to under Thredbo river; and
- installing seven boreholes / pits along the revised alignment.

On 28 November 2016, the Team Leader of Alpine Resorts Team, as delegate for the then Minister for Planning approved modification MOD 8047 (DA 6968 MOD 3) that sought consent to modify the approval as follows:

- reduce the overall cable length;
- modify the size of pits along the cable route; and
- include a new pit near the existing Telstra exchange pit along Friday Drive.

On 9 March 2017, the Team Leader of Alpine Resorts Team, as delegate for the then Minister for Planning approved modification MOD 8264 (DA 6968 MOD 4) that sought consent to modify the approval as follows:

- modifying the location of the approved telecommunication pole by increasing the separation to the south-west from the Snowgums Chairlift line by two metres (25 to 27 metres); and
- modifying the electricity cable route to avoiding connecting into the existing workshop.

On 4 February 2020, the Team Leader of Alpine Resorts Team, as delegate for the Minister of Planning and Public Spaces approved a development application (DA 10107) for the upgrade to the Optus telecommunications facility, comprising:

- addition of antenna and parabolic dish;
- remote radio units; and
- associated cabling and works within adjoining equipment shelter.

2 Matters for Consideration

2.1 Strategic Context

South East and Tableland Regional Plan 2036

The Department considers 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 utilising the existing facility that reduces environmental impacts

Precincts - Regional SEPP

The Department considers the proposal is consistent with Precincts - Regional SEPP as the proposal minimises native vegetation impacts with utilising the existing telecommunications facility rather than a new site, while rehabilitating disturbed areas at the completion of works.

2.2 Permissibility

The proposal involves upgrades to a telecommunication facility while maintaining the use of its site consistent with the definition of 'telecommunication facility' as defined in Chapter 4 of the Precincts - Regional SEPP. Pursuant to section 4.9 of the Precincts - Regional SEPP, a 'telecommunication facility' is permissible with consent within the Thredbo 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 improving existing telecommunications services for Optus customers within Thredbo Alpine Resort.</p> <p>The location of the works and construction impacts minimise impacts on the environment.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal would not have an impact on the environment (as no vegetation loss is expected) thus being ecologically sustainable development. Mitigation measures during construction and rehabilitation of impacted areas are supported.</p>

(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 Thredbo 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 proposed development would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats.
(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 the proposal is appropriately designed and would not impact the built or natural environment.
(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 did not exhibit the proposal, however received comments from the NPWS.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Due to the location of works the Department did not exhibit the application (consistent with the Department's Community Participation Plan), however the application was placed on the NSW Planning Portal website.

Considerations under section 4.15 of the EP&A Act

Table 2 | 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 is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below.</p> <p>The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.</p>
(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 no environmental impacts likely to occur as a result of the proposed upgrades to a telecommunication facility. 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.

(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 aim and objectives of Chapter 4 of the Precincts - Regional SEPP. The development is compatible with adjoining land uses of the locality 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) is the principal EPI applicable to the development. Consideration of Chapter 4 of the Precincts - Regional SEPP is provided below:

Table 3 | Chapter 4 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 site for a 'telecommunication facility'.

(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),

The proposal is appropriate as it improves the function of the existing telecommunication facility. Natural hazards have been adequately considered.

(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,

As the proposal seeks to upgrade an existing telecommunication facility, 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,	The proposal would not adversely alter the character of the resort as it is for upgrades to an existing telecommunication facility only.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The Applicant advised that no additional measures with respect to geotechnical matters need to be considered for the proposed works, as they involve upgrades to the existing monopole only.</p> <p>The Department has reviewed the proposed works and considers that the amendments to the existing telecommunication facility would not impact upon the existing load bearing capacity of the structure.</p> <p>The Department raises no concerns with the proposal.</p>
(g) any sedimentation and erosion control measures,	No adverse impacts are expected due to the upgrades to the telecommunication facility
(h) any stormwater drainage works proposed,	Given the scope of the proposal, the proposal is not considered to impact upon stormwater drainage from the proposal.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal is not visible from the Main Range.
(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,	Not applicable to proposal.
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to this proposal.

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

Aboriginal heritage would not be impacted as the proposed works occur on the existing telecommunications facility structure only.

