

BAROSSA ASSESSMENT PANEL

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

Tuesday, 2 September 2025, commencing at 5.00 pm

Aaron Curtis
Assessment Manager



AGENDA

Due to federal copyright law restrictions, attachments associated with the proposed development are available on our website for viewing only and are locked for printing or copying.

Plans contained in this agenda are subject to Copyright Laws.

All meetings are recorded and the recording will be available to view on the Council's website.

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1. WELCOME**2. ATTENDANCE****2.1 Present****2.2 Apologies****2.3 Absent****3. CONFIRMATION OF MINUTES****RECOMMENDATION**

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 5 August 2025 be received and confirmed.

4. BUSINESS ARISING**5. 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.

6. REPORTS – APPLICATION FOR DECISION (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

6.1 24030311 - 98 Melrose Street Mount Pleasant

APPLICANT:	Jamie Hylan
REPRESENTORS:	Peter and George-Anne Kaines

APPLICATION DETAILS

PROPOSAL	Construction of building additions to existing shop (butcher) including demolition of existing verandah, construction of new verandah (over footpath) and installation of one advertising sign
APPLICANT	Jimmythebutch Pty Ltd
OWNER	Jimmythebutch Pty Ltd
APPLICATION NO	24030311
CERTIFICATE(S) OF TITLE	CT 5710/480 (Lot 656) CT 5706/828 (Lot 3)
AREA	Lot 656 – 1881 square metres Lot 3 – 1934 square metres
CURRENT USE	Shop
PLANNING AND DEVELOPMENT CODE VERSION	Version 2024.17 – 12 September 2024
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Township Main Street Zone Township Neighbourhood
OVERLAYS	Character Preservation District Historic Area Hazards (Bushfire - medium risk) Hazards (Flooding - evidence required) Local Heritage Place Mount Lofty Ranges water supply catchment (area 2) Native Vegetation Prescribed Water Resources Area Traffic Generating Development Urban Transport Routes Water Resources
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – Sign
REFERRALS	Nil
PREVIOUS APPLICATIONS	Development Application 960/615/2008, Consulting Rooms (Non-Complying) – Refused 13/02/09
ASSESSING OFFICER	Paul Vivian – Consultant Planner

RECOMMENDATION

That Planning Consent be GRANTED subject to Reserved Matters and Conditions

INTRODUCTION

The applicant seeks development approval for the construction of building additions to existing shop (butcher) including demolition of existing verandah, construction of new verandah (over footpath) and installation of one advertising sign.

The subject site is located within the Township Mainstreet Zone (Lot 3) and the Township Neighbourhood Zone (Lot 656). The proposed development does not have an applicable Accepted, Deemed to Satisfy or Restricted Pathway. The application was therefore classified as a Performance Assessed – Code Assessed application.

The application was subject to public notification due to the proposed development not satisfying Township Neighbourhood Zone DTS/DPF 1.2 and therefore not being excluded from Table 5 – Procedural Matters of the Township Neighbourhood Zone, such that the application was publicly notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016*.

This application is subject to decision of the Barossa Assessment Panel for the following reason:

- (1) *A representation has been received as a result of public notification and a representor has indicated a desire to be heard in support of their representation.*

The applicant owns and operates the Mount Pleasant Butcher, a retail business located within a building designated as a Local Heritage Place. The listing for the Local Heritage Place identifies the site as a '*Butcher's Shop and Attached House*'. The site is bisected by the Township Mainstreet Zone and Township Neighbourhood Zone with the proposed building addition located in the Township Neighbourhood Zone.

The application seeks approval to construct new shop floor area through an extension to the existing heritage listed building. The proposed extension will occupy a small portion of the allotment, being the space situated in front of the L-shaped footprint of the heritage structure - specifically, in the area that historically functioned as the 'front yard' of the former dwelling that forms part of the local heritage place

The site is relatively large, with the butcher's shop located in the front north-western corner directly abutting Melrose Street with the existing verandah extending over the footpath. The remainder of the site is largely undeveloped and is currently used for car parking, deliveries, some storage and outbuildings. The proposed infill development responds to the landowner's intent to create a larger and more functional retail space to support the continued operation of the business from the site.

The primary assessment issue is the impact upon the Local Heritage Place. This issue has been satisfactorily addressed, with Council's heritage advisor supporting the proposal, following amendments to the design.

Other important assessment issues relating to land use, car parking, access, siting, design and appearance, bulk and scale, interface impacts, and advertising achieve

acceptable level of compliance with the relevant provisions of the Planning and Design Code. It is noted the proposal does not provide for additional car parking proposed on the site, however, the existing car park is considered to be of adequate capacity to support the theoretical increase in parking demand from the proposed development. In addition, there is existing on-street parking provision within this main street environment. The proposal is therefore considered to satisfy Performance Outcome (PO) 5.1 of the Transport, Access and Parking Module.

On balance, the proposal is considered to constitute an appropriate extension of the existing land use within both zones and is expected to have an acceptable level of impact upon the locality. Accordingly, Planning Consent is recommended, subject to Reserved Matters and Conditions of Consent.

SITE AND LOCALITY

The subject site comprises two allotments with a total area of 3816.1 square metres and a street frontage to Melrose Street of 37.02 metres. The property boundaries are angled to the street, however, the main building on the site is positioned along the front boundary. Vehicle access is taken from William Street at the rear of the site.

There is an unusual dog leg of the southern boundary of allotment which appears to reflect a possible historic encroachment of the boundary. A triangular section of the adjacent 96 Melrose Street appears has been swapped with an equivalent area of land of the subject land parcel (lot 656).

The building is designated a Local Heritage Place and comprises two main elements:

1. The original butcher's shop which is a white painted stone clad building with a distinct gable fronted roof form and a bullnose verandah extending over the footpath. This contains a meat processing and sales area. A pergola and a small extension with a large advertisement is attached to the butcher shop.
2. The original dwelling which is attached to the rear of the butcher's shop has been converted into packaging, office and other ancillary spaces related to the butcher's shop. A portion of the former dwelling's façade is visible from Melrose Street sitting behind a low picket fence.

The balance of the site includes a cool room, ancillary storage buildings (several outbuildings and shipping containers), verandahs, old outhouse toilet, car parking areas and scattered mature vegetation and lawn areas.

The eastern side of the Melrose Street frontage contains a 1.5 metre high metal fence (with verandah and cool room structure visible behind) with the butcher's shop being the dominant built form addressing Melrose Street and former dwelling set further behind the picket fence on western side of the butcher's shop.

The locality is defined principally by visual reference and extent of traffic access to the site via both Melrose Street (vehicles parking on-street) and William Street (access into the site).

The site is relatively central within the Mount Pleasant township and has dwellings located either side of the property. On the opposite side of Melrose Street there are dwellings, along with the Mount Pleasant Hotel further to the east. To the west, properties comprise mostly dwellings on generous sized allotments.

Melrose Street forms the 'main street' of the Mount Pleasant township and there is an increasing concentration of commercial activity moving eastwards of the site towards the intersection with Saleyard Road and Talunga Park Road which is the eastern end of the locality. There is an evident built form typology along the main street in form of shopfronts attached to dwellings. A number of the buildings are heritage listed.

Melrose Street is a State Maintained Road under care and control of Commissioner of Highways with a posted speed limit of 50 km/h in this section. There is line marking and on-street carparking in front of the subject land. According to Location SA map view the road carries approximately 3,500 vehicles per day.

Figure 1 below provides a Zone map.

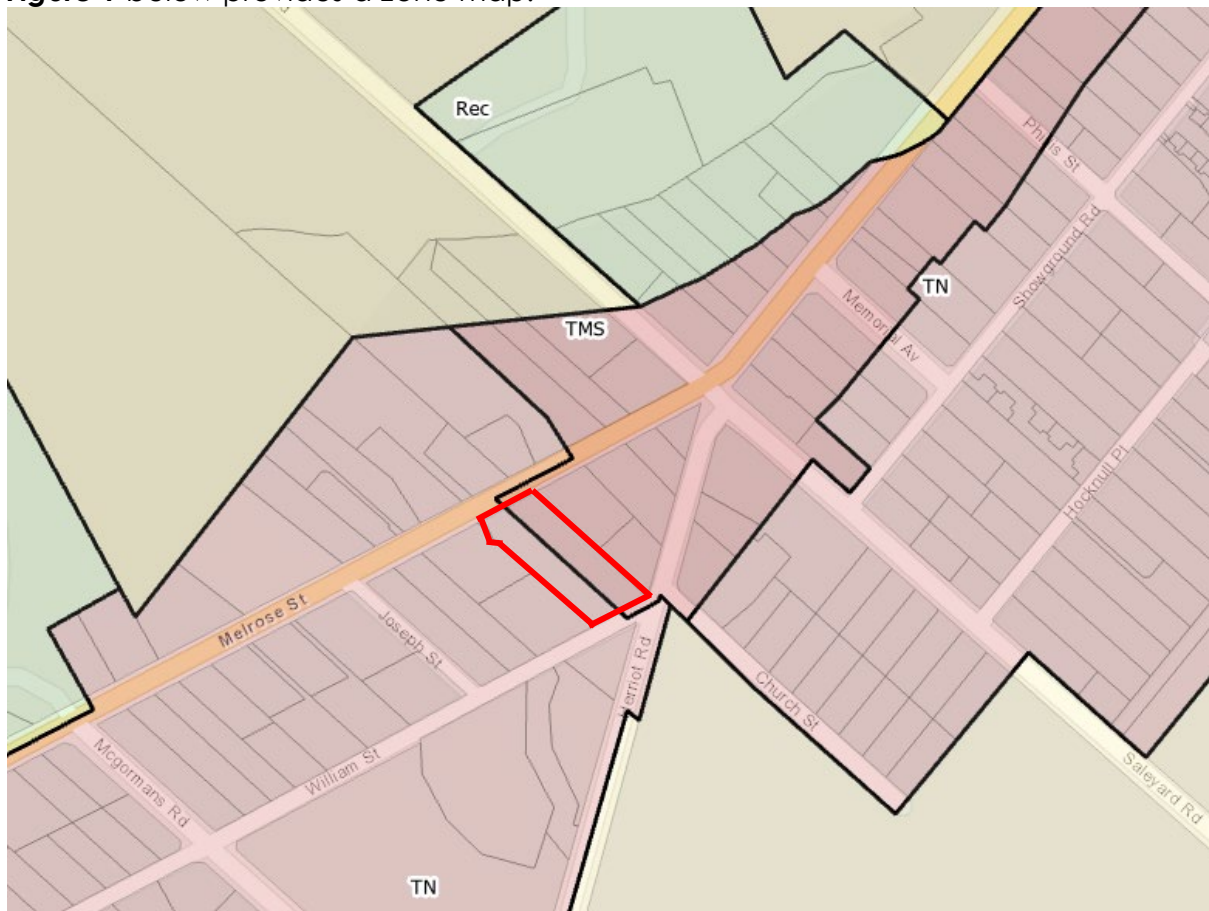


Figure 1: Zone Map – subject site with surrounding zoning

An aerial view of the site and locality are contained in **Figure 2** and **Figure 3**.

Site photos are provided in **Figure 4** to **Figure 17**.

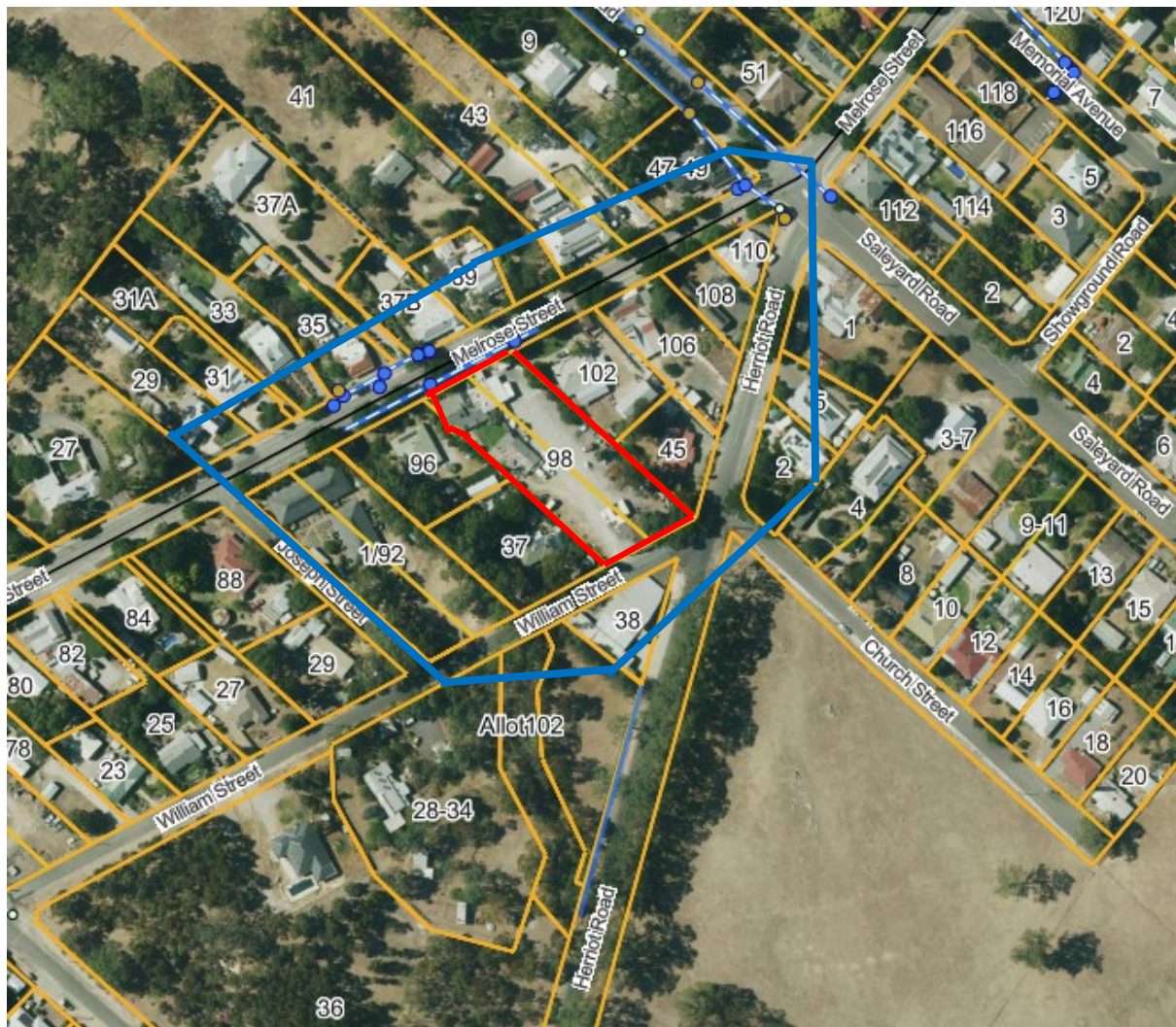


Figure 2: Aerial – Locality, subject site in red, locality in blue



Figure 3: Aerial – Site



Figure 4: Site Photo – Looking south-east towards subject site from Melrose Street



Figure 5: Site Photo – Looking south-east towards subject site from Melrose Street



Figure 6: Site Photo – Looking north-east along Melrose Street from site frontage



Figure 7: Site Photo – Looking south-west along Melrose Street from site frontage



Figure 8: Site Photo – Looking east towards subject site from Melrose Street



Figure 9: Site Photo – Looking south-east towards proposed building location from Melrose Street



Figure 10: Site Photo – Front of subject site toward western adjoining property (representors' property)



Figure 11: Site Photo – Front of subject site looking south-west along Melrose Street



Figure 12: Site Photo – View of proposed building location from south-west



Figure 13: Site Photo – Rear of property carpark access looking north-east along William Street



Figure 14: Site Photo – Rear of property carpark access looking south-west along William Street



Figure 15: Site Photo – View of staff carpark from William Street access



Figure 16: Site Photo – View of staff carpark internal to the site facing south-east



Figure 17: Site Photo – View of staff carpark internal to the site facing south

PROPOSAL

The application seeks:

- Construction of a 57 square metre extension to the existing butcher's shop including a 38 square metre new butcher sales space. The addition is designed to complement the existing building with a twin gable roof, verandah and blue glazed feature tile. A non-illuminated sign is proposed to be installed above the verandah. External colour selection matches the existing palette of the building.
- Conversion of the original butcher's shop sales space into a new processing area.
- Demolition of the verandah of the heritage listed 'former dwelling' to accommodate construction of the addition between the dwelling façade and the front boundary (currently a landscaped space).
- Steel framed canopy roof extending up to 2.1m out over the footpath.

The proposed size, siting and design of the building has been amended during the course of assessment with notable changes including:

- Changes to the internal and external appearance of the building to satisfy feedback from Council's independent heritage advisor.
- Amendments to the proposal to ensure all waste activities are contained on the subject allotment.
- Realignment of the western elevation to ensure a minimum 600mm side setback is achieved to the boundary.
- Removal of proposed gate onto Melrose Street.

Attachment 1 contains a copy of the application and associated documentation.

APPLICATION TYPE

The site is located within the Township Mainstreet and Township Neighbourhood Zone under the Planning and Design Code. The proposed building addition to the butcher's shop is primarily located in the Township Neighbourhood Zone although as the development applies to the whole site, both Zones must be applied.

The proposal is not classified as Accepted, Deemed-to-Satisfy, Restricted or Impact Assessed and is therefore "Code Assessed – Performance Assessed" in nature in accordance with Table 3 of the Township Mainstreet and Township Neighbourhood Zone of the Planning and Design Code.

PUBLIC NOTIFICATION

The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Township Zone. The proposal did not meet the exemption criteria in Column B as the proposal exceeds 50 square metres and involves new building construction.

The table below provides details of the public notification process.

Representations: One representation was received as follows:

- Peter and George-Anne Kaines

Person wishing to be heard: One representor wishes to be heard as follows:

- Peter and George-Anne Kaines

Time period for Public Consultation 10 July 2025 to 30 July 2025

The table below summarises the contents of the representations and the applicant's response.

Summary of representations:

Representor/s

Applicant Response:

- | | |
|---|---|
| <ul style="list-style-type: none"> • Concerns with pedestrian and driver safety when exiting our house due to close proximity of the proposed wall to the common boundary (plus existing street trees and on-street car parking). • Difficulties with on-street parking as people/delivery vans block driveways and are often aggressive if asked to move. • Off-street car parking should be provided for customers and all delivery vans should utilise the rear yard and not park on-street. Car parking issues will worsen with increased trade. • Design of the building will hide the original heritage building and is contradictory to normal practice. Council requires buildings to be setback from the street not up to the front boundary. • Need to ensure stormwater disposal is acceptable. • Need to improve septic tank to address increased business. • Need a grease trap for meat processing area. | <ul style="list-style-type: none"> • This issue is common in main street environments. To help address the matter, the building will be setback 900 mm from the common boundary. • Providing dedicated off-street customer parking is not common practice in the context of Mount Pleasant's main street. The expected increase in car parking demand will be relatively minor and the proposal is intended to improve layout and allow for quicker turnover of customers. All delivery vans will access the site via William Street. • Conscious of our client's role as a small business contributing to the visual character and community identity of Mount Pleasant. The building has been setback from boundary and we engaged Malloway Studio, a heritage architecture practice, to review the proposal. Based on agreed design amendments they confirm the proposal is a thoughtful and respectful renewal that fits well with the surrounding buildings and supports the main street's traditional feel. • The development will be designed so that stormwater, wastewater, and any applicable trade waste are managed in compliance with Council requirements and relevant environmental standards. A reserved matter is requested to |
|---|---|

address the wastewater calculation and design.

