

Development consent

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

As delegate of the Minister for Planning, under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



Mark Brown
Team Leader Assessments
Alpine Resorts Team
Department of Planning and Environment

Jindabyne

1 August 2025

SCHEDULE 1

Application No.:	DA No. 22/11021
Applicant:	Service Stream (on behalf of Optus Mobile Pty Ltd)
Consent Authority:	Minister for Planning
Land:	Lot 863 DP 1128686, Eagles Nest, Thredbo Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Integrated Bodies:	Nil
Approved Development:	Upgrade of existing Optus telecommunication facility

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Service Stream on behalf of Optus, or any person carrying out any development to which this consent applies.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act.
BCA	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a construction certificate.
Certifier	has the same meaning as in Part 6 of the Act.
DA No 22/11021	means the (amended) development application lodged by the Applicant on 30 May 2025.
Department	means the Department of Planning, Housing and Infrastructure, or its successors.
Development	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
EP&A (DC&FS) Regulation	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
Minister	means the Minister for Planning, or nominee.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
NCC	means the National Construction Code.
NPWS	means the National Parks and Wildlife Service, or its successors.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts – Regional SEPP	means the <i>State Environmental Planning Policy (Precincts - Regional) 2021</i> , that includes Chapter 4 – Kosciuszko National Park and Alpine Resorts).
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary’s approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Subject site	means that area of the Thredbo Alpine Resort within the Park described in the documentation listed in Condition A.2 (specifically the Statement of Environmental Effects at Item 1).
Team Leader	means the Team Leader Assessments of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader Assessments of the Alpine Resorts Team within the Department.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1. Obligation to minimise harm to environment

In addition to meeting the specific performance measures and criteria established in this consent, all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

A.2. Development in accordance with approved documentation and plans

The development shall be in accordance with the:

- (a) Development Application No. DA 22/11021 and supporting documentation lodged on 30 May 2025 (as amended);
- (b) additional information received during the assessment of the application;
- (c) conditions of this consent; and
- (d) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Date Received	Document Reference
1	Statement of Environmental Effects (SEE)	Proposed Upgrade of an existing Optus telecommunications facility Alpine Way, Thredbo Village NSW 2625 Lot 863 DP 1128686	SAQ Consulting Pty Ltd	22 July 2022	-
2	Amended Application	Amendment of Development Application 22/11021 (PAN-246432)	Service Stream	30 May 2025	S0200
3	SEMP	Telecommunications Facility – Eagles Nest, Thredbo Ski Resort Site Environmental Management Plan	Eco Logical Australia Pty Ltd/ Service Stream	6 March 2023	22SYD3728 Version 2
4	BCA Assessment and Aboriginal Cultural Heritage Due Dilligence	Response to Request for Further Information	SAQ Consulting Pty Ltd	27 October 2022	-
5	Plan	Site Specifications	Service Stream	3 April 2025	S0200-G1 Rev. B
6	Plan	Overall Site Plan	Service Stream	3 April 2025	S0200-G2 Rev. B

7	Plan	Site Layout and Setout Plan	Service Stream	3 April 2025	S0200-G3 Rev. B
8	South Eastern Elevation	Site Elevation	Service Stream	3 April 2025	S0200-G4 Rev. B
9	Antenna Plan and Configuration Details	Optus Panel Antenna System Configuration - Sector 1	Service Stream	3 April 2025	S0200-A1 Rev. C
10	Antenna Plan and Configuration Details	Optus Panel Antenna System Configuration - Sector 2	Service Stream	3 April 2025	S0200-A2 Rev - B
11	Antenna Plan and Configuration Details	Optus Panel Antenna System Configuration - Sector 3	Service Stream	3 April 2025	S0200-A3 Rev - B
12	Specifications	Physical Asset Summary Table	Service Stream	3 April 2025	S0200-A4 Rev- B
13	Electrical Setout	Optus RF Plumbing Diagram	Service Stream	3 April 2025	S0200-P1 Rev - A
14	Plan	Equipment Room Layout Sheet 1 of 3	Service Stream	3 April 2025	S0200-F1 Rev - B
15	Elevation and Sections	Thredbo (NSW) 7.44m Steel Pole Steelwork @RL 8.90m General Arrangement	Structel	4 February 2022	STD-40010
16	Construction Process	Standard Construction Notes	Service Stream	October 2018	OSD-100 Rev - C
17	EME Report	Electromagnetic energy report	Service Stream Mobile Communications	20 February 2025	RFNSA No. 2625001
18	Structural Analysis	Structural Adequacy Statement	Service Stream/ Structel	3 April 2025	Upgrade 5G (OO MOCN) Rev 01
19	Structural Analysis and Mount Certificate	Thredbo (NSW) – Structural Analysis Optus: Thredbo S0200	Structel	2 April 2025	87840/P- 021049/2
20	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification	Asset Geotechnical Engineering Pty Ltd	29 July 2025	DA 22/11021

