

# BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE SPECIAL BAROSSA ASSESSMENT PANEL  
held on

**Wednesday, 20 September 2023, commencing at 5.00 pm**

in the Council Offices, 43-51 Tanunda Road, Nuriootpa



## MINUTES

## **I N D E X**

|                                                                                            |          |
|--------------------------------------------------------------------------------------------|----------|
| <b>1. Welcome</b>                                                                          | <b>3</b> |
| <b>2. Attendance</b>                                                                       | <b>3</b> |
| <b>3. Business Arising from Minutes</b>                                                    | <b>3</b> |
| <b>4. Declaration of Interest by Members of the Panel</b>                                  | <b>4</b> |
| <b>5. Reports – Confidential</b>                                                           | <b>4</b> |
| 5.1 Confidential Item - Development Application 22034751 - 261 Rifle<br>Range Road Bethany |          |
| <b>6. Next Meeting</b>                                                                     | <b>5</b> |
| <b>7. Closure of Meeting</b>                                                               | <b>5</b> |

## 1. WELCOME

Mr Aaron Curtis, Assessment Manager welcomed everyone, and opened the meeting at 5.00 pm.

Mr Curtis advised that due to the Presiding Member being an apology for the meeting, the panel will be required to appoint an Acting Presiding Member as per Clause 2.12 and 4.6 of the Operating and Meeting Procedures.

### PANEL DECISION

Moved: G Hewitt

Seconded S Giles

That the panel appoint Mr Graham Burns as Acting Presiding Member for the meeting.

**CARRIED**

## 2. ATTENDANCE

### 2.1 Present

Panel Members

|              |                         |
|--------------|-------------------------|
| Graham Burns | Acting Presiding Member |
| Grant Hewitt | Independent Member      |
| Susan Giles  | Independent Member      |
| Jane Evans   | Council Member          |

|              |                    |
|--------------|--------------------|
| Aaron Curtis | Assessment Manager |
|--------------|--------------------|

Council Staff

|               |                                      |
|---------------|--------------------------------------|
| Janine Lennon | Acting Manager, Development Services |
| Marie Thom    | Minute Secretary                     |

### 2.2 Apologies

Michael Wohlstadt

### 2.3 Absent

Nil.

## 3. BUSINESS ARISING

Nil.

#### 4. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

#### 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.

##### PANEL DECISION

Moved: G Hewitt

Seconded: J Evans

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.

**CARRIED**

At 5.07 pm the meeting moved into confidence.

At 5.43 pm the confidential session ceased and the meeting reopened to the public.

### **PANEL DECISION**

Moved: G Hewitt

Seconded: S Giles

That the Barossa Assessment Panel has considered *Confidential Item 5.1 Confidential Item - Development Application 22034751 - 261 Rifle Range Road Bethany* and resolves as follows:

- (a) [Confidential Resolution]
- (b) [Confidential Resolution]
- (c) [Confidential Resolution]
- (d) Pursuant to Regulation 14(4) of the Planning, Development and Infrastructure (General) Regulations 2017, the Barossa Assessment Panel resolves to exclude from the minutes and from the version of the agenda report made available to the public the information dealt with on a confidential basis by the Barossa Assessment Panel, on the basis that this matter will consider legal advice and information relating to actual litigation and not be available for public inspection until a decision of the Environment Resources and Development Court has been made.

**CARRIED**

## **6. NEXT MEETING**

Tuesday 3 October 2023 commencing at 5.00 pm

## **7. CLOSURE OF MEETING**

The Acting Presiding Member declared the meeting closed at 5.46 pm.

Confirmed

Date:..... Chairman: .....

# BAROSSA ASSESSMENT PANEL

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held on

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## CONFIDENTIAL MINUTES

## **I N D E X**

|                                                                                            |          |
|--------------------------------------------------------------------------------------------|----------|
| <b>1. Attendance</b>                                                                       | <b>3</b> |
| <b>2. Declaration of Interest by Members of the Panel</b>                                  | <b>3</b> |
| <b>3. Reports – Confidential</b>                                                           | <b>3</b> |
| 5.1 Confidential Item - Development Application 22034751 - 261 Rifle<br>Range Road Bethany |          |
| <b>4. Closure of Meeting</b>                                                               | <b>4</b> |

## 1. ATTENDANCE

### 1.1 Present

#### Panel Members

|              |                         |
|--------------|-------------------------|
| Graham Burns | Acting Presiding Member |
| Grant Hewitt | Independent Member      |
| Susan Giles  | Independent Member      |
| Jane Evans   | Council Member          |

|              |                    |
|--------------|--------------------|
| Aaron Curtis | Assessment Manager |
|--------------|--------------------|

#### Council Staff

|               |                                      |
|---------------|--------------------------------------|
| Janine Lennon | Acting Manager, Development Services |
| Marie Thom    | Minute Secretary                     |

### 1.2 Apologies

Michael Wohlstadt

### 1.3 Absent

Nil.

## 2. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

## 3. REPORTS – CONFIDENTIAL

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

Mr James Levinson, on behalf of the Appellant, was invited into the confidential meeting at 5.14 pm and addressed the panel.

Mr Levinson answered questions from the panel.

Mr Levinson left the confidential meeting at 5.25 pm.

**PANEL DECISION**

Moved: G Hewitt

Seconded: S Giles

That the Barossa Assessment Panel has considered *Confidential Item 5.1 Confidential Item - Development Application 22034751 - 261 Rifle Range Road Bethany* and resolves as follows:

- (a) Receive the report.
- (b) Resolve to accept the compromise proposal received from Xun Li, dated 15 August 2023, such that Planning Consent is granted, subject to a Reserved Matter and Conditions of Consent.
- (c) Delegate its powers to the Assessment Manager to give effect to the decision of the Panel to settle the appeal and to grant Planning Consent, subject to the 12 conditions of consent.
- (d) Pursuant to Regulation 14(4) of the Planning, Development and Infrastructure (General) Regulations 2017, the Barossa Assessment Panel resolves to exclude from the minutes and from the version of the agenda report made available to the public the information dealt with on a confidential basis by the Barossa Assessment Panel, on the basis that this matter will consider legal advice and information relating to actual litigation and not be available for public inspection until a decision of the Environment Resources and Development Court has been made.

**CARRIED****4. CLOSURE OF MEETING**

The Presiding Member declared the confidential meeting closed at 5.43 pm.

Confirmed

Date:..... Chairman: .....