- Can the Council liaise with Highways Dept to arrange clear line marking to limit illegal parking.

A copy of the representations are contained in **Attachment 2** and the applicant's response is contained in **Attachment 3**.

REFERRALS

External

Pursuant to Schedule 9 of the *Planning, Development & Infrastructure (General) Regulations 2017* and Part 9 of the *Planning & Design Code*, no referrals were applicable.

Internal

The following internal advice has been received from staff:

Environmental Health	Current plans show non-compliant setbacks of the septic tank to the side and front boundaries (0.5 metre side and 1.1 metre front). The septic tank can be within 2.5 metres of a building (subject to structural engineering) but must be 2.5 metres from property boundaries. A grease trap is required but is not shown on the plans. A wastewater application must be lodged with Council, including provision for a grease trap and septic tank loading calculations.
Engineering	It is noted that existing verandas/canopies of the subject property encroach over the public footpath. It is further noted that the proposed development intends to construct a new cantilevered canopy which will also encroach over public footpath for a length of approx. 2.6 metres. Planning to confirm the suitability of any proposed encroachment in terms of PDI Act requirements. No stormwater considerations have been presented. Please provide details on how the roof runoff will be collected. An overarching stormwater management plan for the developed site is recommended. The development was referred to Council's Arboriculture team for advice regarding clearance between the proposed verandah and roadside tree. There were no objections, although please note the resident should be aware that leaf litter and the odd branch may fall in the gutters in a storm event.
Heritage	The property at 98 Melrose Street is listed as a Local Heritage Place, with the listing confirming the extent as "Butcher's Shop and Attached House".

	The Butcher's Shop is constructed to the Melrose Street boundary, with the house component set back from the boundary to the southern side of the Shop by approximately the depth of the shop. The House is set back behind a garden and picket fence and the original northern window has been modified. The Shop consists of two gable roof forms facing the street, while the house has a gabled roof form perpendicular to the street which extends down over the verandah. It is proposed to construct additions and alterations to the shop, including filling in the open space between the front of the shop and the street. The additions will repeat the gable roof forms of the original shop but will block views of the original house from the Street. A site inspection with the applicant and the building owner/operator was undertaken in September 2024 and the impact of the new construction discussed. The owner undertook to maintain the existing house doors and windows and to retain visibility of the original front wall from inside the new addition. Some minor modifications to the design and proposed details were requested and a heritage impact assessment from an independent Heritage Adviser also sought to confirm that the impact on the Local Heritage Place was acceptable. A supporting statement from Malloway Studio, an experienced heritage consultant, supporting the application was provided, and the drawings amended to include the modifications. The house will be retained and while it will be screened from view by the additions, the new building is of a high design quality, has been designed to respond to the existing heritage listed shop, and will make a positive contribution to the Melrose streetscape. As a result, on balance, heritage approval is supported, despite the new structure being constructed in front of the original house.
Building	Council's Senior Assessment Officer – Building has confirmed that in relation to the western elevation, the building must be not less than 600 mm from the <u>external wall</u> of any other building on the same allotment, unless the two buildings are abutting or any boundary of the allotment, unless that wall is on or abutting the boundary.

ASSESSMENT

Please refer to the following link, the Planning and Design Code extract for this proposal, Version 2024.17, dated 12 September 2024.

<u>Planning and Design Code Extract Link</u>	<u>Relevant Code Extract</u>
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Seriously at Variance

Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, it is recommended that the Panel determine that the proposed development is not Seriously at Variance with the relevant provisions of the Planning and Design Code.

The proposed additions to the shop building are considered to satisfy the Desired Outcome (DO) and POs in both zones. The proposal comprises an expansion to a local scale business and the siting and design of the addition has been amended to the satisfaction of Council's heritage advisor. The proposed location of the addition in front of an element of the heritage listed building is not normally accepted, however, in this example the applicant has reconfigured the external and internal design to ensure its heritage value is appropriately recognised and addressed.

The hours of operation remain unchanged, and no changes to amenity impacts are anticipated. The applicant has addressed matters relating to side setbacks, wastewater management, and car parking.

The proposal is therefore not considered to be Seriously at Variance with the provisions of the Planning and Design Code.

Character Preservation (Barossa Valley) Act 2012

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, having regard to the Objects of the Act, it is recommended that the Panel determine that the proposed development does not adversely impact the character values of the district which are as follows:

- (a) *the rural and natural landscape and visual amenity of the district*
- (b) *the heritage attributes of the district*
- (c) *the built form of the townships as they relate to the district*
- (d) *the viticultural, agricultural and associated industries of the district*
- (e) *the scenic and tourism attributes of the district.*

The character values are considered under their respective categories below:

- (a) *the rural and natural landscape and visual amenity of the district;*

The proposal sits in the Mount Pleasant township and is located within a main street environment surrounded by a comparatively dense urban form. Given the township setting, relatively small footprint, appropriate setbacks from public boundaries and matching colour palette to the existing building, the proposed development is considered to be appropriate and complementary to the visual amenity of the district.

- (b) *the heritage attributes of the district*

The proposed development has been designed to complement the existing Local Heritage Place on the site in that Council's Heritage Advisor has offered

his support for the proposed building addition. As such, the development will reinforce the heritage attributes of the district.

(c) the built form of the townships as they relate to the district

The proposed development sits in the Mount Pleasant township within the main street precinct. The proposed built form is consistent with existing and desired uses within the main street and reinforces the main street character by building out to the street and with a canopy over the footpath.

(d) the viticultural, agricultural and associated industries of the district

The proposed development will not result in the cessation or curbing of any existing viticultural, agricultural or associated industries of the district.

(e) the scenic and tourism attributes of the district

The proposed development of the Local Heritage Place does not adversely affect its heritage value, and the proposal will have minimal impact on the recognised scenic qualities of the district.

Further discussion is contained under the Assessment section below in relation to the Character Preservation District Overlay.

Assessment

Detailed assessment of the proposal has taken place against the relevant provisions of the Planning and Design Code as quoted above. Commentary is provided below under the headings.

The subject site spans two zones: Township Mainstreet Zone and Township Neighbourhood Zone. The site contains a longstanding non-residential use in the form of the butcher's shop, with the shop and ancillary activities primarily located within the Township Neighbourhood Zone, while parking and ancillary structures are spread across both zones. Assessment must consider relevant Planning and Design Code policies from both zones, where applicable.

Township Neighbourhood Zone

Land Use

Township Neighbourhood	
Desired Outcomes	
DO 1	Accommodation of a range of housing types that respond to housing preferences in a manner that contributes to and enhances township streetscapes and original settlement patterns.
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 Predominantly residential development with complementary non-residential uses compatible with the township streetscapes and established settlement patterns.	DTS/DPF 1.1 Development comprises one or more of the following: (a) Ancillary accommodation (b) Consulting room (c) Dwelling (d) Office (e) Recreation area (f) Shop

PO 1.2 Commercial activities improve community access to services are of a scale and type to maintain residential amenity.	DTS/DPF 1.2 A shop, consulting room or office (or any combination thereof) satisfies any one of the following: (i) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied: (ii) does not exceed 50m² gross leasable floor area (a) does not involve the display of goods in a window or about the dwelling or its curtilage (b) it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following: (i) the building is a State or Local Heritage Place (ii) is in conjunction with a dwelling and there is no increase in the gross leasable floor area previously used for non-residential purposes.
PO 1.3 Non-residential development located and designed to improve community accessibility to services, primarily in the form of: (a) small scale commercial uses such as offices, shops, and consulting rooms (b) community services such as educational facilities, community centres, places of worship, child care facilities and other health and welfare services (c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities (d) open space and recreation facilities.	DTS/DPF 1.3 None are applicable.
PO 1.4 Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.	DTS/DPF 1.4 None are applicable.

The proposal involves a 57 square metre extension to the existing shop, of which 38 square metres will be dedicated as shop floor area (currently 8 square metres in existing building). The shop is a longstanding and established use within the zone, and its continued operation is not considered to adversely affect the amenity of the locality. On the contrary, the expansion supports an active main street environment at the interface of two zones. This aligns with PO 1.1, which envisages shops as an appropriate land use, provided they are complementary to and compatible with the existing streetscape.

The proposal is also considered to satisfy PO 1.2, as the butcher's shop provides an important commercial service in a built form of appropriate scale and type that maintains the surrounding residential amenity. Given the building's longstanding use as a butcher's shop, the proposed increase in floor area is relatively minor. Although it exceeds the floor area threshold set out in Deemed-to-Satisfy/Designated

Performance Feature (DTS/DPF) 1.2, mitigating circumstances demonstrate consistency with the intent of PO 1.2. Specifically:

- While the existing total floor area of the establishment exceeds 50 square metres, the proposed shop floor area component of 38 square metres remains below the threshold set out in DTS/DPF 1.2(a)(i).
- Meat display cabinets will be visible through the two front windows; however, this is consistent with traditional butcher's shop presentation and contributes positively to the visual interest and character of the streetscape.
- Although the proposal does not involve reinstatement of a Local Heritage Place as described in DTS/DPF 1.2(b), it does support the continued and authentic use of the building as a butcher's shop, aligning with its original heritage function. The design of the extension has been reviewed and deemed acceptable by Council's heritage advisor.

On balance, the proposed addition retains the ongoing use of the site and the new floorspace maintains the small scale and community service nature of the existing business.

Township Main Street Zone

Land Use

Township Main Street Zone	
Desired Outcomes	
DO 1	A cohesive, active, accessible and welcoming main street environment for residents and visitors to shop, work, meet, entertain and relax.
DO 2	Development contributes to the vibrancy and activity of public spaces and reinforces the traditional main street character
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 Retail, office, entertainment and recreation related uses are supplemented by other businesses that provide a range of goods and services to the local community and the surrounding district.	DTS/DPF 1.1 Development comprises one or more of the following: (a) Advertisement (b) Child care facility (c) Cinema (d) Community facility (e) Consulting room (f) Dwelling (g) Hotel (h) Indoor recreation facility (i) Library (j) Office (k) Place of worship (l) Shop (m) Tourist accommodation
PO 1.2 Ground floor uses contribute to an active and vibrant main street.	DTS/DPF 1.2 Shop, office, or consulting room uses are located on the ground floor level of buildings. PO 1.5 Development is sited and designed to achieve or maintain a vibrant and interesting streetscape within retail areas.
PO 1.5 Development is sited and designed to achieve or maintain a vibrant and interesting streetscape within retail areas.	DTS/DPF 1.5 Any of the following:

	(a) <i>shop, other than a bulky goods outlet with a gross leasable floor area more than 500 sqm</i> (b) <i>cinema</i> (c) <i>hotel</i> (d) <i>licensed premises</i>
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The proposed development seeks a continuation of the longstanding use of the Local Heritage Place (in the Township Neighbourhood Zone) and the balance of the subject land for shop purposes. This complies with PO 1.1 where a shop is listed as an envisaged use in DTS/DPF 1.1. The proposal maintains a shopfront that contributes to activity levels in the main street and the design retains the door and window in the existing shop floor which will be utilised as a meat processing space. The proposal accords with PO 1.2, PO 1.5 and DTS/DPF 1.5(a).

Township Main Street

The building straddles two zones and while the addition is located in a neighbourhood zone the overall development forms part of the main street streetscape and is an intrinsic built form element in this section of Melrose Street. On this basis, the built form outcomes sought in the relevant Township Mainstreet Zone are important to consider in forming a view on the merits of the proposal.

In this, the application is considered to positively address the built form and character, building height and setback policies as listed below:

- PO 2.1 – By complementing the traditional low-scale main street built form by ensuring wall, parapet and roof height, verandah profile, and materials of construction are consistent with adjacent traditional main street buildings.
- PO 2.2 - By preserving the main street character by complementing key traditional shop-front elements.
- PO 2.3 – Maintaining an appropriate ceiling height in the new addition.
- PO 2.4 – Building addition will create visual interest and an active interface with the main street frontage and maximise passive surveillance.
- PO 2.5 – Providing a canopy for shelter over the footpath.
- PO 2.8 – Not interfering with exiting pedestrian lines and access points.
- PO 3.1 – Maintaining a consistent building height commensurate with the existing building.
- PO 3.2 – Maintaining a single storey building height and not adversely encroaching on the building envelope shown in DTS/DPF 3.2.

Overall, the proposed addition meets the design and siting criteria established for the Township Main Street Zone. Compliance is visually important as this non-residential development reads as part of the main street and should take its design ethos from the above policies.

Notwithstanding, the building addition is located in the Township Neighbourhood Zone and the following policies also need to be considered.

Township Neighbourhood

Site Coverage	
PO 3.1 Building footprints are generally consistent with the prevailing pattern of development and retain sufficient space around buildings to limit visual impact and enable attractive outlook and access to light and ventilation.	DTS/DPF 3.1 The development does not result in site coverage exceeding 60% of the site area.

The proposed addition is relatively minor in floor area in the context of this large site and therefore falls well below the Planning and Design Code guideline of 60%.

Building Height	
PO 4.1 Building and wall height contributes to the prevailing character of the neighbourhood and complements the height of nearby buildings.	DTS/DPF 4.1 Building height (excluding garages, carports and outbuildings) is no greater than: (a) The following: Maximum building height is one level (b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - two building levels up to a height of nine metres. In relation to DTS/DPF 4.1, in instances where: (a) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - two building levels up to a height of nine metres. (b) only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.
PO 4.2 Additions and alterations do not adversely impact on the streetscape character	DTS/DPF 4.2 Additions and alterations: (a) are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street or (b) meet all of the following: do not include any development forward of the front façade building line where including a second or subsequent building level addition, it does not project beyond a 45 degree angle measured from ground level at the building line of the existing building.

The proposed building addition is single storey and complies with DTS/DPF 4.1.

The proposed addition does not project forward of the existing butcher shop building which is the most forward façade line. This satisfies DTS/DPF 4.1.

Primary Street Setback	
PO 5.1 Buildings are set back from primary street boundaries consistent with the existing streetscape.	DTS/DPF 5.1 Buildings setback from the primary street boundary in accordance with the following table: <u>Development context</u> There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building. <u>Minimum Setback</u> The average setback of the existing buildings. <u>Development context</u> There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is not on a corner site. <u>Minimum Setback</u> The setback of the existing building. <u>Development context</u> There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site. <u>Minimum Setback</u> (a) Where the existing building shares the same primary street frontage – the setback of the existing building. (b) Where the existing building has a different primary street frontage – five metres. <u>Development context</u> There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building. <u>Minimum Setback</u> Six metres For the purposes of DTS/DPF 5.1: (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such

	as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback. (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table.
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The forward most façade of the existing building sits adjacent the front boundary. The proposed addition will be slightly setback from the butcher shop for heritage design reasons and cadastre restrictions (the façade must be behind the property boundary which is slightly angled and therefore if the front façade of the addition was extruded along the same alignment it would be on council land. The proposed siting is acceptable and this form of zero setback line is common in main streets and is actively sought in the Township Neighbourhood Zone). Council's heritage advisor supports the proposed siting of the addition, and it is considered consistent with the prevailing streetscape in particular for original shops or non-residential buildings in the main street.

Side Boundary Setback	
PO 8.1 Buildings are set back from side boundaries to provide: (a) separation between buildings in a way that complements the character of the locality. (b) access to natural light and ventilation for neighbours.	DTS/DPF 8.1 Other than walls located on a side boundary in accordance with Township Neighbourhood Zone DTS/DPF 7.1, building walls are set back from the side boundary: (a) no less than: Minimum side boundary setback is 1m

The original side boundary setback has been amended by the applicant to address concerns raised by the representor at 96 Melrose Street and also to ensure compliance with the National Construction Code.

The western side elevation now sits between 600 mm and 900 mm from the side boundary. Taking into account the siting of built form in the locality and the township main street location it is considered, in principle, to be acceptable to build close to the front and side boundaries for commercial development. This replicates the pattern seen elsewhere in the township and can be supported subject to meeting the policies in PO 8.1. On this basis, the proposed side setback is acceptable because:

- It allows for a suitable separation between buildings that complements the streetscape (noting support for buildings to be set in tight arrangements in the Township Mainstreet Zone and Council's heritage advisor supports the proposal in relation to the provisions of the Historic Area Overlay).
- The 900mm gap in the front southwestern corner allows for an improved line of sight for the occupiers of 96 Melrose Street when exiting their property.
- The siting of the building will not adversely affect the neighbouring property at 96 Melrose Street in terms of access to natural light and ventilation.

Local Heritage

Local Heritage Place Overlay	
Desired Outcomes	
DO 1	Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.
Relevant Performance Outcomes/Designated Performance Features	
Built Form	
PO 1.1 The form of new buildings and structures maintains the heritage values of the Local Heritage Place.	DTS/DPF 1.1 None are applicable.
PO 1.2 Massing, scale and siting of development maintains the heritage values of the Local Heritage Place.	DTS/DPF 1.2 None are applicable.
PO 1.3 Design and architectural detailing (including but not limited to roof pitch and form, openings, chimneys and verandahs) maintains the heritage values of the Local Heritage Place.	DTS/DPF 1.3 None are applicable.
PO 1.4 Development is consistent with boundary setbacks and setting.	DTS/DPF 1.4 None are applicable.
PO 1.5 Materials and colours are either consistent with or complement the heritage values of the Local Heritage Place.	DTS/DPF 1.5 None are applicable.
PO 1.6 New buildings and structures are not placed or erected between the primary or secondary street boundaries and the façade of a Local Heritage Place.	DTS/DPF 1.6 None are applicable.
PO 1.7 Development of a Local Heritage Place retains features contributing to its heritage value.	DTS/DPF 1.7 None are applicable.
Landscape Context and Streetscape Amenity	
PO 5.1 Individually heritage listed trees, parks, historic gardens and memorial avenues are retained unless: (a) trees / plantings are, or have the potential to be, a danger to life or property or (b) trees / plantings are significantly diseased and their life expectancy is short.	DTS/DPF 5.1 None are applicable.
Conservation	
PO 7.1 Conservation works to the exterior of a Local Heritage Place (and other features identified in the extent of listing) match original materials to be repaired and utilise traditional work methods.	DTS/DPF 7.1 None are applicable.

Historic Area Overlay (Baro15)	
Desired Outcomes	
DO1	Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.
Relevant Performance Outcomes/Designated Performance Features	
All Development	
PO 1.1 All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.	DTS/DPF 1.1 None are applicable.
Built Form	
PO 2.1 The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.	DTS/DPF 2.1 None are applicable
PO 2.2 Development is consistent with the prevailing building and wall heights in the historic area.	DTS/DPF 2.2 None are applicable
PO 2.3 Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.	DTS/DPF 2.3 None are applicable
PO 2.4 Development is consistent with the prevailing front and side boundary setback pattern in the historic area.	DTS/DPF 2.4 None are applicable
PO 2.5 Materials are either consistent with or complement those within the historic area.	DTS/DPF 2.5 None are applicable
Context and Streetscape Amenity	
PO 6.1 The width of driveways and other vehicle access ways are consistent with the prevailing width of existing driveways of the historic area.	DTS/DPF 6.1 None are applicable.
PO 6.2 Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on buildings or infrastructure.	DTS/DPF 6.2 None are applicable

The proposed design of the addition has been thoroughly assessed by Council's Heritage Advisor and an experienced heritage consultant engaged by the applicant. Both accept the proposal and consider the new building will make a positive contribution to the Mount Pleasant streetscape and Historic Area. The proposal is considered to accord with the key attributes and characteristics as outlined in the Mount Pleasant Centre Historic Area Statement including built form style and characteristics, height and material selection. The addition maintains the long term use of the site as a butcher's shop and the proposed development is considered by

heritage advisors to be a contextually responsive design and meets the DO and relevant POs for the Historic Area.