Note 1: In accordance with section 38 of the EP&A Regulation, an amended Development Application is taken to be lodged on the day which the Department notified the Applicant that the lodgement date for the amended Development Application applies.

A.3. Inconsistency between documents

The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A.2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A.2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

A.4. Lapsing of consent

This consent lapses five years after the date of consent unless work for the purposes of the Development is physically commenced.

A.5. Prescribed conditions

In undertaking the Development, the Applicant must comply with all relevant prescribed conditions of development consent pursuant to Part 4, Division 2 of the EP&A Regulation.

A.6. Australian standards

All works which are part of the Development must be carried out in accordance with relevant current Australian Standards.

A.7. Legal notices

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

A.8. Non-Compliance Notification

The Department must be notified in writing to compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after the Applicant becomes aware of any Non-compliance.

The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known), and what actions have been, or will be undertaken to address the non-compliance.

A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance. A Non-compliance which has been notified as an incident does not need to also be notified as a Non-compliance.

A.9. Materials and finishes

The approved materials and finishes must be non-reflective and shall be in accordance with the following, except as otherwise approved in writing by the Secretary or nominee:

Location	Components	Colour
Mounted on Optus Monopole	All steelworks, antennas, poles, headframes and visible mounting componentry.	To be finished and maintained as Pale Eucalypt, or equivalent.

Monopole	Existing tower (approved in Pale Eucalypt).	To be maintained after works as Pale Eucalypt, or equivalent.
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Prior to the issue of the construction certificate, the Applicant shall submit a full set of coloured elevation plans to the Certifier depicting the above. If the Department is not the Certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1. Construction certificate

Building and demolition works must not commence until a relevant construction certificate has been issued. Prior to the issue of the construction certificate, the certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the conditions in Part B of this consent.

Note: a construction certificate is required prior to commencing any building works associated with the development consent.

B.2. Documentation for the construction certificate

- (a) Prior to the issue of the relevant construction certificate, detailed plans, specifications and supporting documentation for the proposed building works must be submitted to the certifier demonstrating compliance with the BCA.
- (b) The plans referred to in (a) above must show the following details:
 - (i) Fire safety measures and services. The design must be compliant with section 22 of the EP&A (DC&FS) Regulation;
 - (ii) The mechanical ventilation provided to the communications room, in accordance with Australian Standard AS1668.2 – 2012 *The use of ventilation and airconditioning in buildings Mechanical ventilation in buildings*;
 - (iii) A Certificate of Structural Adequacy, which shall be submitted to the Principal Certifier, verifying that the existing equipment room is adequate to support the revised imposed loads; and
 - (iv) Revised design for the access ladder to the communications room in compliance with NCC Clause D3D23 and Australian Standard AS1657 – 2018 *Fixed platforms, walkways, stairways and ladders - Design, construction and installation*.
- (c) The detailed plans and specifications referred to in (a) to (b) above must:
 - (i) be prepared by suitably qualified and regulated (where required) practising professionals that are consistent with the plans and documentation approved by this consent, and
 - (ii) form part of the construction certificate documentation.

Note: The Australian Standards referred to in Item (b) of this condition are to be read as the editions/versions in effect/force at the time of application for the relevant construction certificate.

B.3. Structural drawings and design statement

Prior to the issue of the relevant construction certificate, the Applicant must submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising structural engineer, to the Certifier.

