

MINUTES OF THE MEETING of the Council Assessment Panel of Mount Barker District Council held in the Council Chambers of the Local Government Centre, 6 Dutton Road, Mount Barker on Wednesday 18 June 2025, commencing at 9.30 am.

PRESENT **(Members)** Mark Adcock (Presiding Member), Tom Gregory, Geoff Parsons, and Harry Seager.
(Staff) Manager City Development (Assessment Manager) (A Houlihan), Team Leader Planning (G Sproule), Planner (J Wotton) and the Minute Secretary (D Minear and Z Johnson).

1. APOLOGIES

Sally Roberts

2. CONFLICT OF INTEREST DECLARATION

2.1 Disclosure of Perceived Conflict of Interest Declaration

Date of Meeting	18 June 2025
Panel Member Name	Geoff Parsons
Item	5.2.1
Nature of Interest	In accordance with the Assessment Panel Members Code of Conduct as adopted under Schedule 31(1)(c) of the <i>Planning, Development and Infrastructure Act 2016</i> the following were raised;

Geoff Parsons raised that he is a resident of the township of Nairne, however not in close proximity to the site of item 5.2.1. and has not attended the venue. Geoff Parsons declared that the nature of his relationship will not impact his ability to participate in the deliberation of the matter and does not need to be declared as a conflict of interest.

3. CONFIRMATION OF MINUTES

Moved Harry Seager that the minutes for the meeting held on 21 May 2025 be taken as read and confirmed.

Seconded Tom Gregory

CARRIED
CAP20250618.01

4. REPORTS DEFERRED

Nil.

5. REPORTS BY OFFICERS

5.1. DEVELOPMENT ACT APPLICATIONS

5.1.1. NON-COMPLYING APPLICATIONS

Nil.

5.1.2. CATEGORY 3 APPLICATIONS


Chairman


Assessment Manager

Nil.

5.1.3. CATEGORY 2 APPLICATIONS

Nil.

5.1.4. CATEGORY 1 APPLICATIONS

Nil.

5.2. PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT APPLICATIONS

5.2.1 25008496 – IAN SCHMIDT

Application ID	25008496
Applicant	Ian Schmidt
Subject Land	9 Allon Place, Nairne SA 5252
Nature of Development	Variation to conditions 4 and 5 of Development Authorisation 22022045 (Distillery & Cellar Door) comprising an increase to the hours of operation and patron capacity
Lodgement Date	26 March 2025
Relevant Authority	Assessment Panel at Mount Barker District Council
Zone	Township
Sub Zone	Nairne Redevelopment
Planning and Design Code Version Number	2025.5 13/3/2025
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes: 23 April 2025 - 14 May 2025
Representations	9
Persons to be heard	5
Referrals - Statutory	Nil
Referrals – Non Statutory	Nil
Responsible Officer	Greg Sproule – Team Leader Planning
Recommendation	Grant Planning Consent

Through the chair Greg Sproule (Team Leader Planning) advised the Panel and members of the gallery of changes to proposed conditions 2 and 4 since the Agenda was circulated prior to the meeting.

Frank Burden spoke to their representation.

Justin Probert spoke to their representation.

Ian Schmidt and Simon Moore (*SONUS Pty Ltd*) spoke for the application.

The Panel discussed the application and reached the following decision;

Tom Gregory moved that the Council Assessment Panel:

DETERMINE that the proposed development is not seriously at variance with the provisions of the Planning and Design Code, in accordance with Section 126 (1) of the *Planning, Development and Infrastructure Act 2016*;


Chairman

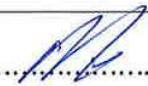

Assessment Manager

and

GRANT Planning Consent to the application by Ian Schmidt for the variation to conditions 4 and 5 of Development Authorisation 22022045 (Distillery & Cellar Door) comprising an increase to the hours of operation and patron capacity at 9 Allon Place, Nairne SA 5252 as detailed in Application ID: 25008496 subject to the following conditions, reserved matters and advisory notes:

CONDITIONS

1. The development herein approved to be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following conditions, including:
 - Covering Letter prepared by Ian Schmidt of Tin Shed Distilling Co Pty Ltd
 - Environmental Noise Assessment, reference S7460C3 dated June 2025 prepared by Sonus Pty Ltd
2. The approved hours of operation for the cellar door are limited to the following:
 - Sunday to Thursday: 11:00 am – 10:00pm
 - Friday and Saturday: 11:00am – 12:00am (Midnight)
3. The maximum number of patrons for the cellar door shall be limited to 250 at any one time.
4. The cellar door is to be appropriately managed through the implementation of the recommended patron and music control measures described in the Environmental Noise Assessment prepared by Sonus Pty Ltd reference S7460C3 dated June 2025 to ensure compliance with the *Environment Protection (Commercial and Industrial Noise) Policy 2023*, that include but not limited to the following:
 - a. Patron controls:
 - Restrict the patrons to no more than 50 within the outdoor deck area during the night (10:00pm to 12:00am)
 - Ensure the doors to the outdoor deck remain closed during the night time (10:00pm to 12:00am) when band music is played within the indoor public area. All patron access to the outdoor deck area during band performances shall be restricted via the northern access through the car park.
 - b. Music controls:
 - Music played within the outdoor deck area is to be limited to unamplified soloist music and is to not exceed the noise levels presented in Table 2 of page 9 in the Environmental Noise Assessment prepared by Sonus Pty Ltd reference S7460C3, and limited to being played between the following hours:
 - 11:00am to 10:00pm Sunday to Thursday
 - 11:00am to 11:00pm Friday
 - 11:00am to 12:00am Saturday
 - All internal music (including band music and performances, amplified soloist, and pre-recorded amplified music) is to not exceed the noise levels presented in Table 3 of page 9 in the Environmental Noise Assessment prepared by Sonus Pty Ltd reference S7460C3 and limited to being played between the following hours:
 - 11:00am to 10:00pm Sunday to Thursday
 - 11:00am to 11:00pm Friday
 - 11:00am to 12:00am Saturday


Chairman


Assessment Manager

NOTES

1. The Council applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide (telephone number 8204 0289).
2. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

4. The granting of this consent does not remove the need for the Applicant to obtain all other consents that may be required by other statutes or regulations.
5. The Applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

Seconded Harry Seager

CARRIED
CAP20250618.02

5.2.2 25006812 – ACENERGY

Development No	25006812
Applicant	ACEnergy Pty Ltd /Distribution energy storage project no 28 Pty Ltd
Address	60 Greenhills Road, Meadows SA 5201
Nature of Development	Renewable energy facility comprising battery energy storage system (up to 5 Megawatts) and associated carpark, electrical pole, landscaping, fencing, detention basin, infrastructure and water tank (Above ground - 72000L)
Lodgement Date	21 Mar 2025
Relevant Authority	Assessment Panel
Planning & Design Code Version	P&D Code (in effect) Version 2025.5 13/3/2025
Category of Development	Code Assessed - Performance Assessed
Notification	Yes
Recommending Officer	Jarrod Wotton - Planner
Referrals Statutory	• Hills and Fleurieu Landscape Board • Minister for the time being administering the River Murray Act 2003


Chairman


Assessment Manager

Referrals Non-statutory	• Council Arborist • Development Engineer
Recommendation	Grant Planning Consent

Cathryn Nitschke spoke to their representation.

Cathryn Nitschke spoke on behalf of Lynette LaBlack to their representation.

Cathryn Nitschke spoke on behalf of Dennis Roberts to their representation.

Philip Harnett (*URPS Associate Director*) spoke for the application on behalf of the applicant ACEnergy Pty Ltd.