Mount Pleasant Centre Historic Area Statement (Baro6)

Baro2

Mount Pleasant Centre Historic Area Statement (Baro6)

The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality.

These attributes have been identified in the below table. In some cases State and/or Local Heritage Places within the locality contribute to the attributes of an Historic Area.

The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.

Eras, themes and context	Service centre for the surrounding pastoral area.
Allotments, subdivision and built form patterns	Linear nature of settlement along Melrose Street
Architectural styles, detailing and built form features	Consistent early dwellings, the former bank building at the pivotal junction of Melrose Street and Saleyards Road, the ruins of the Henry Giles' early flour mill on the corner of Glen Devon Road and Melrose Street.
Building height	[Not stated]
Materials	Local stone
Fencing	[Not stated]
Setting, landscaping, streetscape and public realm features	Substantial buildings including the two hotels. Mature street planting
Representative Buildings	Identified - refer to SA planning database

The site contains a Local Heritage Place listed as 'Butcher's Shop and Attached House'. The building is listed in the Mount Pleasant Heritage Survey 1987 with its heritage significance described as being representative of the provision of commercial facilities within the main street of Mount Pleasant during the period of consolidation during the 1870s and 80s. A building assessment outlines that 'the shop section of this building incorporates a double gabled form and retains shop windows. The building itself would seem to date from the 1890s although the attached residence may be earlier as it displays typical gable ended form of earlier structures in Mount Pleasant.'

The proposed development includes works that will alter the appearance of the building's façade when viewed from the public realm. At the outset of assessment, Council staff raised concerns with the potential detrimental impact on the heritage and cultural values of the demolition of the existing front verandah of the dwelling, and the construction of the addition in front of the original house. Council staff referred the application to its Heritage Advisor for review and feedback. Council's Heritage Advisor undertook a site inspection in September 2024 and liaised with the applicant with view to achieving a design outcome that better satisfies PO 1.1 and other relevant built form and streetscape policies.

Based on discussions with Council's Heritage advisor, the applicant's designer explains that the proposed development was amended to incorporate:

- A recessed connection between the existing shopfront and the new addition, using a flat roof break and wall setback to clearly distinguish the new from the old.
- Retention of the original door and window openings on the attached house, which will remain visible from within the new shop interior.
- High-level windows with views out to the existing Local Heritage Place attached house roof beyond.
- A revised verandah design with a contemporary profile to avoid replication and maintain a respectful contrast between old and new elements.

An important part of the amended design was the retention of the existing front windows and door integrated into the rear wall of the proposed addition. While not visible from the street they will be visible from within the shop.

At Council's Heritage Advisor's request, the applicant further engaged an independent architect to undertake a heritage impact review of the amended proposal. Based on a review of all documentation and the amended design the independent heritage consultant supports the proposed development.

Based on the above, Council's Heritage Advisor's identifies that the new building is considered to be of high design quality and has been designed to positively respond to the existing heritage-listed shop. It is expected to make a positive contribution to the Mount Pleasant streetscape and notwithstanding the location of the new structure in front of the original house, heritage approval is supported.

Character Preservation District Overlay

Character Preservation District Overlay (Township)	
Desired Outcomes	
DO1	Recognise, protect and enhance the special character of Character Preservation Districts.
DO2	The long term use of land outside of townships for primary production and associated value adding enterprises is assured and promoted.
Relevant Performance Outcomes/Designated Performance Features	
Land Use and Intensity	
PO 1.2 Residential development located within townships to reinforce settlement patterns within the district and support the continuation of primary production on land outside townships.	DTS/DPF 1.2 Residential development located within designated township areas of the Character Preservation District Overlay.
Built Form and Character	
PO 2.1 Development occurring at the edge of townships is sympathetic to the rural landscape and reinforces a clear transition between townships and rural landscape through measures including: (a) being of a low scale (b) orientating residential development towards the rural area	DTS/DPF 2.1 None are applicable.

(c) ensuring visual separation from the rural area through landscaping and road reserves.	
PO 2.2 Development contributes to and maintains the historic identity and character of townships through appropriate: (a) form (b) scale (c) siting (d) design (e) landscaping.	DTS/DPF 2.2 None are applicable.
PO 2.3 Adaptive re-use of rural structures and historic and/or character buildings supports their preservation and ongoing contribution to the landscape.	DTS/DPF 2.3 None are applicable.

The subject site is located within the Mount Pleasant township identified within the *Character Preservation (Barossa Valley) Act 2012*. The property is sited centrally within the linear shaped township visually separated from the township edge. The low profile and modest addition have a very limited visual impact and will not alter existing transition conditions at the township edge. It is therefore considered that PO 2.1 is satisfied.

As mentioned earlier, the proposed design has been amended to address initial concerns from Council's heritage advisor such that the development will now have an acceptable design outcome through form, scale, siting, design and landscaping. It is therefore considered that PO 2.1 is satisfied.

In summary, the proposal is considered to satisfy key provisions within the Character Preservation District Overlay.

Effluent Disposal

General Development Policies	
Design	
On-site Waste Treatment Systems	
PO 6.1 Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.	DTS/DPF 6.1 Effluent disposal drainage areas do not: (a) encroach within an area used as private open space or result in less private open space than that specified in Design Table 1 - Private Open Space. (b) use an area also used as a driveway. (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 – Of-Street Car Parking Requirements in Designated Areas.

Waste Treatment and Management Facilities	
Desired Outcomes	
DO 1	Mitigation of the potential environmental and amenity impacts of waste treatment and management facilities.
Relevant Performance Outcomes/Designated Performance Features	
Siting	
PO 1.1 Waste treatment and management facilities incorporate separation distances and attenuation measures within the site between waste operations areas (including all closed, operating and future cells) and sensitive receivers and sensitive environmental features to mitigate off-site impacts from noise, air and dust emissions.	DTS/DPF 1.1 None are applicable.
Soil and Water Protection	
PO 2.1 Soil, groundwater and surface water are protected from contamination from waste treatment and management facilities through measures such as: (a) containing potential groundwater and surface water. (b) contaminants within waste operations areas. (c) diverting clean stormwater away from waste operations areas and potentially contaminated areas. (d) providing a leachate barrier between waste operations areas and underlying soil and groundwater.	DTS/DPF 2.1 None are applicable.
Wastewater	
PO 5.1 Wastewater generating development utilises existing communal wastewater management infrastructure to avoid onsite disposal.	DTS/DPF 5.1 Development (including land division) that generates wastewater is connected to sewerage or community wastewater management systems with sufficient hydraulic capacity to accept the inflow.
PO 5.2 Development that generates wastewater which cannot be disposed of via sewerage or community wastewater management systems, is designed and of a scale that will enable onsite wastewater treatment and disposal in accordance with relevant health and environmental requirements.	DTS/DPF 5.2 On-site wastewater treatment systems comply with: (a) the 'On-site Wastewater Systems Code' or (b) AS/NZS 1547: On-site domestic wastewater management and the South Australian amendments to AS/NSZ 1547 as outlined in section 9.2 of the 'Onsite Wastewater Systems Code'.

The subject site utilises an on-site septic tank to address waste water disposal.

Council's Environmental Health Officer reviewed the application at time of lodgement whereby a new septic tank was proposed in the front corner of the site adjacent the proposed building addition.

Council's Environmental Health Officer raised the following issues:

- The applicant can install the septic tank closer than 2.5 metres to the building provided structural engineering is provided. However, a septic tank must achieve a 2.5 metre setback from property boundaries. The current plan showed a setback of 0.5 metres from the side boundary and 1.1 metre from the front boundary. It was suggested there is no usable space in that corner to fit a septic tank.
- The property requires a grease trap (not currently shown on the plans).

Based on this feedback, the applicant has amended the proposal to decommission and remove the existing septic tank and a new septic tank is proposed to be installed to the rear of the site (albeit on the same allotment as the proposed buildings works). The applicant has also confirmed the shop has a grease trap and this has been denoted on the application drawings.

Council's Environmental Health Officer has advised the changes anticipated for the butcher's shop to operate the business will require a wastewater approval pursuant to the *SA Public Health Act 2011*. A Reserved Matter is recommended, to capture the granting of an approval of a suitable wastewater management system.

Subject to the Reserved Matter, the development satisfies the above mentioned POs.

Interface between Land Uses

Interface between Land Uses	
Desired Outcomes	
DO 1	<i>Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</i>
Relevant Performance Outcomes/Designated Performance Features	
General Land Use Compatibility	
PO 1.1 <i>Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone.</i>	DTS/DPF 1.1 <i>None are applicable.</i>
PO 1.2 <i>Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.</i>	DTS/DPF 1.2 <i>None are applicable.</i>
Hours of Operation	
PO 2.1 <i>Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:</i> <i>(a) the nature of the development.</i> <i>(b) measures to mitigate offsite impacts.</i> <i>(c) the extent to which the development is desired in the zone.</i>	DTS/DPF 2.1 Development operating within the following hours: <i>(Nil Applicable)</i>

(d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.	
Activities Generating Noise or Vibration	
PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.
PO 4.2 Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor workspaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including: (a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers. (b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers. (c) housing plant and equipment within an enclosed structure or acoustic enclosure. (d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.	DTS/DPF 4.2 None are applicable.
PO 4.4 External noise into bedrooms is minimised by separating or shielding these rooms from service equipment areas and fixed noise sources located on the same or an adjoining allotment.	DTS/DPF 4.4 Adjacent land is used for residential purposes.
PO 4.5 Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.5 None are applicable.
PO 4.6 Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers.	DTS/DPF 4.6 Development incorporating music includes noise attenuation measures that will achieve the following noise levels:

	Assessment location	Music noise level
	Externally at the nearest existing or envisaged noise sensitive location	Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$)
Light Spill		
PO 6.1 <i>External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).</i>	DTS/DPF 6.1 None are applicable.	
PO 6.2 <i>External lighting is not hazardous to motorists and cyclists.</i>	DTS/DPF 6.2 None are applicable.	

The existing butcher's shop is located adjacent to sensitive receivers, however, has operated without complaint regarding amenity impacts to Council for a longstanding period of time. Although it is noted that representors have raised issues in regard to business operation and impacts on their lifestyle as part of responses through the public notification process.

The proposed development is in nature of a building addition with no change of use. The development maintains existing on site management processes and there is no proposal to change operating hours that are currently:

- Monday to Friday: 7.00 am – 5.30 pm
- Saturday: 7.00 am – 11.30 am

The former shop area (8 square metres) will be used for meat processing (which already occurs on the site). The expansion of the shop floor area is not expected to generate significant additional footfall nor notably alter existing levels of noise, light spill or odour which are low in impact upon the locality.

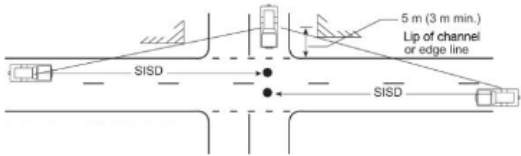
Overall, no adverse interface issues are anticipated, such that the proposed development complies with the relevant POs.

Access

General Development Policies	
Desired Outcomes	
DO 1	Safe and efficient operation of Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from Urban Transport Routes.
Relevant Performance Outcomes/Designated Performance Features	
Access - Safe Entry and Exit (Traffic Flow)	
PO 1.1 <i>Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads.</i>	

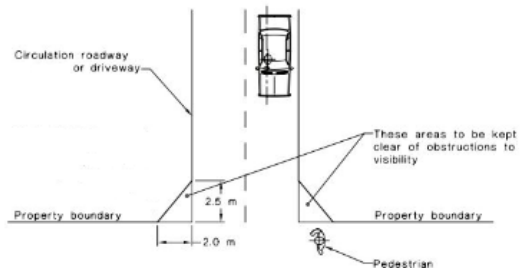
PO 2.1 Sufficient accessible on-site queuing adjacent to access points is provided to meet the needs of development so that all vehicle queues can be contained fully within the boundaries of the development site, to minimise interruption on the functional performance of the road and maintain safe vehicle movements.	
Access - (Location Spacing) - Existing Access Point	
PO 3.1 Existing access points are designed to accommodate the type and volume of traffic likely to be generated by the development.	
Access - Location (Sight Lines)	
PO 5.1 Access points are located and designed to accommodate sight lines that enable drivers and pedestrians to navigate potential conflict points with roads in a controlled and safe manner	An access point satisfies (a) and (c) or (b) and (c): 1. the development site does or is intended to serve between 1 and 6 dwellings and utilises an existing access point. or 2. drivers approaching or exiting an access point have an unobstructed line of sight in accordance with the following (measured at a height of 1.1 metre above the surface of the road):

Speed Limit	Access point serving 1-6 dwellings	Access point serving all other development
40 km/h or less	47m	73m
50 km/h	63m	97m
60 km/h	81m	123m
70 km/h	100m	151m
80 km/h	121m	181m
90 km/h	144m	226m
100 km/h	169m	262m
110km/h	195m	300m



and

) pedestrian sightlines in accordance with the following diagram:



The site has an existing access to Melrose Street, however the access is not utilised due to the access being obstructed by internal buildings which preclude access to the rear. The sole entry point to the site is located to the rear via William Street. On this basis, there is no adverse impact on the safe and efficient operation of the State Maintained Road and the proposed development complies with the relevant POs.

The adjoining landowners raised concerns in their submission in regard to sightlines as they enter or exit their property. They outlined this was challenging due to existing on-street car parking, location of a street tree and their advanced ages. As part of the amended plans, the applicant has setback the building 900 mm from the side boundary (where it meets the front boundary). This is less than 100 mm from the desired side setbacks of 1 metre in the Township Neighbourhood Zone and is not out of context in a Township Mainstreet Zone whereby buildings are often tightly sited. Examples of buildings located very close to the front boundary and driveways are seen opposite the subject land at 35 and 39 Melrose Street.

In addition, there is an expectancy that a driver exiting a property onto the public road shall exercise an appropriate level of due care. The revised side setback provides an improved line of sight across the subject land as a vehicle exits. Arguably, this is more than if a 1.5 metre (or taller fence) was installed along the front of subject land that is common form of structure on a side boundary fence line. Council's Engineer has also not raised an issue in relation to this matter and while the neighbour's concern is acknowledged it is considered that the proposal satisfies PO 2.1.

Car Parking

Transport, Access and Parking	
Desired Outcomes	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Relevant Performance Outcomes/Designated Performance Features	
Movement Systems	
PO 1.2 Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.□	DTS/DPF 1.2 None are applicable.□
PO 1.3 Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict	DTS/DPF 1.3 None are applicable.
PO 1.4 Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	DTS/DPF 1.4 All vehicle manoeuvring occurs onsite.
Sightlines	
PO 2.1 Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians.	DTS/DPF 2.1 None are applicable.
Access for People with Disabilities	
PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.□	DTS/DPF 4.1 None are applicable.□
Vehicle Parking Rates	
PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as: (a) availability of on-street car parking.	DTS/DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant: (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements.

(b) shared use of other parking areas. (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared. (d) the adaptive reuse of a State or Local Heritage Place.	(b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas. (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Table 1 - General Off-Street Car Parking Requirements	Shop (no commercial kitchen) 5.5 spaces per 100 square metres of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.
Vehicle Parking Areas	
PO 6.1 Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.	DTS/DPF 6.1 Movement between vehicle parking areas within the site can occur without the need to use a public road.
PO 6.2 Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.	DTS/DPF 6.2 None are applicable.
PO 6.4 Pedestrian linkages between parking areas and the development are provided and are safe and convenient.	DTS/DPF 6.4 None are applicable.
PO 6.5 Vehicle parking areas that are likely to be used during non-day light hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.	DTS/DPF 6.5 None are applicable.
PO 6.6 Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.	DTS/DPF 6.6 Loading areas and designated parking spaces are wholly located within the site.
PO 6.7 On-site visitor parking spaces are sited and designed to be accessible to all visitors at all times.	DTS/DPF 6.7 None are applicable.

Melrose Street is a State Maintained Road with unregulated on-street parking available directly in front of the site and within a short walking distance on both sides of the road. Council's Engineering team have not identified any parking stress issues in relation to this site and it is typical in main streets that shoppers and visitors utilise allocated on-street parking as part of their user experience.

In response to Council's query in relation to car parking provision, the applicant's representative outlines that *"The existing sales floor area is only 8 square metres, and the proposed increase to approximately 38 square metres (is primarily to enhance the customer experience, allowing for improved circulation, product display, and accessibility. This change is not intended to drive higher customer volume but to better accommodate existing foot traffic, which is expected to remain steady. The business has long operated successfully without formal on-site carparking, relying on available on-street spaces within the Mount Pleasant main street. This location supports walkability and short-stay visits, and no issues with parking availability have been identified over many years of trading."*

Based on Table 1 - General Off-Street Car Parking Requirements the increase of shop area of 29-30 square metres would generate an increased demand for 1.5 vehicle spaces (or 2.5 based on the whole addition of 57 square metres). The site contains car parking areas to the rear accessed via Williams Street that has been primarily utilised by staff and some delivery vans. Shoppers generally utilise Melrose Street car parking spaces and it is considered that there is sufficient capacity in available car parking both on the site and in Melrose Street to accommodate the small increase in demand from this proposal. The applicant has also stated that they are willing to permit shoppers to utilise the rear car park if required. The rear car park has capacity for in the order of more than 15 car parking spaces. Based on the main street location of the site and the relatively modest 38 square metre total increase in floor area, it is not currently considered necessary as on-street capacity in this main street location is sufficient to address any change in demand.

The car parking on the site has existing use rights and thus has never been formally approved. While the car parking can continue to be used, it is considered there is a need to bring the car park into compliance with Australian Standard (AS) 2890 in terms of having some more formality in relation to the access, designation of car parking spaces and manoeuvring areas to ensure safe and convenient access for staff, delivery vehicles and customers. In this regard, a Reserved Matter is recommended that requests a final car parking plan prepared in compliance with AS 2890.

In addition, the Township Mainstreet Zone PO 4.1 and 4.2 seek to minimise the number of vehicle crossovers on the main street and location of any car parking to be behind buildings and away from the primary street frontage. To access the car park vehicles must enter William Street and this outcome is achievable primarily for use by staff and delivery vehicles.

The use of the public road for deliveries has caused concerns for neighbours and PO 1.4 seeks loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths. Conversely PO 1.2 discourages commercial vehicle movement through residential streets. The rear unloading area is access via William Street. To access this site a vehicle would need to enter via Herriot Road and onto William Street. This route passes in front of residential properties. It is recommended that the applicant prepare a Service Delivery Plan to identify expected delivery vehicle types, schedules and route descriptions. A Plan can be prepared to agree the types and timing of vehicles that could park on Melrose Street and those that need to access via William Street. This also allows for Council to ensure PO 1.4 is met without causing undue impact on Herriot and William Streets.

