

BAROSSA ASSESSMENT PANEL

Notice is hereby given that a meeting of the Special Barossa Assessment Panel will be held at the Council Offices, 43-51 Tanunda Road, Nuriootpa on

Wednesday, 20 September 2023, commencing at 5.00 pm

Aaron Curtis
Assessment Manager



AGENDA

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1. WELCOME**2. ATTENDANCE****2.1 Present****2.2 Apologies****2.3 Absent****3. BUSINESS ARISING****4. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL**

The Minister's Assessment Panel Members – Code of Conduct requires that a member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the assessment panel (other than an indirect interest that exists in common with a substantial class of persons):

- a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the assessment panel; and
- b. must not take part in any hearings conducted by the assessment panel, or in any deliberations or decision of the assessment panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.

A member of an assessment panel will be taken to have an interest in a matter if an associate of the member (within the meaning of section 3(7) of the PDI Act) has an interest in the matter.

Any member that considers that they have an interest must notify the Presiding Member and have it recorded in the minutes as to the nature and extent of the interest.

5. REPORTS – CONFIDENTIAL

5.1 Confidential Item - Development Application 22034751 - 261 Rifle Range Road Bethany

Reason for Confidentiality

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* to receive, discuss or consider in confidence the following information or matters in relation to this item:

- (vii) matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (viii) legal advice;

As this matter is before the Environment, Resources and Development Court, it is a requirement of the court that matters be kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

Recommendation

That:

- (1) Pursuant to Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017* the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the Assessment Manager, Assessment Officers and the Minute Secretary, also the appellant (who may be called in for the purpose of addressing the Panel), on the basis that this matter is before the Environment Resources and Development Court and therefore any disclosure could place the Panel in breach of the Environment, Resources and Development Court Act 1993.
- (2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principal meetings of the assessment panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

6. NEXT MEETING

Tuesday 3 October 2023 commencing at 5.00 pm

7. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.