The Panel discussed the application and reached the following decision;

Harry Seager moved that the Council Assessment Panel:

DETERMINE that the proposed development is not seriously at variance with the provisions of the Planning and Design Code, in accordance with Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*;

and

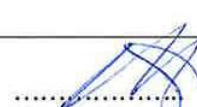
GRANT Planning Consent to the application by ACEnergy Pty Ltd for the construction of Renewable energy facility comprising battery energy storage system (up to 5 Megawatts) and associated carpark, electrical pole, landscaping, fencing, detention basin, infrastructure and water tank (Above ground - 72000L) at 60 Greenhills Road, Meadows SA 5201 as detailed in Application ID: 25006812 subject to the following conditions and advisory notes:

CONDITIONS

Condition 1

The development herein approved to be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following conditions, including:

- The set of planning drawings prepared by ACEnergy:
 - Site Plan 1 of 2 – G-1.1_023126 – Dated: 11/02/2025
 - Site Plan 2 of 2 – G-1.2_023126 – Dated: 11/02/2025
 - Locality Diagram 1 of 2 – G-2.1_023136 – Dated: 11/02/2025
 - Locality Diagram 2 of 2 – G-2.2_023136 – Dated: 11/02/2025
 - Energy Storage Container Elevations – G-3.0_023136 – Dated: 18/12/2024
 - MVPS Elevations – G-4.0_023136 – Dated: 11/02/2025
 - Security Fence & Landscape Elevations – G-5.0_023136 – Dated: 11/02/2025
- Traffic impact statement prepared by Phil weaver and associates – Dated: 31/01/2025
- Geotechnical investigation report prepared by CWM Geosciences – Job No. ADL2024-0517AB – Rev0 – Dated 21/01/2025
- Flood impact assessment report prepared by Water Technology – Dated: 06/02/2025
- Acoustic Report – Environmental Noise Emission Assessment prepared by WatsonMossGrowcott Acoustic – Project No. 13178 – Version 1 – Dated: 03/02/2025


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- Native Vegetation Clearance Data Report Prepared by Ecological Associated Pty Ltd – Dated: 31/01/2025
- Preliminary soil classification prepared by Agon Environmental – Dated 28/01/2025
- Pole schedule prepared by SA Power Networks
- Set of Landscaping plans prepared by Ground Control Landscape Architecture Pty Ltd:
 - Overview/Context Plan – Project 24678, Drawing 01 – Dated: 05/02/2025
 - Landscape Screening Plan – Project 24678, Drawing 02 (A) – Dated: 05/02/2025
 - Landscape Screening Plan (elevations) – Project 24678, Drawing 03 – Dated: 05/02/2025
- Bushfire Risk Assessment prepared by Practical Ecology:
 - Map 2. Bushfire Hazard Site Assessment – Version 1 – Dated: 06/02/2025
- Contour plan prepared by Chris Smith Consulting – Drawing No. 24299-CW01 (Rev. 1) – 04/02/2025
- Stormwater management report prepared by MLEI Consulting:
 - Pre-development catchment plan (layout 1 of 2) – Job No. A2024-14041 –SK001 (Rev B) - Dated: 11/03/2025
 - Post-development catchment plan (layout 1 of 2) – Job No. A2024-14041 –SK003 (Rev B) - Dated: 11/03/2025
 - General Construction Plan (Layout 1 of 2) - Job No. A2024-14041 –C002 (Rev C) - Dated: 17/04/2025
 - General Construction Plan (Layout 2 of 2) - Job No. A2024-14041 –C002 (Rev C) - Dated: 17/04/2025

Condition 2

All vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009).

Condition 3

The landscaping shall be planted generally in accordance with approved Landscape Plan within 3 months of completion of construction. All vegetation is to be nurtured and maintained with any diseased or dying vegetation to be replaced in a timely manner.

Condition 4

Driveway to be designed and provided to Council for approval, prior to construction.

Condition 5

Upon on any cessation of the land use the facility shall be decommissioned, any remediation required undertaken and the land reinstated to its previous form within 12 months.