In addition to the above, the applicant has advised in their response to representations that there is an agreement that delivery vans will utilise the rear parking area and avoid parking in front of the shop. Delivery vehicles comprise light trucks which can manoeuvre safely within the site. It is recommended that the delivery vehicle arrangements are addressed as a Condition of Consent.

Subject to the Reserved Matter and above mentioned conditions, the proposed car parking arrangements are considered compliant with relevant transport, access and parking policies in the Planning and Design Code.

Flood Hazard

Hazards (Flooding – Evidence Required) Overlay	
Desired Outcomes	
DO1	<i>Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.</i>
Relevant Performance Outcomes/Designated Performance Features	
Flood Resilience	
PO 1.1 <i>Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.</i>	DTS/DPF 1.1 <i>Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above:</i> <i>(a) the highest point of top of kerb of the primary street</i> <i>or</i> <i>(b) the highest point of natural ground level at the primary street boundary where there is no kerb.</i>

The proposed building addition is to be constructed at the same level as the existing butcher's shop and former dwelling and is positioned directly adjacent the footpath. Additional stormwater will connect to the existing stormwater pipes that discharge to the street water table.

The open nature of the whole site and minimal expanded building footprint limits the impact on any overland flood flows.

Council's Engineering Department has reviewed the proposal and have not raised concerns with flood risk or stormwater disposal.

This aspect of the development satisfies PO 1.1.

Water Resources Overlay

Water Resources Overlay	
Desired Outcomes	
DO1	<i>Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.</i>

DO2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.
Relevant Performance Outcomes/Designated Performance Features	
Water Catchment	
PO 1.1 Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.	DTS/DPF 1.1 None are applicable.
PO 1.2 Development avoids interfering with the existing hydrology or water regime of swamps and wetlands other than to improve the existing conditions to enhance environmental values.	DTS/DPF 1.2 None are applicable.
PO 1.7 Watercourses, floodplains (1% AEP flood extent) and wetlands protected and enhanced by retaining and protecting existing native vegetation.	DTS/DPF 1.7 None are applicable.
PO 1.8 Watercourses, floodplains (1% AEP flood extent) and wetlands are protected and enhanced by stabilising watercourse banks and reducing sediments and nutrients entering the watercourse.	DTS/DPF 1.8 None are applicable.

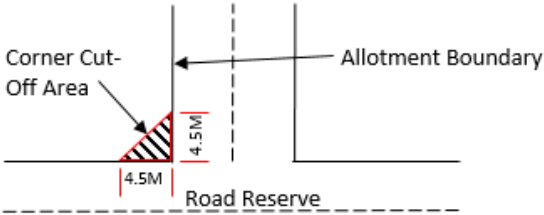
The closest watercourse is the River Torrens which borders Talunga Park and is sited more than 200 metres from the subject site. It is also separated by Melrose Street and existing dwellings and non-residential buildings. No adverse impact on the River Torrens or any wetland/watercourse system is anticipated as a result of the relatively small building addition. There is no damage risk to any watercourse or removal of native vegetation proposed to enable construction of the addition. The Flood Overlay policies are therefore satisfactorily addressed.

Advertisements

Advertisements (General Development Policies)	
Desired Outcomes	
DO 1	Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard
Relevant Performance Outcomes/Designated Performance Features	
Appearance	
PO 1.1 Advertisements are compatible and integrated with the design of the building and/or land they are located on.	DTS/DPF 1.1 Advertisements attached to a building satisfy all of the following: (a) are not located in a Neighbourhood-type zone (b) where they are flush with a wall: 1. if located at canopy level, are in the form of a fascia sign 2. if located above canopy level:

	A. do not have any part rising above parapet height B. are not attached to the roof of the building (c) where they are not flush with a wall: 1. if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure 2. if attached to a two-storey building: A. has no part located above the finished floor level of the second storey of the building B. does not protrude beyond the outer limits of any verandah structure below C. does not have a sign face that exceeds 1 square metres per side. (d) if located below canopy level, are flush with a wall (e) if located at canopy level, are in the form of a fascia sign (f) if located above a canopy: (i) are flush with a wall (ii) do not have any part rising above parapet height (iii) are not attached to the roof of the building. (g) if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure (h) if attached to a two-storey building, have no part located above the finished floor level of the second storey of the building (i) where they are flush with a wall, do not, in combination with any other existing sign, cover more than 15% of the building facade to which they are attached.
PO 1.2 Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.	DTS/DPF 1.2 Where development comprises an advertising hoarding, the supporting structure is: (a) concealed by the associated advertisement and decorative detailing or (b) not visible from an adjacent public street or thoroughfare, other than a support structure in the form of a single or dual post design.
PO 1.3 Advertising does not encroach on public land or the land of an adjacent allotment.	DTS/DPF 1.3 Advertisements and/or advertising hoardings are contained within the boundaries of the site.
PO 1.5	DTS/DPF 1.5 None are applicable.

Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.	
PO 2.1 Proliferation of advertisements is minimised to avoid visual clutter and untidiness.	DTS/DPF 2.1 No more than one freestanding advertisement is displayed per occupancy.
PO 2.2 Multiple business or activity advertisements are co-located and coordinated to avoid visual clutter and untidiness.	DTS/DPF 2.2 Advertising of a multiple business or activity complex is located on a single advertisement fixture or structure.
PO 2.3 Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness.	Advertisements satisfy all of the following: (a) are attached to a building (b) other than in a Neighbourhood-type zone, where they are flush with a wall, cover no more than 15% of the building facade to which they are attached (c) do not result in more than one sign per occupancy that is not flush with a wall.
Advertising content	
PO 3.1 Advertisements are limited to information relating to the lawful use of land they are located on to assist in the ready identification of the activity or activities on the land and avoid unrelated content that contributes to visual clutter and untidiness.	DTS/DPF 3.1 Advertisements contain information limited to a lawful existing or proposed activity or activities on the same site as the advertisement.
Amenity impacts	
PO 4.1 Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.	DTS/DPF 4.1 Advertisements do not incorporate any illumination.
Safety	
PO 5.1 Advertisements and/or advertising hoardings erected on a verandah or projecting from a building wall are designed and located to allow for safe and convenient pedestrian access.	DTS/DPF 5.1 Advertisements have a minimum clearance of 2.5 metres between the top of the footpath and base of the underside of the sign.
PO 5.2 Advertisements and/or advertising hoardings do not distract or create a hazard to drivers through excessive illumination.	DTS/DPF 5.2 No advertisement illumination is proposed.
PO 5.3 Advertisements and/or advertising hoardings do not create a hazard to drivers by: 1. being liable to interpretation by drivers as an official traffic sign or signal 2. obscuring or impairing drivers' view of official traffic signs or signals 3. obscuring or impairing drivers' view of features of a road that are potentially hazardous (such as junctions, bends, changes in width and traffic control devices) or other road or rail vehicles at/or approaching level crossings.	DTS/DPF 5.3 Advertisements satisfy all of the following: (a) are not located in a public road or rail reserve (b) are located wholly outside the land shown as 'Corner Cut-Off Area' in the following

	diagram 
PO 5.5 <i>Advertisements and/or advertising hoardings provide sufficient clearance from the road carriageway to allow for safe and convenient movement by all road users</i>	DTS/DPF 5.5 Where the advertisement or advertising hoarding is: (a) on a kerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 0.6 metres from the roadside edge of the kerb. (b) on an unkerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 5.5 metres from the edge of the seal. (c) on any other kerbed or unkerbed road, the advertisement or advertising hoarding is located a minimum of the following distance from the roadside edge of the kerb or the seal: (a) 110 km/h road – 14 metres (b) 100 km/h road – 13 metres (c) 90 km/h road – 10 metres (d) 70 or 80 km/h road - 8.5 metres.

The proposal comprises a single advertisement – a 720 mm high, non-illuminated sign comprising the name of the business utilising cutout 'stencilled' letters that are mounted above each other, with the sign then positioned on top of the proposed canopy.

PO 1.1 sets out the key policy tests for advertisements with an intent that they are compatible and integrated with the design of the building.

DTS/DPF 1.1 contains a set of guidelines that, if achieved, would satisfy PO 1.1. In assessment terms, it is possible to meet the intent of the PO and not full comply with all DPF/DTS guidelines. The proposed advertisement will:

- Not meet clause (a) as it is located in a Neighbourhood type zone.
- Not meet clause (e) as the advertisement is not in the form of a fascia sign as sought if located above the canopy.
- Not meet clause (f)(i), (ii) but meets (iii) as the sign is not flush with a wall and is above the canopy parapet.

Assessing against other policies it is considered that:

- The proposed sign is located on the canopy above public land, however, this is typical for main street environments and a Section 221 permit is required as a Reserved Matter. This addresses PO 1.3.
- The sign is attached to a building and does not result in more than one sign per occupancy that is not flush with the wall. The sign is of an unusual design that is designed to complement the heritage façade and does not result in clutter or an untidy appearance. On balance, it satisfies PO 2.3.
- The sign will advertise activities relating to the lawful use of the site as a shop and therefore complies with PO 3.1. The sign is not illuminated and therefore does not conflict with PO 4.1.
- The sign is located with a minimum footpath clearance greater than 2.5 metres, is not illuminated, not considered to be a driver distraction as it will not impair drivers' views or be misinterpreted as an official traffic sign and will be sited more than 0.6 metres from the kerbside edge (noting this a 50 km/h speed zone). On this basis the proposed sign meets PO 5.1, 5.2, 5.3 and 5.5.

The proposed sign has been assessed by both Council's Heritage Advisor and an independent heritage consultant, neither of whom raised concerns regarding its visual impact on the Local Heritage Place. The stylised lettering and the placement of the sign above the canopy are considered acceptable, with visual impact mitigated by the form and height of the double gable roof and the sign's thin profile. The sign is modest in scale, with only one sign proposed on the new butcher's shop building (distinct from the existing painted wall hoarding on the attached ancillary structure to the existing butcher's shop). The design also incorporates a degree of visual transparency, as the individual letters are mounted with no solid backing and are not illuminated.

Based on heritage advice and the likely extent of visual impact, the proposed signage is considered to satisfy PO 1.5 and PO 2.1.

It is also noted that at the time of heritage assessment in 1987, a similar form of signage (albeit with solid backing) was attached to the verandah in front of the original butcher's shop.



<https://data.environment.sa.gov.au/Content/heritage-surveys/2-Mount-Pleasant-Heritage-Survey-1987.pdf>

Overall, the style and siting of the sign above the canopy is a new approach within the Mount Pleasant Main Street. However, it is considered that the design ethos, integration with the proposed new addition and modest scale will not impact the amenity of the locality and for this proposal it is considered to satisfy the outcomes sought in PO 1.1.

Site Contamination

General Development Policies	
Site Contamination	
Desired Outcomes	
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Ensure land is suitable for use when land use changes to a more sensitive use.	DPF 1.1 Development satisfies (a), (b), (c) or (d): (a) does not involve a change in the use of land. (b) involves a change in the use of land that does not constitute a change to a more sensitive use. (c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form). (d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: (ii) a site contamination audit report has been prepared under Part 10A of the Environment Protection Act 1993 in relation to the land within the previous five years which states that– A. site contamination does not exist (or no longer exists) at the land; or, B. the land is suitable for the proposed use or range of uses (without the need for any further remediation); or, C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development) and,

	(ii) no other class one activity or class two activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).
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Practice Direction 14 – Site Contamination Assessment 2021 has been taken into account concerning this proposal. The subject land has a longstanding existing use rights for non-residential use. Given that the land has a lawful non-residential use, the proposed shop addition does not escalate up the land use sensitive hierarchy outlined in Table 1: Land Use Sensitivity Hierarchy. The application therefore satisfies PO 1.1.

Clearance from Overhead Powerlines

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DTS/DPF 1.1 One of the following is satisfied: (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

DTS 1.1, clause (a) has been met and therefore the related PO 1.1 will be achieved.

Other Overlays

The following Overlays have also been considered in the assessment of the proposed development and it is noted that:

Hazards (Bushfire - Medium Risk) and Hazards (Bushfire - Urban Interface)

The proposed development does not alter existing bushfire arrangements or introduce any new land uses within the subject land.

Native Vegetation Overlay

No native vegetation clearance is proposed as part of the development.

Mount Lofty Ranges Water Supply Catchment (Area 2)

The proposed development will be connected to an approved wastewater treatment system and does not generate a significant amount of trade waste water or stormwater runoff. It is located within the township and has access to mains water and drainage systems.

CONCLUSION

The proposal involves *“Construction of building additions to existing shop (butcher) including demolition of existing verandah, construction of new verandah (over footpath) and installation of one advertising sign”* at 98 Melrose Street, Mount Pleasant.

The application was subject to the Performance Assessed pathway and public notification. The application was notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* and was subject to receipt of two representations, of which both were in opposition.

This report has provided a detailed assessment of the proposal against the relevant provisions of the Planning and Design Code.

The proposed additions to the shop building are considered to meet the DO and POs for both applicable zones. The development represents an expansion of a local-scale business, with the siting and design of the addition revised to the satisfaction of Council's Heritage Advisor. While the location of the addition, positioned in front of a heritage listed element, would not typically be supported, in this instance the applicant has reconfigured both the external and internal design to ensure the heritage values of the Local Heritage Place are appropriately recognised and respected.

The proposal retains the existing hours of operation, with no expected adverse impacts on the local amenity. Furthermore, the applicant has addressed key planning considerations, including side setbacks, wastewater management and car parking provisions.

Reserved Matters are recommended primarily to address wastewater disposal, building encroachment of the proposed canopy over the footpath and car parking layout and service delivery plans. The latter is recommended to ensure that future service delivery is managed to Council's satisfaction addressing local amenity impact, public road congestion and road safety.

In conclusion, the proposal has demonstrated appropriate compliance with the relevant provisions of the Planning and Design Code, such that the application is considered to warrant the granting of Planning Consent, subject to Reserved Matters and Conditions.

RECOMMENDATION 1**Not Seriously at Variance**

The Barossa Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not Seriously at Variance with the Planning and Design Code.

RECOMMENDATION 2

Character Preservation

Pursuant to Section 6(2) of the Character Preservation (Barossa Valley) Act 2012, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that there are no significant impacts on the character values of the district.

RECOMMENDATION 3

Granting of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to GRANT Planning Consent for Application No. 24030311 by Jimmythebutch Pty Ltd to undertake *Construction of building additions to existing shop (butcher) including demolition of existing verandah, construction of new verandah (over footpath) and installation of one advertising sign at 98 Melrose Street Mount Pleasant (CT 5710/480 and CT 5706/828)* subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

Development Plan Consent is subject to provision, assessment and approval of:

Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment prior to the granting of Development Approval and shall be delegated to the Assessment Manager:

- (1) The applicant shall lodge and have approved by the relevant authority an application to install a wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.
- (2) The applicant shall submit and have approved by the relevant authority an application for the encroachment of the proposed canopy over the public land (footpath) pursuant to Section 221 of the *Local Government Act 1999*.
- (3) The applicant shall lodge and have approved by the relevant authority an amended car parking layout plan detailing line marking for existing and proposed car parking spaces, complying with the requirements of AS2890.1 *Parking facilities – Part 1: Off-street car parking*.
- (4) The applicant shall provide a 'Service Delivery Plan' for all service and delivery vehicles required to attend the site associated with the business in order to address the expected delivery vehicle types, schedules and route descriptions to ensure the ongoing effect of service vehicles attending the site does not cause unreasonable disruption to surrounding residential amenity.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 24030311 except where varied by any condition(s) listed below.
 - Applicant Response to Representations by BGI Building Group dated 14 August 2025
 - Applicant Response to Council Request for Information by BGI Building Group dated 1 July 2025
 - Heritage Impact Review by Mulloy Studio, reference no. BGI01.25.04.30.Advice, dated 30 April 2025
 - Existing Site Plan by BGI Building Group, project no. 34852, drawing no. BG_10, revision P4, dated 19 August 2025
 - Site Plan by BGI Building Group, project no. 34852, drawing no. BG_12, revision P2, dated 19 August 2025
 - Existing Floor Plan by BGI Building Group, project no. 34852, drawing no. BG_19, revision P2, dated 19 August 2025
 - Floor Plan by BGI Building Group, project no. 34852, drawing no. BG_20, revision P4, dated 19 August 2025
 - Elevations by BGI Building Group, project no. 34852, drawing no. BG_30, revision P4, dated 19 August 2025
 - Building Sections by BGI Building Group, project no. 34852, drawing no. BG_140 revision P2, dated 19 August 2025
- (2) Prior to occupation, the buildings authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of council.
- (3) All external building materials shall:
 - (a) Be muted and non-reflective in nature; and
 - (b) Where metal cladding is used, it shall have a pre-colour treated finish; and
 - (c) Be complementary to the existing colours used on the existing building; and
 - (d) Be in accordance with the approved plans.
- (4) Storm water disposal systems must be fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of the relevant authority.
- (5) The internal car park and manoeuvring area shall be kept clear and unobstructed of buildings and structures at all times, so as to enable continual and ongoing use of these areas.
- (6) All car parking shall be appropriately designated by way of wheel stops or line marking in accordance with the car parking layout plan, approved pursuant to the Reserved Matter and shall be completed within three months of commencement of use (as hereby approved).
- (7) The advertising displays herein approved shall not be internally illuminated, nor externally flood lit, at any times, to the reasonable satisfaction of Council.

- (8) The herein authorised advertising signs shall contain messaging which is related to the land use located upon the relevant subject land, at all times, to the reasonable satisfaction of Council.
- (9) Except where otherwise approved, all loading and unloading of delivery and service vehicles and manoeuvring of vehicles in connection with the approved development shall be carried out entirely within the site via the William Street access point, at all times.
- (10) All site deliveries associated with the business shall accord with the 'Service Delivery Plan' authorised pursuant to the Reserved Matter at all times.

Advisory Notes

- (1) 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.
- (2) 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.
- (3) 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) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (5) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (6) Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- (7) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

- (8) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the Native Vegetation Act 1991, <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide>. Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.

- (9) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.
- (10) You are advised that construction or alteration of any footpath, kerb, gutter or crossover on Council land will require a permit, under the *Local Government Act 1999*, from Council's Works and Engineering Services. It is illegal to undertake work on Council land without permission.

If the existing entranceway (driveway cross-over) is to be removed it must be re-instated with kerb and gutter, including appropriate restoration of the footpath and verge, to Council's standard specification. Please contact Council's Works and Engineering Services to confirm the required standards.

Driveway crossovers which affect a pedestrian footpath should maintain the level of the footpath or be consistent with the proposed footpath levels in instances where the footpath has not been constructed. When final Development Approval is applied for this should be shown on the plans. Please note that construction is to be in accordance with the *Disability Discrimination Act* and relevant Australian Standards.