PART C – PRIOR TO THE COMMENCEMENT OF ANY WORKS

C.1. Notification of commencement

- (a) The Applicant must notify the Department in writing at least 48 hours prior to the date of commencement of physical work for the Development.
- (b) If the construction of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours prior to the commencement of each construction stage, advising of the commencement date and extent of works to be carried out for the Development in that stage.

C.2. Protection of adjacent vegetation areas

Site management shall ensure that appropriate measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not part of the proposed development or areas not approved by the NPWS in the SEMP (refer to Condition A.2).

C.3. Implementation of site environmental management measures

Prior to any relevant works which are part of the Development commencing, all site environmental management measures in accordance with the approved documentation (Condition A.2) and these conditions of consent, shall be in place and in good working order.

C.4. Machinery and storage

Machinery used during construction must be cleaned prior to site mobilisation, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of machinery and material is to be restricted to the designated disturbed areas and must not be stored on native vegetation.

C.5. Construction site fencing and hoarding

Prior to commencement of works, the area of works must be appropriately fenced and/hoarded to prevent access to the construction site by the public and unauthorised persons. The fencing and/or hoarding must be temporary in nature, contained entirely within the site and not cause any ground disturbance or damage to native vegetation.

C.6. Structural engineering

Where works are considered structural, such as significantly increasing or changing loads or load forces to existing structures, structural design drawings and design certification prepared and signed by an appropriately qualified and regulated (where required) practising Structural Engineer, are to be submitted to the Certifier. The structural design certification must also address the structural adequacy of the existing building to ensure it is able to accommodate the proposed works.

C.7. Compliance

The Applicant must ensure that all employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

PART D – DURING CONSTRUCTION

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

A copy of the approved plans and documentation must be kept by the Applicant on the Subject site at all times and be readily available for perusal by the Principal Certifier, any person associated with the construction works, or an officer of the Department or NPWS. Without limitation, this condition applies to the following approved documentation:

- (d) this consent and its schedule of conditions; and
- (e) the approved documentation and plans (Condition A.2).

D.2. Construction hours

All work in connection with the proposed Development may only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or gazetted public holidays in New South Wales, or as otherwise approved by the Secretary.

D.3. Construction period

- (a) All construction activities which are part of the Development may only occur in the 'summer period'. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend and ending no later than 31 May the following year in each year works are required to complete the Development, or as otherwise approved by the Secretary or nominee.
- (b) By 31 May in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure by undertaking the following:
 - (i) removal of all materials, vehicles, machinery, equipment, and the like;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) ensuring the Subject site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
 - (iv) appropriate signage must be erected outlining that unauthorised access to the Subject site is prohibited and that the site is a construction zone;
 - (v) all external plumbing and drainage works are to be completed;
 - (vi) any excavations are to be made safe and secure;
 - (vii) stabilisation and rehabilitation works must be implemented in accordance with these conditions of consent and the approved documentation; and
 - (viii) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or the Secretary.

D.4. Construction activities

At all times during the construction phase of the Development and unless agreed otherwise by the Secretary or nominee in writing, the Applicant must ensure that:

- (a) all construction activities in connection with the Development are undertaken in accordance with the approved documentation, including (without limitation) the documentation specified in paragraphs (a) and (b) inclusive of Condition D.1.
- (b) all construction activities in connection with the Development are to be confined to the Subject site; and
- (c) no disturbance or other adverse environmental impacts occur outside the Subject site.

D.5. Building Code of Australia

All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

D.6. SafeWork NSW

The Applicant must ensure that all works that are part of the Development are carried out in accordance with current SafeWork NSW guidelines.

D.7. Site notice

The Applicant must ensure that site notice(s) are prominently displayed at the boundaries of the Subject site for the purposes of informing the public of Development details. The notice(s) is/are to satisfy all but not be limited to, the following requirements:

- (a) The notice is to be durable and weatherproof and is to be displayed throughout the construction phase of the Development.
- (b) The notice(s) must list the approved hours of work, the name of the principal contractor for the work (if any), and include a 24 hour contact phone number for any inquiries, including construction/noise complaints.
- (c) The notice(s) is/are to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (d) The name, address and phone number of the Principal Certifier is to be identified on the notice(s).

D.8. Storage of materials

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

D.9. Prohibition of hazardous materials

No hazardous or toxic materials or dangerous goods may be stored or processed on the Subject site at any time unless otherwise agreed by the Secretary or nominee.

