

## 9. CONFIDENTIAL REPORTS

9.1      **Application No.**            **580/302/11**  
         **Applicant**                **Optus Mobile Pty Ltd**  
         **Responsible Officer**   **Andy Humphries**

Moved R Irvine that pursuant to Section 56A 12 (a) (vii) of the Development Act 1993, the Council Development Assessment Panel (CDAP) orders the public to be excluded, with the exception of the Paul Emes (Team Leader, Planning) Senior Planners (R Richards & J Urquhart), Planning Officer (A Humphries) and the Minute Secretary (V Wood) from attendance and during so much of this meeting as is necessary to receive, discuss and consider in confidence the matter and information regarding that matter **Optus Mobile PTY LTD V's The District Council of Mount Barker, (11-282) (580/302/11)** and that the CDAP is satisfied that the meeting should be conducted in a place open to the public has been outweighed by the need for the CDAP to keep the discussion, report and supporting documentation confidential, on the basis that it concerns:

- *'Matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law any duty of confidence, or other legal obligation or duty.'*

That pursuant to Section 56A(16) of the Development Act 1993, the CDAP orders that before a copy of the minutes of the CDAP meeting held on Wednesday 14 December 2011 be released to the public, information relating to **Optus Mobile PTY LTD V's The District Council of Mount Barker, (11-282) (580/302/11)** considered by the CDAP in confidence, be excluded from information held for public inspection until such time as the Environment, Resources and Development Court proceedings in **Optus Mobile PTY LTD V's The District Council of Mount Barker, (11-282) (580/302/11)** are resolved.

It is recommended that the Development Assessment Panel:

Resolve to support the amended plans as a comprise by Optus Mobile Pty Ltd to construct a Telecommunications Facility - 20m high Monopole, 4m high Turret Mount with 3 panel antennae, and parabolic antennae total height 24m - Equipment Shelter (3mL x 2.5mW x 3mH) and associated fencing and landscaping at Section 695, von Doussa Road, Hahndorf subject to the following conditions and notes:

1. The development herein approved to be carried out in accordance with the plans and details submitted to Council on the 5 December

2011 by Access Planning Pty Ltd., except where amended by the following conditions:

**2. Effective measures shall be implemented:**

- During the construction of the development and on-going use of the land in accordance with this consent to:
- prevent silt run-off from the land to adjoining properties, roads and drains;
- control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
- ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
- ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; and
- ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.

**3. Landscape screening shall be established in accordance with the plans and letter submitted to Council on the 5 December 2011 by Access Planning Pty Ltd.**

**Note:**

The applicant is advised that a suitable land tenure arrangement needs to be separately obtained from the Minister of DENR.

Seconded M Kwiatkowski and carried.