Further enquiries should be directed to the Works and Engineering team on 8563 8444.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | |
|--------------|--|
| Attachment 1 | Application and Associated Documentation |
| Attachment 2 | Representations Received |
| Attachment 3 | Applicants Response to Representations |

Development Locations

Location 1

Location reference

98 MELROSE ST MOUNT PLEASANT SA 5235

Title Ref

CT 5710/482

Plan Parcel

F169595 AL656

Additional Location Information**Council**

THE BAROSSA COUNCIL

Location 2

Location reference

98 MELROSE ST MOUNT PLEASANT SA 5235

Title Ref

CT 5706/828

Plan Parcel

D246 AL3

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Township Main Street
- Township Neighbourhood

Sub-zones

(None)

Overlays

- Character Preservation District
- Historic Area
- Hazards (Bushfire - Medium Risk)
- Hazards (Flooding - Evidence Required)
- Local Heritage Place
- Mount Lofty Ranges Water Supply Catchment (Area 2)
- Native Vegetation
- Prescribed Water Resources Area
- Traffic Generating Development
- Urban Transport Routes
- Water Resources

Variations

- Minimum Frontage (Minimum frontage is 12m)
- Minimum Site Area (Minimum site area is 500 sqm)
- Minimum Side Boundary Setback (Minimum side boundary setback is 1m)

Application Contacts

Applicant(s)

Stakeholder info

JIMMYTHEBUTCH PTY LTD

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Contact

Stakeholder info

Mr Charles Edwards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Invoice Contact

Stakeholder info

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NURIOOTPA
SA
5355
Tel. 0885622799
info@bgibg.com.au

Builder

Stakeholder info

BGi Building Group
21 TANUNDA ROAD
NURIOOTPA
SA
5355
Tel. 0885622799
info@bgibg.com.au

Land owners

Stakeholder info

JIMMYTHEBUTCH PTY LTD

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Nature Of Development

Nature of development

Shop Extension

Development Details

Current Use

Township Neighborhood

Proposed Use

Township Neighborhood

Development Cost

\$500,000.00

Proposed Development Details

Shop Extension

Element Details

You have selected the following elements

Dwelling alteration or addition - \$0.00

Demolition - \$0.00

Alteration or addition

Please clarify the details of the alteration or addition:

Demolish existing verandah.

Demolish and replace septic system - wastewater disposal application to come

New shop front extension, sales and display area

Demolition

Is the demolition for the whole of a building?

No

Septic/Sewer information submitted by applicant

Does this development require a new septic system or amendment to an existing septic system? i.e. septic tank and / or wastewater disposal area?

Yes

Has the septic / sewer information been appropriately addressed (i.e. through an application under the South Australian Public Health Act 2011 or other)

(Not provided by applicant)

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?

Unsure

Consent Details

Consent list:

- Planning Consent

- Building Consent

Have any of the required consents for this development already been granted using a different system?
No

Planning Consent

Apply Now?
Yes

Who should assess your planning consent?
Assessment panel/Assessment manager at The Barossa Council

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?
Applicant

Building Consent

Do you wish to have your building consent assessed in multiple stages?
No

Apply Now?
No

Consent Order

Recommended order of consent assessments
1. Planning Consent

Do you have a pre-lodgement agreement?
No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Native Vegetation Declaration

The proposed development will not or would not, involve the clearance of Native Vegetation under the Native Vegetation Act 1991, including any clearance that may occur in connection with a relevant access point and/or driveway, and/or within 10m of a building (other than a residential building or tourist accommodation), and/or within 20m of a dwelling or addition to an existing dwelling for fire prevention and control, and/or within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
34853_Mt Pleasant Butcher_240910_PC.pdf	Building Envelope Plan	12 Sept 2024 3:55 PM
34853_Mount Pleasant Butcher_CT.pdf	Certificate of Title	12 Sept 2024 3:55 PM

Application Created User and Date/Time

Created User

haidee.hampel

Created Date/Time
12 Sept 2024 3:55 PM



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01 JULY 2025

Mr Tom Marshall
Senior Assessment Officer
The Barossa Council

Hi Tom,

Re: Applicant Response to Council Request for Information – Application ID: 24030311

Thank you for your correspondence dated 1 October 2024 regarding our application for proposed building additions at the above address. Please find our responses to each of the items raised:

Required Information

1/ Local Heritage Place

The site contains a Local Heritage Place (LHP) listed as 'Butcher's Shop & Attached House'. The proposed development will require demolition of the existing front verandah of the dwelling, and the construction of additions that will completely block views of the original house and alter the relationship between the listed shop and house.

Based upon that, the proposed scope of work is considered to detrimentally impact the heritage and cultural values of the LHP. The application is not likely to be supported without further consideration to the heritage values of the LHP which will likely require amendments to the proposal.

Please provide amended plans that support and maintain the heritage values of the LHP on the site which is seeking to maintain the heritage values of the 'Butcher's Shop & Attached House'.

We acknowledge the heritage significance of the Butcher's Shop and Attached House, and we are committed to ensuring that the proposed development preserves and complements the character of the Local Heritage Place (LHP) while supporting its continued viable commercial use.

Following discussions with Council's Heritage Advisor and your feedback, we have incorporated a number of design refinements to ensure the development responds sensitively to the site's heritage context:

- A **recessed connection** between the existing shopfront and the new addition, using a flat roof break and wall setback to clearly distinguish the new from the old;
- **Retention of the original door and window openings** on the attached house, which will remain visible from within the new shop interior;
- **High-level windows** with views out to the existing LHP attached house roof beyond.
- A **revised verandah design** with a contemporary profile to avoid replication and maintain a respectful contrast between old and new elements.

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21-23 Tanunda Road, Nuriootpa, SA, 5355 Ph [08] 8562 2799 Fax [08] 8562 3107
Refer BGI Building Group Conditions of Contract available on request



Management Systems Certified Company Licence Number Q0227



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To provide an independent and expert perspective, we also engaged Mulloway Studio, a specialist heritage architecture practice, to review the proposal. Their letter of support (attached) confirms that the proposed development;

- *"Reflects a sympathetic approach and a successful transformation of the existing property"*
- *"Strengthens much of the traditional built form and are undertaken with appropriate sensitivity", and that*
- *"The form and scale are appropriate for the streetscape".*

We remain open to further consultation should Council or its Heritage Advisor consider additional refinements necessary.

2/ Wastewater

The following feedback is provided from the Health Team:

- The corner land will need to be amalgamated, the Health Team will not approve a septic tank on another allotment.
- Applicant can install the septic tank closer than 2.5m to building provided structural engineering is provided. However, a septic tank must achieve a 2.5m setback from property boundaries, current plan shows setback of 0.5m from side boundary and 1.1m from front boundary. Ultimately, it appears as though there is no usable space in that corner to fit a septic tank. Furthermore, the property requires a grease trap (not currently shown on the plans).

With consideration to the above, a wastewater application is required to be lodged with Council along with any applicable grease trap and septic tank loading calculations.

The existing septic tank will be decommissioned and removed. The adjacent land is to be made good, with pavement reinstated up to the new boundary wall. A new septic tank is proposed to be located at the rear of the property, within the same land title and in accordance with engineering specifications. Please refer to the updated site plan.

The existing grease trap is now noted on the updated site plan. The development does not propose any modification to the existing grease trap and associated commercial food processing areas.

We are in the process of completing the wastewater application and will lodge as soon as possible.

3/ Parcel of land

The parcel of land shown as 'PT 4' on the provided site plan appears to form part of the adjoining land according to Council records. Further confirmation is required to be provided to confirm the portion of land where the septic tank is proposed is actually associated to the butcher site.

Land Services SA have confirmed the parcel of land shown as 'PT 4' does form part of the adjoining land. The development does not impede on this land.

4/ Engineering concerns

No stormwater considerations have been provided on the application plans. Please provide details on how the roof runoff will be collected and how this relates to the overarching stormwater management plan for the development site.

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Storm water run-off from the new roof will be connected into the existing system which is currently directed to the street water table via underground drain. Please refer to the updated site plan.

5. Hours of operation

Provide confirmation of the existing hours of operation for the butcher use and whether the proposed development is seeking to alter these hours or not.

There is no proposed change to the business hours. Existing hours are as follows:

- Monday to Friday: 7:00am – 5:30pm
- Saturday: 7:00am – 11:30am

6. Vehicle parking

The shop extension is increasing floor area resulting in the need for vehicle parking spaces to be provided to ensure there are no unreasonable impacts on the public road. It is noted that the proposal is seeking to relocate the existing sales area so the extent of vehicle parking required is subject to further consideration.

The vehicle parking rate for a shop use is 5.5 spaces per 100sqm of gross leasable floor area. Please confirm the existing shop sales area versus the new proposed shop sales area to determine any additional vehicle parking requirements for the site.

Please provide the following:

- a. Any existing vehicle parking spaces on the site; and
- b. Details of the existing shop sales floor area; and
- c. Any further commentary or justification to support a shortfall in total vehicle parking spaces.

The existing sales floor area is only **8sqm**, and the proposed increase to approximately **38sqm** is primarily to enhance the customer experience—allowing for improved circulation, product display, and accessibility. This change is not intended to drive higher customer volume but to better accommodate existing foot traffic, which is expected to remain steady.

The business has long operated successfully without formal on-site carparking, relying on available on-street spaces within Mount Pleasant main street. This location supports walkability and short-stay visits, and no issues with parking availability have been identified over many years of trading.

Accordingly, we respectfully request that no off-street carparking be required for the proposal.

Lewis Glastonbury

BGI Building Group
08 8562 2799
lewis@bgibg.com.au

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Refer BGI Building Group Conditions of Contract available on request



Management Systems Certified Company Licence Number Q0227



Date: Wednesday, 30 April 2025
 Ref: BGIO01.25.04.30.Advice.docx

Barossa Council

C/- BGI Building Group
 21-23 Tanunda Road, Nuriootpa SA 5355
 Attention Michael Hannay
 michael@bgibg.com.au

To whom it may concern,

Re: Heritage Impact Review. Mt Pleasant Butcher Shop Additions - 98 Melrose St, Mt Pleasant

Mulloway Studio Director, Anthony Coupe was asked to give an independent opinion relating to the proposed alterations to the Butcher's Shop at 98 Melrose Street, Mount Pleasant on land titles as follows; Title ref.: CT 5710/482 Plan Parcel: F169595 AL656 and Title ref.: CT 5706/828 Plan Parcel: D246 AL3.

Mulloway Studio is an architecture and design firm that specialises in cultural heritage and the adaptive re-use of places. Anthony Coupe is a member of Australia ICOMOS, has been national vice president, and was part of the working group that was responsible for re-writing the current version of the Burra Charter. Mulloway Studio is a well-recognised and highly regarded architectural practice and has undertaken heritage projects across Australia and internationally. Many of these projects have gained recognition through peer and industry awards programmes.

I have reviewed the supplied documentation including the following drawings, together with correspondence from Plan SA.

- BG_10 Rev P3 Site Plan
- BG_20 Rev P3 Floor Plan
- BG_30 Rev P3 Elevations
- BG_40 Rev P3 Building Sections
- BG_90 Rev P3 Perspective Views
- Plan SA correspondence from Tom Marshall re Application ID 24030311.

I have also reviewed the heritage listing and the statement of significance as outlined in the Mount Pleasant Heritage Survey 1987. The listing provides the key framework for assessment outlining the reasons for that significance. This is outlined below:

ASSESSMENT: The shop section of this building incorporates a double gabled form and retains shop windows. The building itself would seem to date from the 1890s although the attached residence may be earlier as it displays typical gable ended form of earlier structures in Mount Pleasant. This requires further dating.

mulloway studio pty ltd level 1 16 peel street adelaide sa 5000 australia
 T +61 8 8231 3131 E info@mulloway.com W www.mulloway.com ABN 79 606 604 255

MSAOM-LetterStat, Rev 3.0, 01/07/15

BGIO01.25.04.30.Advice.docx BGIO01.25.04.30.Advice.docx



STATEMENT OF HERITAGE VALUE: This shop and attached early house are representative of the provision of commercial facilities within the main street of Mount Pleasant during the period of consolidation during the 1870s and 80s. This building forms part of the proposed Historic (Conservation) Zone for Mount Pleasant.

RELEVANT CRITERIA: This building fulfils criteria a and c under Section 23 (4) of the Development Act 1993 as a place of local heritage value.

- a) *This building displays historic, economic and social themes of importance to the development of Mount Pleasant.*
- c) *This shop and attached house has played an important part in the lives of local residents as a place for the provision of shopping facilities within the town.*

I understand that there has been ongoing liaison regarding details of the design with the Heritage Adviser and that the following changes to the original proposal were made based on that input:

- *Create detachment from the old butcher shop by separating the new development with a flat roof and wall set back along the footpath.*
- *Retain the original size door and window wall openings on the existing attached house and make visible from new shop.*
- *Revised front verandah canopy to a more contemporary design to help distinguish new from old.*

In review, as an independent heritage practitioner, and on balance, I support the proposal.

Generally, the proposed development, with the inclusion of the adjustments referred to, reflects a sympathetic approach and a successful transformation of the existing property. While the traditional form of set-back cottage and shopfront is somewhat compromised, the additions strengthen much of the traditional built form and are undertaken with appropriate sensitivity. The form and scale are appropriate for the streetscape, and the proposal allows the ongoing use of the place as a butcher's retail facility.

Should you require further information or clarifications, please do not hesitate to contact me.

Yours sincerely

Anthony Coupe Director FRAIA M. ICOMOS

Creative Director, 2023 Australian Exhibition LA BIENNALE DI VENEZIA
President SA Chapter Royal Australian Institute of Architects 2020 - 2023
Sir James Irwin President's Medalist 2024

Tom Marshall

From: Lewis Glastonbury <lewis@bgibg.com.au>
Sent: Tuesday, 19 August 2025 8:30 AM
To: Tom Marshall
Subject: [EXTERNAL] RE: 24030311 - Mount Pleasant Butcher DA - 98 Melrose St, Mount Pleasant
Attachments: 34853_Mt Pleasant Butcher_250819_R2R.pdf

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Hi Tom,

Thanks for your assistance with the project.

Please find the attached updated drawings with min. setback from boundary.

I've included this change in the same 'Response To Representation' revision and updated the date. Hopefully this makes sense.

These drawings then supersede the document dated 250814 we uploaded to the portal last week.

At the same time, I've had to remove a high-level window in the gable end that will be a fire wall return. See BG_40 section.

Regards,



Lewis Glastonbury
Designer

21-23 Tanunda Road, Nuriootpa SA 5355

p 08 8562 2799

e lewis@bgibg.com.au

w www.bgibuildinggroup.com.au



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From: Tom Marshall <tmarshall@barossa.sa.gov.au>
Sent: Tuesday, 5 August 2025 3:15 PM
To: BGI Building Group <info@bgibg.com.au>
Subject: 24030311 - Mount Pleasant Butcher DA - 98 Melrose St, Mount Pleasant

Hi Louis,

Thanks for your time on the phone last week in relation to DA 24030311 for the shop extension at 98 Melrose Street, Mount Pleasant.

The application has now completed its public notification period with one representation in objection being received – you should have now received a copy of this through the Portal. You have until the 21 August to provide a response to the concerns raised (unless an extension of time is needed).

Whilst you are working on the response to the representation it would be a good time to address the following matters that have come to my attention and require your further consideration.

Building sited over boundary

The proposed addition is sited in line with the existing building which results in the proposed building extending to within the Council road reserve footpath. Whilst Council supports ancillary verandahs and covers that provide shade and shelter for pedestrians, the proposal to encroach on this space with building walls is considered to be an impediment to the available road reserve area and is not generally supported.

It is recommended to seek amended drawings to demonstrate an alternate design that ensures the proposed building wall extends up to the allotment boundary and does not encroach within the road reserve area.

If the current encroachment is pursued, this would require a separate Council agreement/permit to authorise the encroachment. However, please note this would not likely be supported.

Carparking

As raised within my RFI and by the representation, vehicle parking is still of concern to the functionality of the site. Whilst you have provided justification for the additional works not requiring any on-site parking, this is still a potential concern that would benefit from greater consideration and will be subject to greater assessment. The key point is the site has availability to accommodate off-street parking where the existing parking areas do not appear to be available for customers attending the site nor is it accessible from Melrose Street. With the proposed development, there is the question to whether it should include some degree of off-street parking to alleviate some of the on-street parking demands.

Noting that Melrose Street is a DIT road, any new access or additional vehicle volumes off Melrose Street will require a DIT referral.

Your additional consideration and response would be appreciated.

Timeframes for Panel

Draft reports are due on the 19th August for the 2 September Panel Meeting. If all information is received and the above aspects responded to before this date, we would do our best to organise the application for the September meeting, however please note we would need time beforehand to draft the report. If the deadlines for this meeting cannot be achieved, the next Panel meeting will be 7 October.

If you believe an extension of time is needed to respond to the above or the representation received, the application will need to be placed temporarily on hold. If this is sought, please let me know.

Please feel free to contact me if you have any queries to the above or if you would like to discuss further.