D.10. Noise and vibration management

Excavation and construction works must be managed in accordance with Australian Standard AS 2436-2010 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure there is no adverse impact on people within the vicinity of the Subject site during the construction phase of the Development.

D.11. Litter and building waste

Building waste must be minimised and must be contained in receptacles and covered daily, or removed from the Subject site each day, so as not to escape by wind, water or scavenging fauna. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacles must be cleaned regularly.

D.12. Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction work which is part of the Development must be restricted to those areas approved in these conditions.

D.13. Aboriginal heritage

- (a) No ground disturbance should occur as part of the Development.
- (b) Should any material suspected of being an Aboriginal relic or artefact be identified or become unearthed in the course of works which are part of the Development, the Applicant must immediately:
 - (i) cease all works impacting the suspected relic or artefact; and

- (ii) contact the NPWS to arrange for representatives to inspect the Subject site.
- (c) The Applicant must ensure that all workers on the Subject site are made aware of the requirements of paragraph (b).

D.14. Electrical works

All electrical works shall be carried out by a qualified and licenced electrical contractor and installed in accordance with the relevant Australian Standards.

D.15. Protection of Site and Native Vegetation

There shall be no ground disturbance or damage to native vegetation. Site management shall ensure that appropriate measures are in place to ensure that vehicles, machinery or persons do not damage or remove any native vegetation that is not part of this consent. The damage or removal of any native vegetation that is not part of this consent may warrant further action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the EP&A Act.

D.16. Re-fuelling

Appropriate controls shall be put in place to ensure no spillage occurs when re-fuelling all vehicles/machinery associated with the works. Re-fuelling of vehicles/machinery shall be performed on hard-stand areas or with appropriate spill kit and temporary bunding in place.

PART E – PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE OR THE COMMENCEMENT OF USE

E.1. Occupation certificate

Prior to the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier which demonstrates that the ventilation system has been constructed and installed in accordance with the approved plans and the requirements of this consent.

E.2. Fire Safety Certificate

Prior to the issue of the relevant occupation certificate, an interim or final fire safety certificate (dependant on the relevant occupation certificate issued) conforming to the EP&A (DCFS) Regulation must be submitted to the Principal Certifier.

E.3. Electrical Certification

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

E.4. Site Clean Up

Prior to commencement of use which are part of the Development, any site notices or other site construction information signs must be removed upon completion of the works which are part of the Development, and the Subject site must be cleaned and made good to the satisfaction of the Principal Certifier.

E.5. Signage

Prior to commencement of use which is part of the Development, the Applicant shall install publically visible signage as follows:

- (a) appropriate signage warning of electromagnetic energy in accordance with the requirements of *C564:2025 Mobile Phone Base Station Deployment - Industry Code*, and
 - (b) a permanent and legible weatherproof sign in the immediate proximity of the telecommunications facility that identifies the name and contact details of the operator of the telecommunications facility.
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PART F – OPERATIONAL MANAGEMENT

F.1 Telecommunications facility

The Applicant shall ensure that the telecommunications facility the subject of the Development is operated, controlled and access enabled in accordance with the requirements of the *Telecommunications Code of Practice 2021* and *C564:2025 Mobile Phone Base Station Deployment - Industry Code*, as may be revised and/or updated.

F.2 Emissions

At all times, any electromagnetic energy and/or radiofrequency radiation emitting from any and/or all (cumulatively) equipment on or relating to the tower the subject of the Development shall not exceed the limits stipulated in the relevant legislation, standards and codes current at that time.

ADVISORY NOTES

AN.1 Responsibility for other consents / agreements

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

AN.2 Premises Standard

The persons responsible for ensuring compliance with the Premises Standard (Access to Premises – Buildings) are the building certifier, building developer, and building manager. The Standard's applicability should be reasonably investigated by these persons.

AN.3 Utility services

- (a) The Applicant shall liaise with the relevant utility authorities for electricity and telecommunications on the subject site:
 - (i) to locate all service infrastructure on the subject site; and
 - (ii) negotiate relocation and/or adjustment of any infrastructure related to these services that will be affected by the construction of the development.
- (b) The Applicant and/or the lessee are responsible for costs associated with relocating any services.