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 upgrade to the telecommunication facility has been developed having regard to ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal aims to improve the function and operation of the telecommunication facility, thereby supporting the orderly and economic use of the site;
- the proposal involves the upgrade to an existing telecommunication facility only, and conditions of consent will ensure there will not be an adverse impact on the environment, thus being consistent with the principles of ecologically sustainable development; and
- 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.

No vegetation impacts are expected given the nature of the upgrade to the telecommunication facility. The site is also located outside of an area mapped on the BVM. Noting the scope of the works, the proposal would not have an effect on threatened species or ecological communities, or their habitats.

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

3 Submissions

The Department's Community Participation Plan, November 2019, prepared in accordance with Schedule 1 of the EP&A Act generally requires applications to be exhibited for a period of fourteen (14) days. However, applications under Chapter 4 of 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 fifty (50) metres away from a tourist accommodation building.

Due to works being additions to an existing telecommunications facility that is more than 50 metres from a tourist accommodation building the Department did not exhibit the application. The application was however made available on the NSW Planning Portal website.

The application was also referred to the NPWS pursuant to section 4.15 of Chapter 4 of the Precincts – Regional SEPP. The NPWS did not object to the proposal and provided the following comments:

- the proposed development is consistent with relevant provisions of the Kosciuszko National Park Plan of Management 2006; and
- recommended conditions of consent:
 - equipment used during construction must be cleaned to ensure the machinery is free of mud and vegetative propagules prior to entry into KNP and prior to movement between sites in KNP;
 - all stockpile sites must be placed so as not to impact on native vegetation;
 - all vehicles and machinery must be parked in existing driveways or car parks and only use existing approved access roads and tracks; and
 - the subject site is left clean and tidy and free of building debris and materials at the conclusion of daily works.

4 Assessment

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

- Visual impacts; and
- Electromagnetic energy (EME impacts)

Each of these issues is discussed in the follow sections of this report.

4.1 Visual Impacts

The proposal consists of installing additional telecommunications infrastructure onto the existing facility that was previously considered to have an acceptable visual impact upon the immediate locality.

The Department formed the view that the original telecommunications monopole was acceptable due to:

- the structure is located away from more sensitive land uses such as residential uses within the village, with distant views from residential and tourist areas within the Village;
- the design of the facility is streamlined, with circular headframe screening ancillary boxes;
- the structure is partially screened by existing vegetation;
- use of appropriate colours for construction;
- the structure is co-located in close proximity to existing other ski lift infrastructure and maintenance shed; and
- the facility can be utilised by other carriers to avoid further structures, reducing the future cumulative visual impact from numerous telecommunication facilities.

The additional impact associated with the subject proposal is restricted to the addition of telecommunications equipment (similar to existing) comprising of the replacement of four existing panel antennas at the top of the existing monopole, installation of four new remote radio units mounted with existing units at the top of the monopole, replacement of the existing GPS antenna, installation of new base-station equipment within the existing equipment building, and new cabling and other ancillary items. The Department considers the proposal is acceptable as:

- the additional equipment do not have a significant visual impact upon the environment or when viewed from the Thredbo Village / adjoining ski slopes; and
- the works would be partly screened by the existing vegetation located between the site and the Thredbo Village located below.

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

4.2 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 installation of the new infrastructure onto the existing telecommunications monopole 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 (all Optus facilities combined) at the site is 2.35% of the public exposure limit at 167 metres from the existing telecommunications monopole, 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.

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 be no impact on any threatened species, populations or ecological communities as the works involve upgrades to an existing telecommunication facility only
- the proposed upgrade enhances the function of the existing telecommunication facility
- the proposal is appropriate and does not impact upon any other nearby properties
- impacts on the surrounding environment and users will be minimised given the proposal relates to the upgrade of an existing telecommunications facility and recommended conditions of consent require effective site management to control impacts during construction

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 22/9630, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**)

Recommended by:



Lewis Demertzi
Planning Officer
Regional Assessments

9 December 2022

Adopted by:



Daniel James
Team Leader
Alpine Resorts Team

as delegate of the Minister for Planning
9 December 2022

Appendices

Appendix A – Recommended Instrument of Consent