Kind regards,

Tom Marshall

Senior Assessment Officer - Planning

E: tmarshall@barossa.sa.gov.au | T: 08 8563 8434

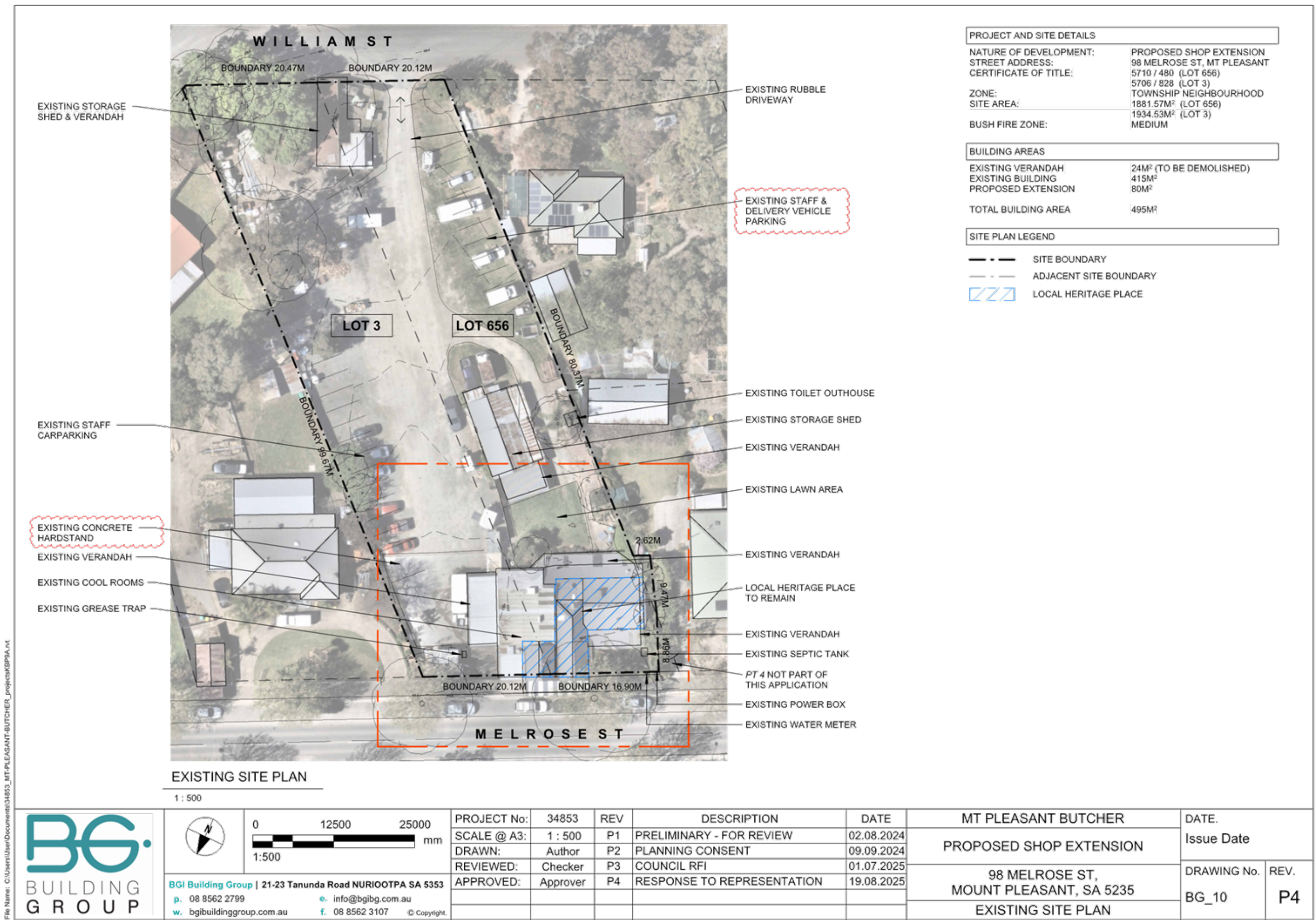


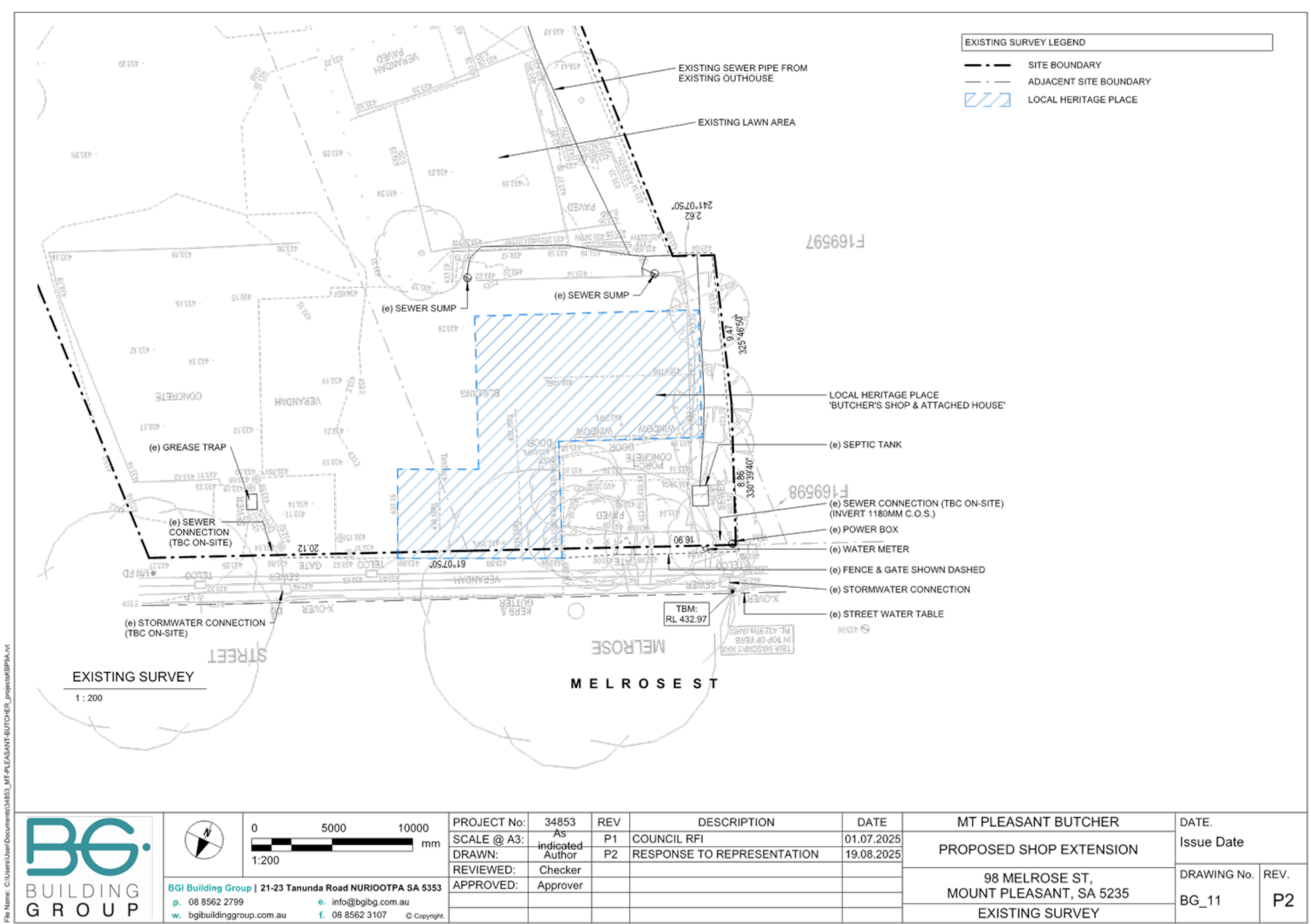
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www.barossa.sa.gov.au | T: [08 8563 8444](tel:0885638444)

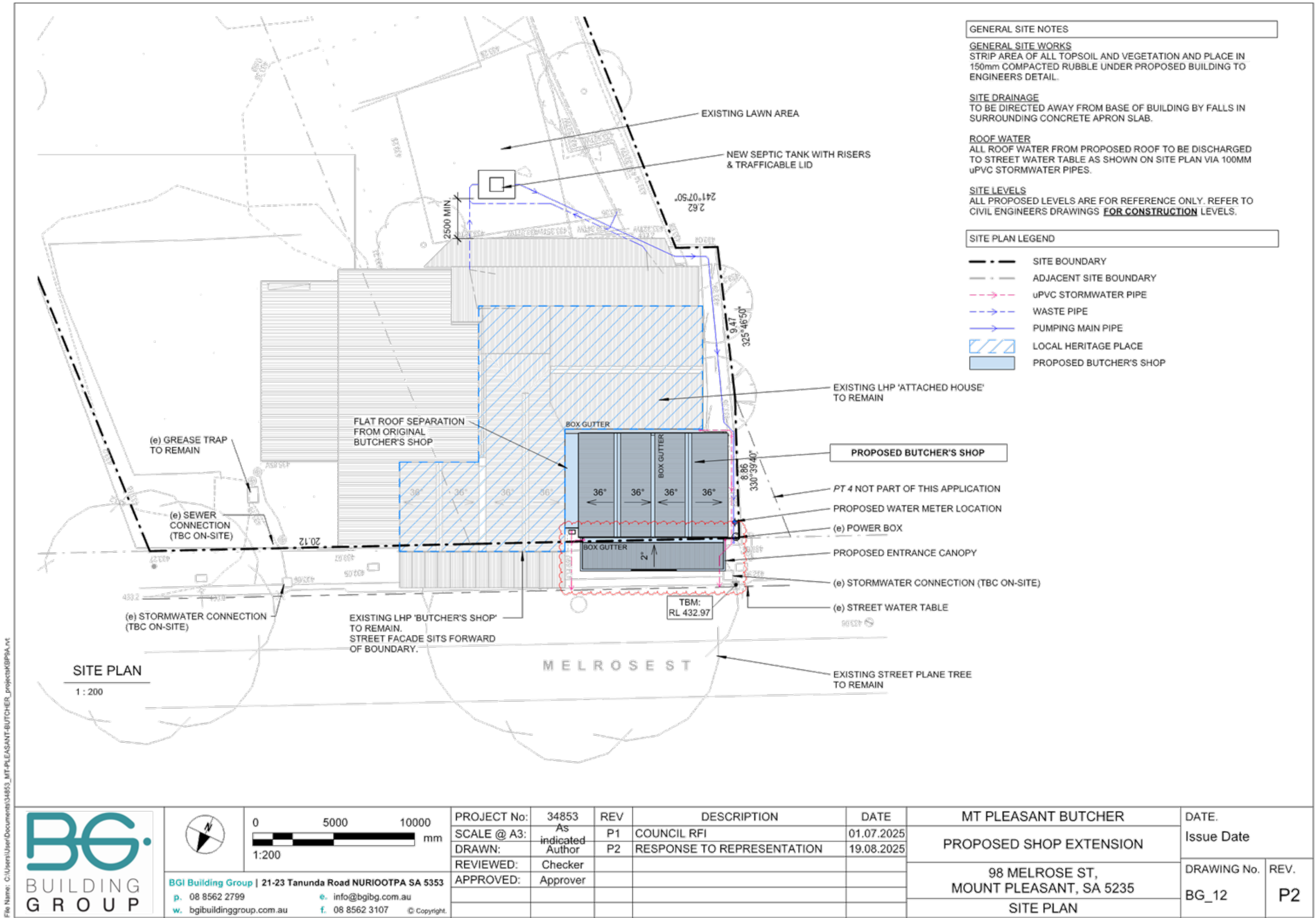


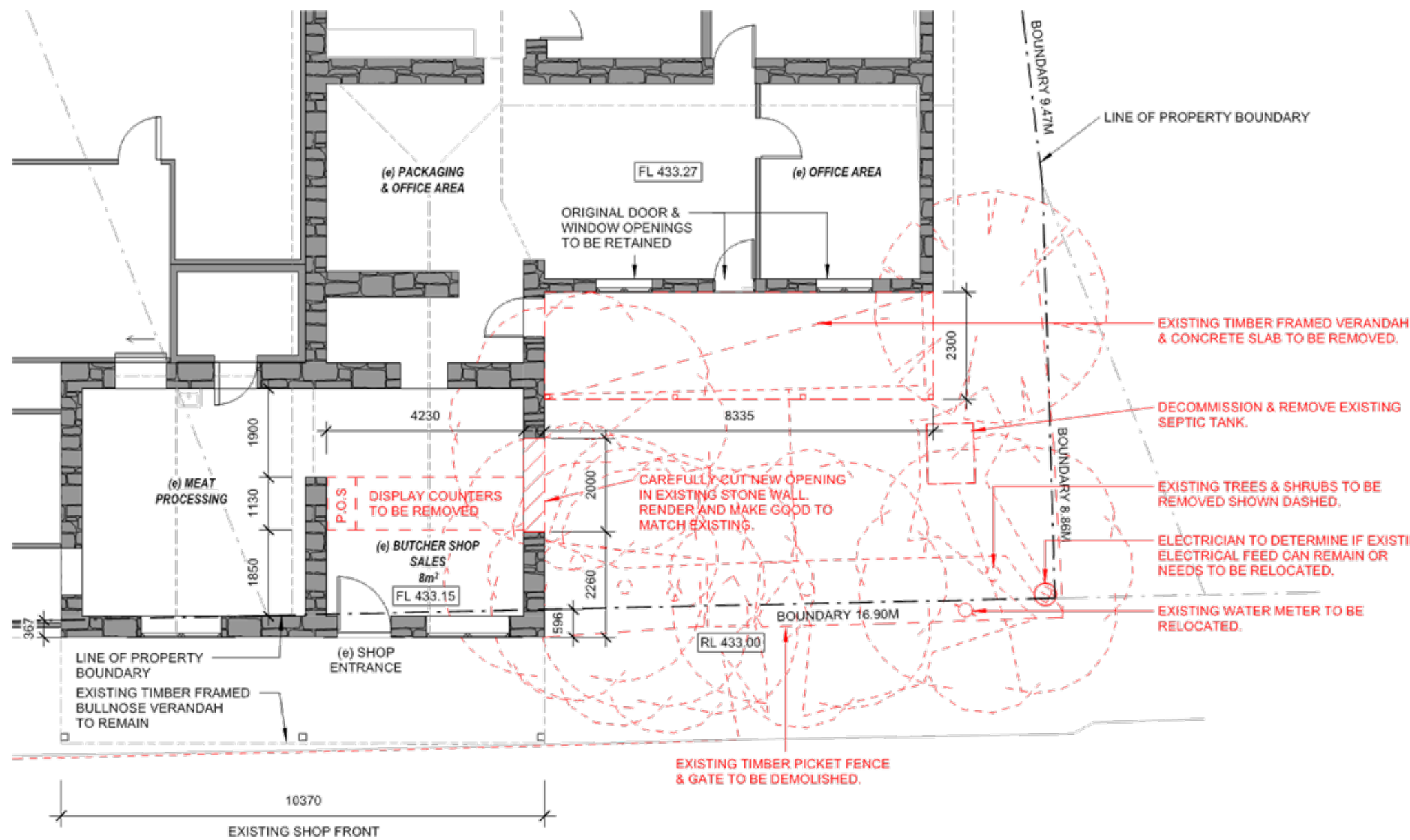
We acknowledge the Ngadjuri, Peramangk and Kaurna people and their ancestral connection to land and pay respects to Elders past, present and emerging.

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GENERAL DEMOLITION NOTES

ALL DEMOLITION WORKS TO BE UNDERTAKEN IN STRICT ACCORDANCE WITH AS 2601

REFER TO CIVIL ENGINEER'S DOCUMENTATION FOR ALL BUILDING/ SITE LEVELS & CIVIL REQUIREMENTS.

REMOVE EXISTING TREES & SHRUBS AS SHOWN ON EXISTING FLOOR PLAN. REMOVE EXISTING CONCRETE PAVERS AND

STRIP SITE AREA OF ALL TOPSOIL & VEGETATION AND PLACE IN 150mm COMPACTED RUBBLE UNDER PROPOSED BUILDING TO ENGINEERS DETAIL.

EXISTING FLOOR PLAN LEGEND

- SITE BOUNDARY
- - - ADJACENT SITE BOUNDARY
- [Hatched Box] TO BE DEMOLISHED IN ACCORDANCE WITH AS2601

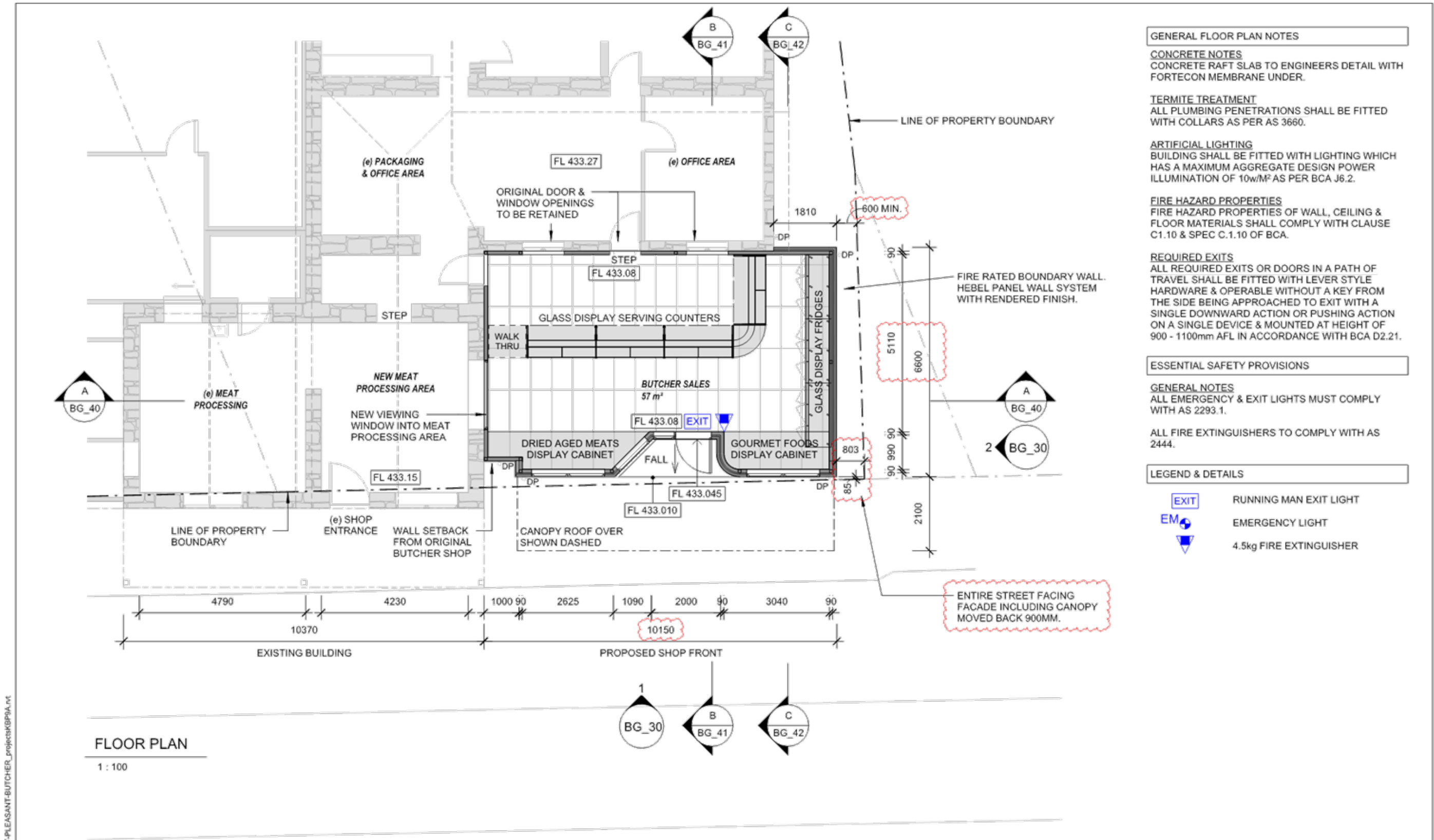
EXISTING FLOOR PLAN

1 : 100



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PROJECT No:	34853	REV		DESCRIPTION	DATE	MT PLEASANT BUTCHER	DATE.
SCALE @ A3:	As indicated	P1		COUNCIL RFI	01.07.2025	PROPOSED SHOP EXTENSION	Issue Date
DRAWN:	Author	P2		RESPONSE TO REPRESENTATION	19.08.2025		
REVIEWED:	Checker						
APPROVED:	Approver						
						98 MELROSE ST, MOUNT PLEASANT, SA 5235	DRAWING No.
						EXISTING FLOOR PLAN	REV.
							BG_19
							P2