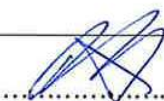
Conditions imposed by the Hills and Fleurieu Landscape Board referral

Condition 6

Prior to the issuing of Development Approval, the proponent must provide confirmation of the total storage capacity (kilolitres) of the new stormwater detention basin, the freeboard height, the minor storm outlet diameter and major storm overflow spillway weir invert level. This confirmation must be provided in writing, by emailing HFWaterTeam@sa.gov.au .

Condition 7

In accordance with Principle 203(c) of the EMLR WAP the proponent must demonstrate within detailed designs that all flows captured by the drainage swales and stormwater detention basin are returned to



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Assessment Manager

downstream watercourses within 3 days of flow interception. The detailed designs must confirm that the dimensions of the proposed detention basin outlet pipes and orifice plates are capable of returning all intercepted flows within 3 days.

Condition 8

Prior to construction the proponent must confirm ongoing maintenance responsibility for the proposed stormwater detention basin (Filterra biofiltration system), basin outlet pipes and orifice plates, and overflow spillway weir. These must be regularly maintained in good working order to ensure they are free of blockages which would prevent the passing of all intercepted flows within 3 days of capture in accordance with Principle 203(c) of the EMLR WAP. Detention basin maintenance shall be conducted in accordance with Principle 211 of the EMLR WAP.

Condition 9

Construction shall not be undertaken a minimum of 3 days before and/or during a high rainfall event (20mm or greater) to reduce the risk of damage to the watercourse bed and banks. Weather forecasts reported by the Bureau of Meteorology are available on-line and the seven-day forecast must be checked before work commences.

Condition 10

There must be a minimum distance of 20 meters between a watercourse or well and the fuelling site for machinery used to undertake construction.

Condition 11

In accordance with Principle 178 of the EMLR WAP, the proposed works must be undertaken in a manner that prevents silt or sediment leaving the site including, but not limited to, the use of erosion and sediment control measures, such as catch/diversion drains, re-vegetation, hay bale barriers, filter fences, sediment traps and basins.

Condition 12

Post-construction, the stormwater detention basin must be appropriately re-vegetated using locally indigenous species to minimise future erosion and sedimentation downstream. The Hills and Fleurieu Landscape Board's *Sedge and Rush Planting Guide for Creeks and Dams* provides information on species selection and optimal planting locations in relation to creeks and dams (or basins).

Council Advisory Notes

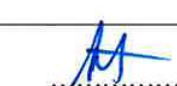
Advisory Note 1

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide (telephone number 8204 0289).

Advisory Note 2

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.


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Advisory Note 3

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Advisory Note 4

The granting of this consent does not remove the need for the Applicant to obtain all other consents that may be required by other statutes or regulations.

The consent does not override the authority of any encumbrance or easement that might be present on the land.

Advisory Note 5

Any person proposing to undertake building work within the District of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc, must be reinstated to a standard acceptable to Council at the applicants' expense.

Seconded Geoff Parsons

CARRIED
CAP20250618.03

6. REVIEW OF ASSESSMENT MANAGER DECISIONS

Nil.

7. INFORMATION REPORTS

Nil.

8. CONFIDENTIAL REPORTS

Nil.

9. POLICY MATTERS ARISING FROM THIS AGENDA

Nil.

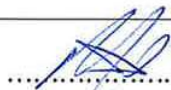
10. OTHER BUSINESS

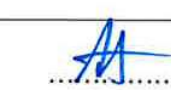
Andrew Houlihan (Manager City Development, Assessment Manager) provided an update to the Panel on Appeals via the Environment, Resources and Development Court for the following development applications that were previously considered by the Panel:

Application: 24038722 - The Environment, Resources and Development Court issued a Consent Order dated 6 May 2025 granting planning consent. This application was originally considered by the Panel at the 19 February 2025 meeting.

11. CLOSURE

Meeting declared closed at 11:26 am


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Chairman


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Assessment Manager



CHAIRMAN



ASSESSMENT MANAGER

16/07/2025
DATE

16/07/2025
DATE

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Chairman


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Assessment Manager