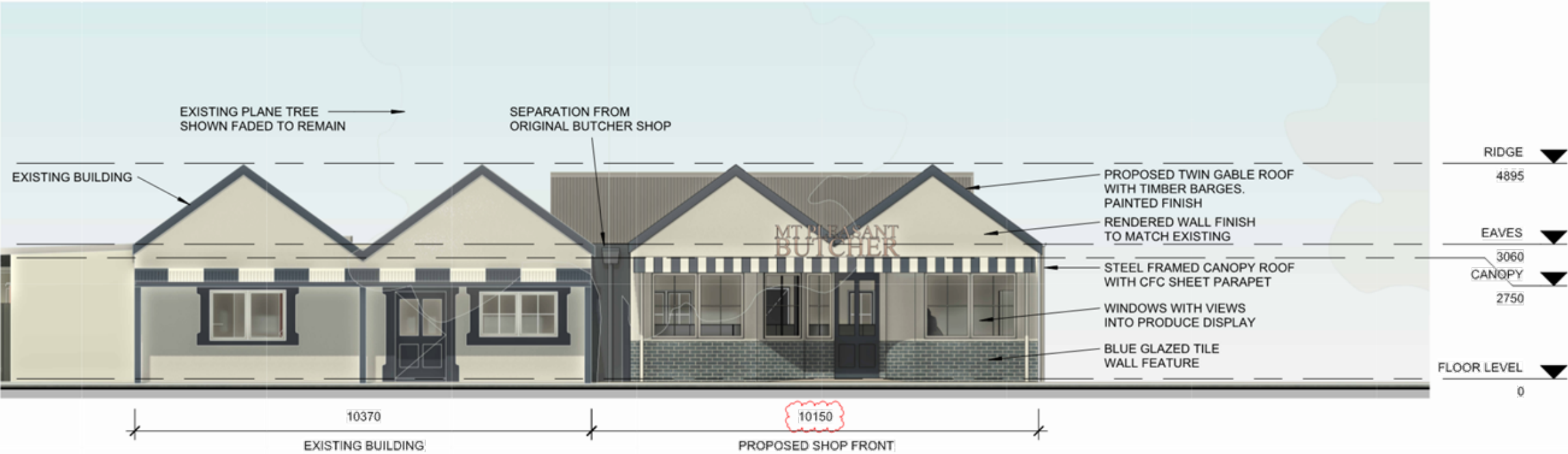
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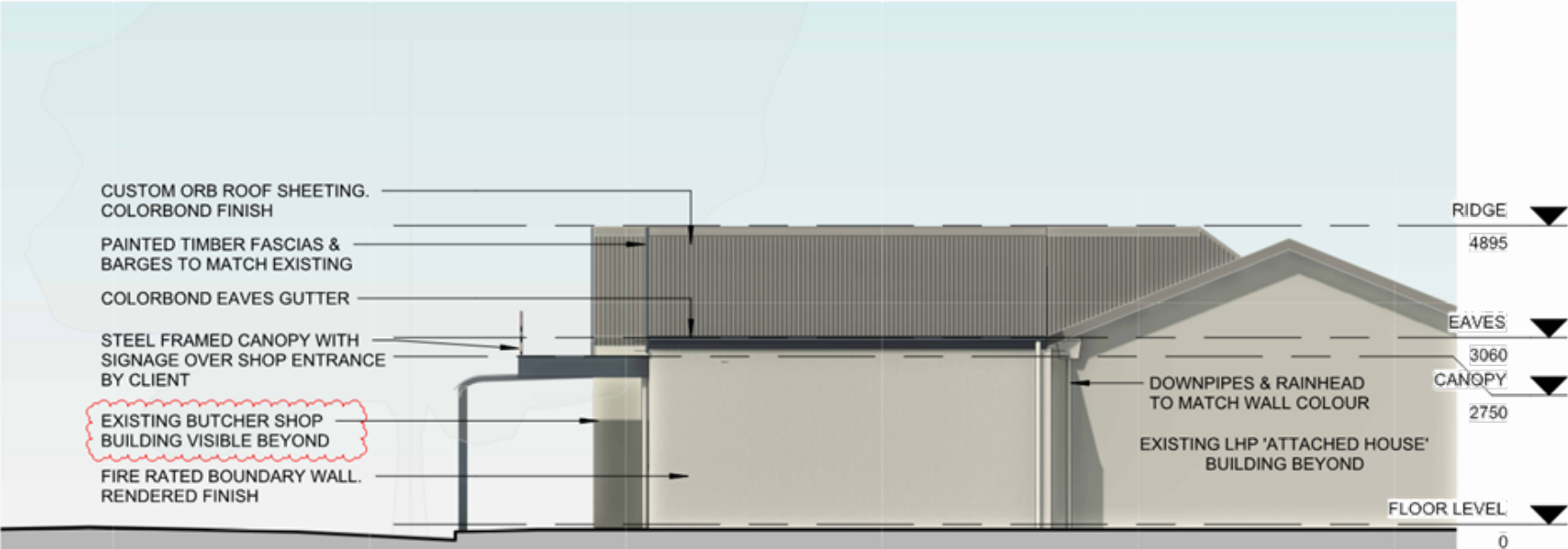
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PROJECT No:	34853	REV	DESCRIPTION	DATE
SCALE @ A3:	1 : 100	P1	PRELIMINARY - FOR REVIEW	02.08.2024
DRAWN:	Author	P2	PLANNING CONSENT	09.09.2024
REVIEWED:	Checker	P3	COUNCIL RFI	01.07.2025
APPROVED:	Approver	P4	RESPONSE TO REPRESENTATION	19.08.2025

MT PLEASANT BUTCHER		DATE.	
PROPOSED SHOP EXTENSION		Issue Date	
98 MELROSE ST, MOUNT PLEASANT, SA 5235		DRAWING No.	REV.
FLOOR PLAN		BG_20	P4



1 | NORTH WEST ELEVATION (STREET)
BG_20 | 1 : 100



2 | SOUTH WEST ELEVATION (SIDE)
BG_20 | 1 : 100

EXTERNAL FINISHES SCHEDULE

LOCATION	MATERIAL	FINISH	COLOUR
ROOF	CUSTOM ORB 0.47 TCT	COLORBOND	BASALT®
VERANDAH	CUSTOM ORB 0.47 TCT	COLORBOND	NAVY BLUE / WHITE
GUTTERS	115mm QUAD GUTTER	COLORBOND	NAVY BLUE
DOWNPIPES	uPVC	PAINTED	TO MATCH WALLS
WALLS	HEBEL PANEL, RENDER	PAINTED	TO MATCH EXISTING
WALLS	GLAZED TILES	GLOSS	BLUE NOTE
EXPOSED POSTS	HARDWOOD TIMBER	PAINTED	NAVY BLUE
DOORS	TIMBER FRAME	PAINTED	NAVY BLUE
WINDOWS	TIMBER FRAME	PAINTED	WHITE
FASCIA/BARGE	TREATED PINE	PAINTED	NAVY BLUE
ACCESS GATE	CUSTOM ORB 0.47 TCT	COLORBOND	DEEP OCEAN®

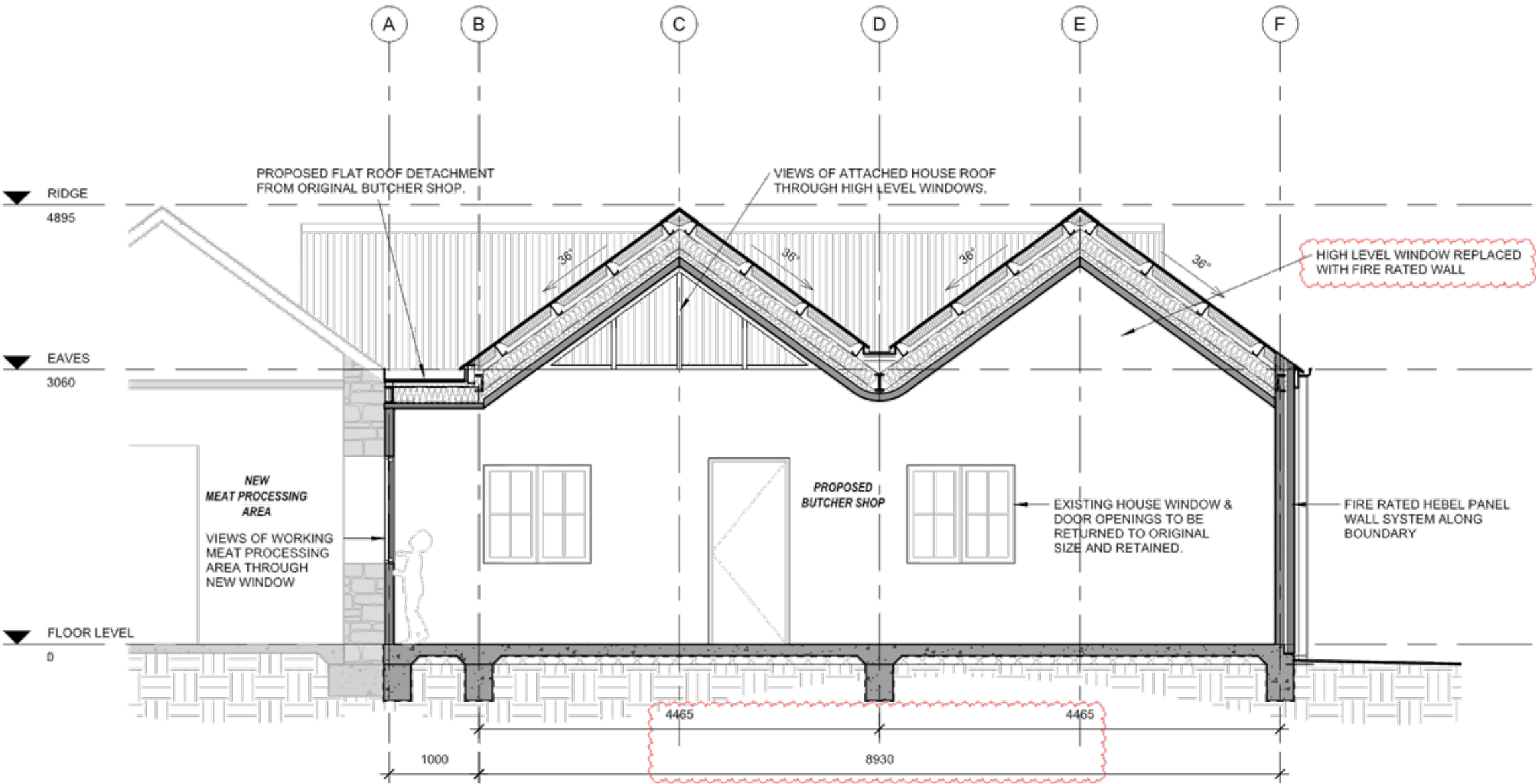
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PROJECT No:	34853	REV	DESCRIPTION	DATE
SCALE @ A3:	As indicated	P1	PRELIMINARY - FOR REVIEW	02.08.2024
DRAWN:	Author	P2	PLANNING CONSENT	09.09.2024
REVIEWED:	Checker	P3	COUNCIL RFI	01.07.2025
APPROVED:	Approver	P4	RESPONSE TO REPRESENTATION	19.08.2025

MT PLEASANT BUTCHER		DATE.	
PROPOSED SHOP EXTENSION		Issue Date	
98 MELROSE ST, MOUNT PLEASANT, SA 5235		DRAWING No.	REV.
ELEVATIONS		BG_30	P4



SECTION A
1 : 50



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PROJECT No:	34853	REV	DESCRIPTION	DATE
SCALE @ A3:	1 : 50	P1	COUNCIL RFI	01.07.2025
DRAWN:	Author	P2	RESPONSE TO REPRESENTATION	19.08.2025
REVIEWED:	Checker			
APPROVED:	Approver			

MT PLEASANT BUTCHER		DATE.	
PROPOSED SHOP EXTENSION		Issue Date	
98 MELROSE ST, MOUNT PLEASANT, SA 5235		DRAWING No.	REV.
BUILDING SECTIONS		BG_40	P2



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	SCALE @ A3:		P1	PRELIMINARY - FOR REVIEW	02.08.2024	PROPOSED SHOP EXTENSION	Issue Date		
	DRAWN:	Author	P2	PLANNING CONSENT	09.09.2024			DRAWING No.	REV.
	REVIEWED:	Checker	P3	COUNCIL RFI	01.07.2025	98 MELROSE ST, MOUNT PLEASANT, SA 5235		BG_90	P4
	APPROVED:	Approver	P4	RESPONSE TO REPRESENTATION	19.08.2025	PERSPECTIVE VIEWS			

Details of Representations

Application Summary

Application ID	24030311
Proposal	Construction of building additions to existing shop (butcher) including demolition of existing verandah, construction of new verandah (over footpath), installation of one advertising sign and installation of side gate
Location	98 MELROSE ST MOUNT PLEASANT SA 5235

Representations

Representor 1 - Peter and George-Anne Kaines

Name	Peter and George-Anne Kaines
Address	
Submission Date	28/07/2025 01:59 PM
Submission Source	Over Counter
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Refer attached	

Attached Documents

RepresentationFromPeterAndGeroge-anneKaines-11797748.pdf
--

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant: [applicant name] JIMMY THEBUTCH PTY LTD
Development Number: [development application number] 24030311
Nature of Development: [development description of performance assessed elements or aspects of outline consent application] Extension to existing Butcher Shop.
Zone/Sub-zone/Overlay: [zone/sub-zone/overlay of subject land] Township Main Street Zone.
Subject Land: [street number, street name, suburb, postcode] 98 Melrose St, Mount Pleasant
[lot number, plan number, certificate of title number, volume & folio]
Contact Officer: [relevant authority name] Tom Marshall - The Barossa Council.
Phone Number: [authority phone] 8563 8444
Close Date: [closing date for submissions] 30/7/25.

My name*: Peter + George Anne KALNEC My phone number: [REDACTED]

My postal address*: [REDACTED] My email: [REDACTED]

* Indicates mandatory information

My position is: ☐ I support the development
☐ I support the development with some concerns (detail below)
☒ I oppose the development

The specific reasons I believe that consent should be granted/refused are:

as the attached sheets 1 & 2. + 2 small representations of our vehicles, as illustrations, indicate of our problems with this development.

[attach additional pages as needed]



Government of South Australia
Department for Trade
and Investment

From: P. + G. KAINES

①

Re: Development application #24030311 , Project number 34853

The specific reasons I believe that consent should be refused are:

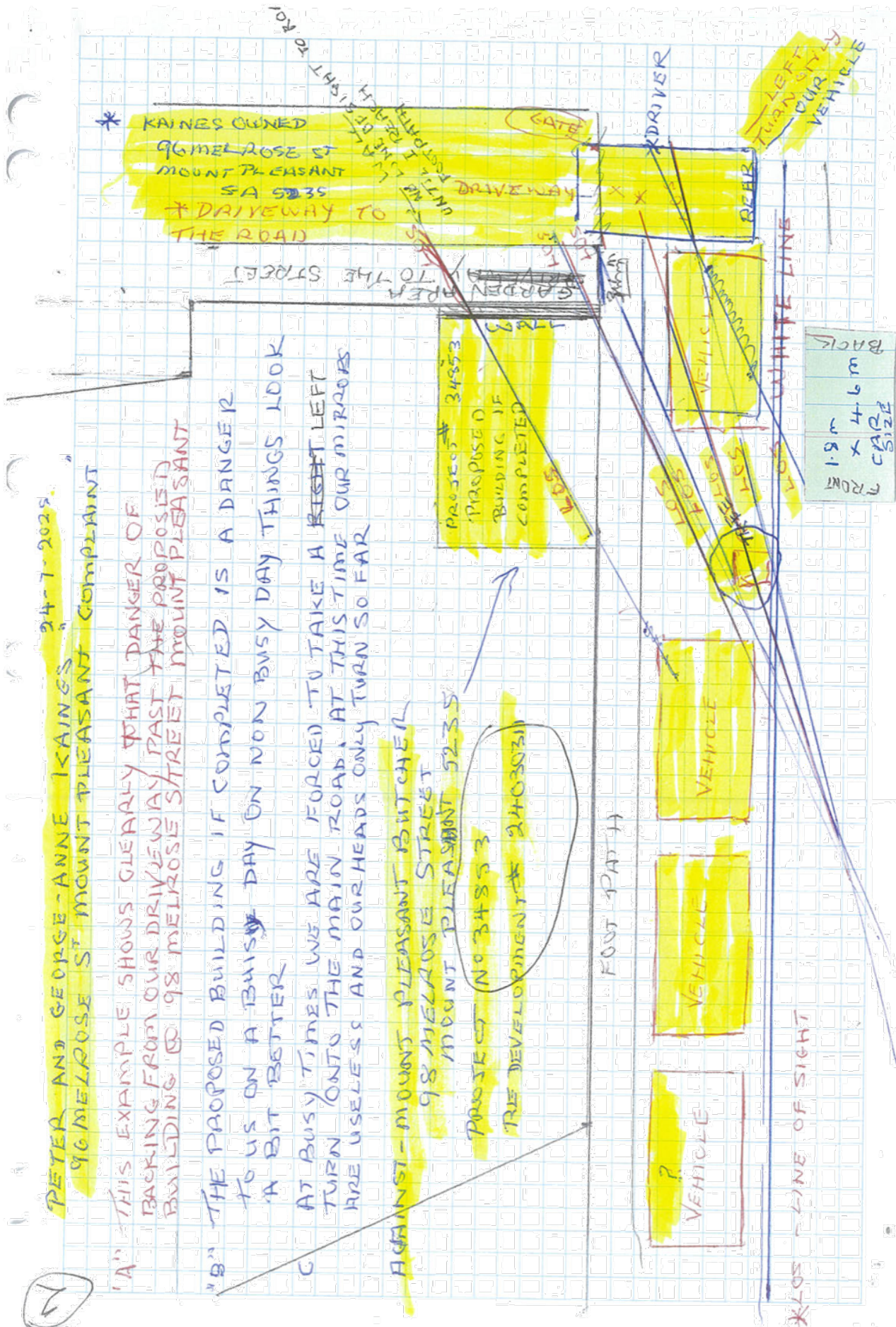
Proposed extension coming out to kerb level will completely block our line of sight to the right when exiting our property.

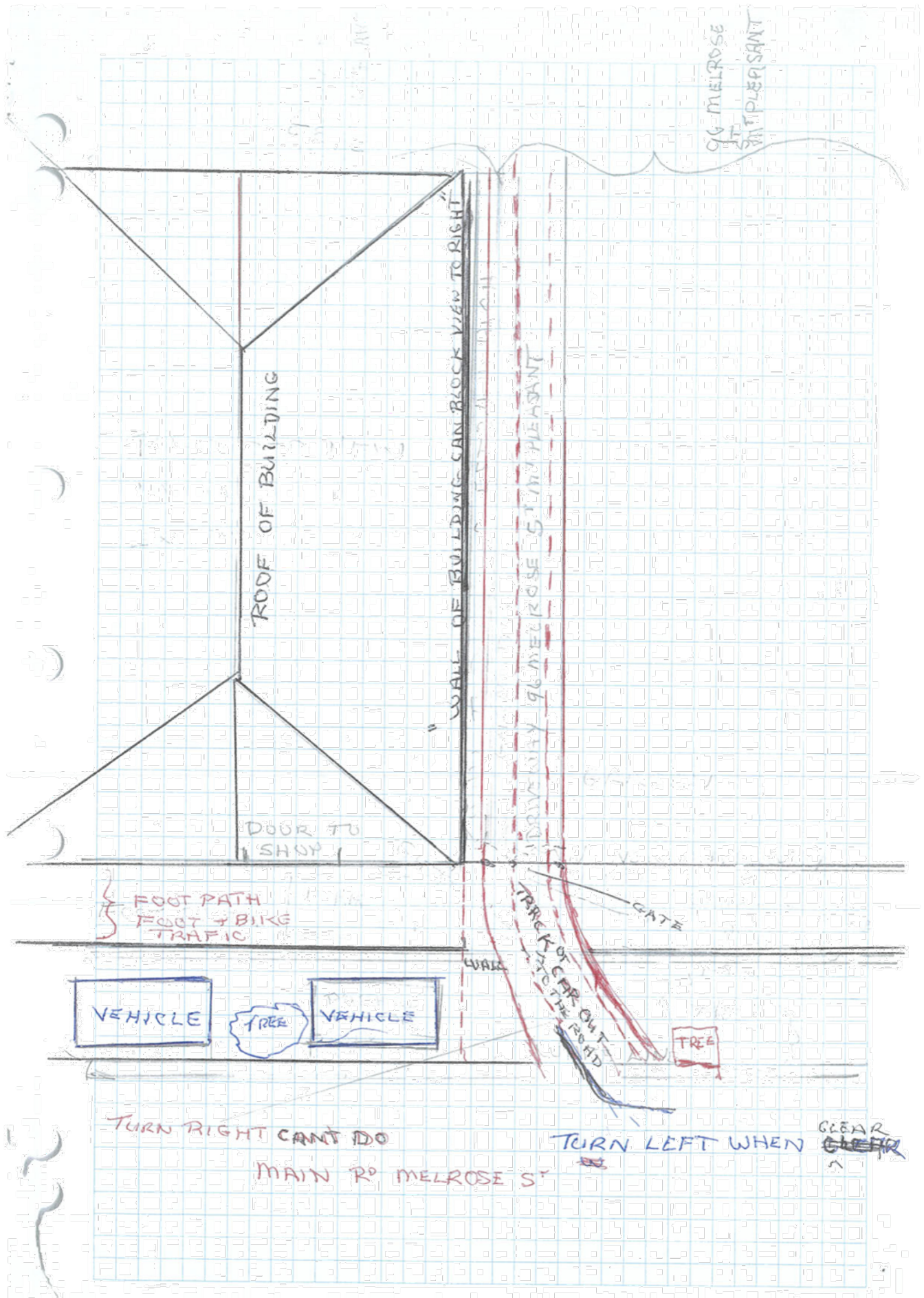
Position of street trees limits road parking for customers to the shop and limits our line of sight in any case.

Our immediate concerns here are:-

- A Pedestrian safety, as when we attempt to exit our drive we would no longer be able to see pedestrians walking past our property from the shop, which is dangerous for them.
- B Clear access to our driveway is required for ambulances, which is becoming a more frequent requirement for us at our ages (91 and 85), and our state of health.
- C Our safety when attempting to exit our drive in either direction our line of sight is compromised by both the street trees, and parking by both customers vehicles and delivery vehicles. This is risky for us turning either left or right, when we cannot see vehicles approaching from the right.
This is also a problem for friends, family and workers who come to our place.
- D Vehicles frequently overrun our property edge in their parking, and have been quite, on occasion, aggressive / obstructive when asked to move their vehicle to comply with the law.
Delivery vehicles cause the same problem to us because of the length of their vehicle, as they very frequently park in front of the shop AND our drive, rather than enter the butcher's yard to make those deliveries. Such vehicles frequently overrun our property border in their parking.
Large sedans and 4WDs with trailers attached also cause the same problem.
- E We are also concerned about stormwater runoff from an increased roof space as drainage of such water already causes pooling to our driveway exit onto the roadway.
- F Our other concerns are: The butcher's gate entry to his property is usually CLOSED
Why is there not off-street parking for delivery vehicles? They should NOT be parking in front of the shop when there is so much space available in the butcher's large yard, and their general entry is from the side of the shop.

Why is there no off-street parking available for customers, when there is easy exit from the rear of the property?
- G We already have concerns about waste water from shop and yard cleaning coming across the butcher's drive, then across the footpath into the road gutter.
- H The behaviour of drivers who park illegally is on some occasions threatening to us when we make an immediate complaint to them. Often customers will say things like "I'll only be a minute" and do not move their car when asked.
- I Is the council able to liaise with the Highways Dept. to arrange clear painted marking on the roadway to limit illegal parking adjacent to our property?





Application # 24030311, Project # 34853

2x vehicle representations to accompany our sheet #12 to help illustrate our problems with this development.

Re: Development application #24030311, Project #34853

The specific reasons I believe that consent should be refused.

Our immediate concerns here are:

Local Heritage Place.

The proposed scope of work will completely hide from outside view those parts of the original heritage building. It would be only be visible from the ~~outside~~ ^{inside} of the shop.

Engineering concerns.

Stormwater considerations.

Excess water runs into the front of #96 / into the road gutter leading into the top of the Torrens River.

Grease trap; an improved one is needed for the commercial processing area.

Septic system; needs improvement to cope with increased business. Cannot be put adjacent to #96 in the front or side yard.

Pedestrian safety, since when we attempt to leave our drive in a vehicle, we would not have clear vision, on our right, of customers, pedestrians or children on bikes.

Clear access to our driveway is required for ambulances, which is becoming a more visible frequent requirement for us at our ages (91 and 85) and our state of health.

Our safety when attempting to exit our drive in either direction. Our line of sight is already compromised by both the street trees, and parking by both customers vehicles and delivery vehicles. This is risky for us turning either left or right, when we cannot see vehicles approaching from the right, and will be more of a problem with the proposed extension coming right to the footpath.

This is also a problem for friends, family and workers who come to our place. An increased customer base will only exacerbate this problem.

If we are involved in a collision while trying to exit our property, Who is responsible for repair costs?

Vehicles frequently overrun our property edge in their parking. The behaviour of some drivers who park illegally has been, on occasion, quite aggressive/obstructive when asked to move their vehicle to comply with the law; to allow us to leave our property to attend medical appointments or for any other reason. They may say "I'll only be a minute" or similar things. Some have threatened Peter.

Delivery vehicles cause the same problem to us because of the length of their vehicle. They very frequently park in front of the shop and our drive, rather than enter the butcher's yard to make those deliveries. Such vehicles overrun our property border in their parking. This will only become a greater problem with an increased customer base.

Large sedans and 4WDs with trailers/ van attached also cause the same problem,

However the butcher's gate entry to his property is usually CLOSED, when previously it was open to allow parking on the property for deliveries. There is much room available for parking on the large block.

Commented [Unknown A1]: Blem with an increased customer base

Why is there not off-street parking for delivery vehicles? They should NOT be parking in front of the shop when there is so much space available in the butcher's large yard, and their general entry should be from the rear street entry, and their off-loading done through the side door of the shop.

Why is there no off-street parking available for customers, when there is easy exit from the rear of the property. The shop's popularity has increased passing trade from travellers and caravans, and appropriate off-street parking for these vehicles would decrease congestion on the street.

The behaviour of some drivers who park illegally is on occasion threatening to us if we an immediate complaint to them. Often customers will say things like "I'll only be a minute" but do not move their car when asked. An extension of the current building will not improve this behaviour, but off-street parking certainly would.

The parking available is inadequate for the customer base, especially before weekends and holidays.

Another concern will be the increased rainwater run-off from an increased roof-space as current drainage of such water already causes pooling onto our driveway exit onto the road. Excess then runs into the gutter leading into the top of the Torrens River.

Similarly waste water from the shop and yard cleaning comes across the butcher's drive, under the gate, across the footpath to the road gutter and again drains into the top of the Torrens River.

The existing floor area could be increased by moving the commercial processing area to a new construction. This would allow the increased shop space to provide for better counter use and display options.

Question: Is the Council able to liaise with the Highways Dept to arrange clear painted markings on the roadway to limit illegal parking obstructing our driveway.

Note: We would require clear access in and out of our property at # 96 Melrose Street, Mt. Pleasant, during any work on any proposed extension to the adjacent property.

Note: We were unpleasantly surprised NOT TO HAVE had ANY advice/ notification from or neighbour, the butcher, before he went on holiday.

Sincerely, Peter and George-Anne Kaines.

37a Melrose Street Mount Pleasant 5235

Mr Tom Marshall

The Barossa Council

25th July 2025

Reference to building additions to 98 Melrose Street Mount Pleasant Application ID 24030311

History. We have lived opposite the Mt Pleasant butchers for 48 years.

The business was originally owned by John Harmer and during his period of ownership we experienced no problems with parking or vehicle noise

After the business was sold to J Hylan problems started.

He removed the front hedge ,installed a Colourbond fence with a gate and placed a shipping container inside the fence.

This effectively closed the access to off street parking and vehicle deliveries. Subsequently we have had vehicles parking in our driveway and across our driveway preventing access and egress. Upon confronting the offenders we have been threatened with violence and verbal abuse. Delivery trucks stop in the street with their diesel engines running while delivering goods and emitting noxious fumes. At one stage a semi trailer actually parked across all three driveways and upon calling the police were advised it was a Council issue .We have difficulty egressing our property due to parked cars and trucks restricting our vision.

Summary. No off street parking has been a source of concern and will be compounded even further with the proposed additions and increased trade.

The property is listed under the Mount Pleasant Historic Zone and the proposal submitted to Council flies in the face of conservation principles.

Building in front of the existing building is contradictory to normal practice where usually a façade is kept and new additions are erected behind the façade .Not in front of it. It is a council requirement for new structures to be set back from the street, not up to the footpath edge. Development for Non Residential purposes should only be undertaken where The proposed activity is not liable to detract from the residential character and amenity of the policy and to provide adequate off street parking .

In all our time we have lived in Mt Pleasant we have fully restored a 1800s building to its original look and have built a new house on the property behind No37. The structure is keeping with the old style.

Yours faithfully Collette and Roger Benton phone 

R Benton
cc Benton

1:16 pm Sat 26 Jul

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Australian...uper Fund Greeting...son Cards

barossa heritage list - Google Search

8.7.3 Recommendations

- It is recommended that the proposed Mount Pleasant Historic (Conservation) Zone be incorporated into the Heritage PAR being prepared for the Barossa Council.
- Principles of development control should be written for the Heritage PAR which will ensure the retention of the historic character of this zone.
- All places identified as contributory places within this zone should be carefully maintained and all work to early fabric should be in the nature of conservation and any new work should be appropriate to the style and period of the building.
- The original subdivision pattern of three distinct areas should be retained as this still exists and should be respected and clearly incorporated into any further planning objectives.
- The mature street planting should be carefully maintained and future pruning be restricted to that which is absolutely necessary. To encourage further growth on the trees the potential for undergrounding the wires along Melrose Street should be investigated.
- Where significant alterations have occurred to the front of major historic buildings such as the former bank (now Elders Real Estate), assistance should be given through the Heritage Advisory Service and Council Heritage Fund which could enable the reinstatement of the original frontage of the building.
- The Barossa Council should make the services of the Heritage Adviser and Planning Staff of the Council available for consultation at any point when owners of contributory places within this proposed zone require assistance.

- verandah
- retirement village

Form and Character

- Development should not be undertaken unless it is consistent with the desired character for the policy area.
- Residential development should accord to Concept Plan (Figure T/1).
- Dwellings should be designed within the following parameters:

Parameter	Value
Minimum setback from primary road frontage	8 metres
Minimum setback from secondary road frontage	3 metres
Minimum setback from side boundaries	2.5 metres
Minimum setback from rear boundary	6 metres
Minimum number of on site car parking spaces (one of which should be covered)	2 spaces for dwellings with up to 2 bedrooms; 3 spaces for dwellings with 3 or more bedrooms.

unless involving the construction of semi-detached dwellings, row dwellings, accommodation associated with retirement villages and/or affordable housing.

- Development for non-residential purposes should only be undertaken where:
 - the proposed activity is not liable to detract from the residential character and amenity of the policy area;
 - the design and appearance of the buildings are in keeping with the scale of residential development;
 - adequate off street car parking is provided; and
 - landscaping is provided to maintain the continuity of residential streetscapes and provide visual buffers.
- Sheds, garages and similar outbuildings should be designed within the following parameters:

Parameter	Value
Maximum floor area	100 square metres
Maximum wall height (from natural ground level)	3 metres
Minimum setback from side and rear boundaries	0.6 metres for wall heights up to 2.7 metres; 1.5 metres for wall heights over 2.7 metres
Minimum setback from a public road or public open space area	No closer than any building on the site, or adjacent site

Affordable Housing

- Development should include a minimum 15 per cent of residential dwellings for affordable housing.
- Affordable housing should be distributed throughout the policy area to avoid over concentration of similar types of housing in a particular area.

Land Division

- Allotments should vary in size and be suitable to facilitate a use of land consistent with the objectives of the policy area and should:

1:17 pm Sat 26 Jul

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42%

Melrose Street - west side	Melrose Road - east side
• 74, Cottage	• Police Station (SHR)
• 80, House	• 33, House
• 82, House	• 35, House
• 98, Butchers Shop & Attached House	• 37, Attached House & Shop
• 104, Hairdressers Shop	• 39, House
• 106, Mount Pleasant General Store	• 41, Talunga Hotel
• 110, Former Service Station	• 43, Office & Attached House
• 112, Elders Real Estate Office (former Bank)	• 53, Tatara House (Shops)
• 114, House	• 55, ANZ Bank
• 126 Bakery with Attached House	• ? Mount Pleasant Post Office
• 136, House	• ? Soldiers Memorial Hall
• 140, House	• ? Stone Outbuildings (former Mill)
• 142, Cottage	
• ? Totness Hotel	
• 152, Cottage	
• 154, Pair of Attached Cottages	
• 158, Pair of Attached Cottages	
• 160, Outbuildings (Wilksch Garage)	
• 162, House Ruins	
• 170, House	
• 172, Attached Houses & Outbuildings	
• 174, Cottage	
• 176, Cottage & Outbuildings	



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f i

14 AUGUST 2025

Mr Tom Marshall
Senior Assessment Officer
The Barossa Council

Hi Tom,

Applicant Response to representations – Application ID: 24030311

The proposed building additions for the Mt Pleasant Butcher at 98 Melrose Street, are intended to improve the functionality and presentation of the shopfront while respecting the heritage and character of the township.

We acknowledge the feedback submitted by Mr. and Mrs. Kaines of 96 Melrose Street, and Mr. and Mrs. Benton of 37a Melrose Street, and we thank them for taking the time to engage in the planning process. We appreciate the opportunity to respond to the concerns raised and provide the following information in support of the proposal.

After reviewing the representation in detail, we have grouped the key issues raised under the following headings.

1/ Line of Sight & Building Siting:

We appreciate the concerns raised regarding vehicle sight lines and pedestrian safety, particularly for vehicles exiting the adjacent driveway. These types of considerations are a common feature in main street settings where residential properties and their associated driveways sit alongside commercial tenancies. To help address the matter and in line with Council's broader streetscape encroachment considerations, the street-facing façade of the proposed building will be moved back 900mm. We confirm this adjustment will site the building within the property allotment and should provide additional consolation to neighbouring properties.

2/ Parking and Deliveries

We appreciate the feedback regarding parking, however providing dedicated off-street customer parking is not common practice in the context of Mount Pleasant's main street and is not considered necessary. Several nearby businesses, including the Barossa Council's Mount Pleasant office and public library, operate successfully without off-street parking, relying instead on the convenience of on-street spaces. Allocating off-street parking in this case would require significant expenditure and cause substantial disruption to daily operations, which is not feasible for a project of this relatively small scale. Such an option may only be viable if the owner pursues further development in the future.

While the option of off-street accessible parking from William Street could be considered if absolutely required, the majority of customers are expected to continue using the convenient on-street parking directly in front of the shop for their short visits, making dedicated off-street parking an unnecessary investment at this stage. The proposed shop extension is not anticipated to generate an unreasonable increase in

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Refer BGI Building Group Conditions of Contract available on request



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w. bgibuildinggroup.com.au
f i

customer numbers; rather, it will improve the internal layout, allowing for quicker service and faster turnover of customers, further reducing any potential pressure on existing parking arrangements.

To further alleviate concerns about street congestion, all delivery vehicles will access the site via William Street.

3/ Visual Impact and Streetscape Character

We are conscious of our client's role as a small business contributing to the visual character and community identity of Mount Pleasant. The revised building setback will reduce the visual bulk of the addition, aligning more closely with traditional setbacks and improving the presentation to the street.

To ensure the development respects the local heritage, we engaged Mulloy Studio, a heritage architecture practice, to review the proposal. Their letter of support was positive and confirms that the proposed development is a thoughtful and respectful renewal that fits well with the surrounding buildings and supports the main street's traditional feel.

4/ Stormwater and Wastewater

We understand and acknowledge the importance of ensuring that all stormwater and wastewater is managed responsibly. The development will be designed so that stormwater, wastewater, and any applicable trade waste are managed in compliance with Council requirements and relevant environmental standards.

The design will appropriately direct stormwater to the street water table and avoid any runoff impacts to neighbouring properties. Wastewater and any trade waste will be directed through a compliant system to ensure no environmental impacts. The required engineering documentation and calculations will be provided to Council as part of a requested reserved matter for Planning Consent.

In summary, the proposed development is a modest, respectful improvement to the existing shop that enhances both its operation and contribution to Melrose Street. We have taken the time to consider the feedback from neighbours and Council, and we have made meaningful adjustments to address key concerns - particularly regarding parking, safety, streetscape presentation, and services management.

It's also worth mentioning that the wider community has shown great support. A recent re-post of *The Mt Barker Courier* article about the development got over 1,200 likes and positive feedback on the butcher's social media page, showing just how much local people value and support this small-town business.

We hope this response shows that our client is willing to work with the community to achieve a good outcome, and we're committed to making sure the development runs smoothly and contributes positively to Mount Pleasant's future.

Yours sincerely,
Lewis Glastonbury

BGI Building Group
08 8562 2799
lewis@bgibg.com.au

On behalf of our client, the Mt Pleasant Butcher.

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6.2 25002645 - 22 John Dallwitz Avenue Angaston

APPLICATION DETAILS

PROPOSAL	Construction of a two storey dwelling addition and alterations to existing single storey dwelling including partial demolition of existing roof structure
APPLICANT	Ms Jane Horder
OWNER	Ms Jane Horder
APPLICATION NO	25002645
CERTIFICATE(S) OF TITLE	CT 5520/135
AREA	806 square metres
CURRENT USE	Established Neighbourhood
PLANNING AND DEVELOPMENT CODE VERSION	Version 2025.10 – 29 May 2025
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Established Neighbourhood Zone
OVERLAYS	Character Preservation District (Township) Historic Area (Baro2) Prescribed Water Resources Area Hazards (Flooding - Evidence Required) Water Protection Area Native Vegetation
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – Sign Required
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/308/2020 – Construction of a verandah attached to an existing dwelling with associated deck
ASSESSING OFFICER	Paul Vivian – Consultant Planner
RECOMMENDATION	That Planning Consent be REFUSED

INTRODUCTION

The applicant is seeking development approval for construction of a two-storey dwelling addition and alterations to an existing single storey dwelling including partial demolition of existing roof structure.

The subject site is located within the Established Neighbourhood Zone whereby the proposed dwelling addition and alterations do not have an applicable Accepted, Deemed to Satisfy or Restricted Pathway. The application was therefore classified as a Performance Assessed – Code Assessed application.

The application was subject to public notification due to the proposed development being more than one level and therefore not being excluded from Table 5 – Procedural Matters of the Established Neighbourhood Zone, such that the application

was publicly notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016*.

No representations were received during the public notification period. However, one late representation was received primarily concerned with asbestos issues related to building demolition.

This application is subject to decision of the Barossa Assessment Panel for the following reason:

- (1) Where in the opinion of the Assessment Manager, it is appropriate for the application to be determined by the Barossa Assessment Panel.

This report provides a detailed assessment of the proposal against the relevant provisions of the Planning and Design Code.

The application is seeking to construct an upper floor addition to the existing dwelling primarily to contain bedrooms and an additional living area and thereby facilitating ground floor reconfiguration to create a guest bedroom, study/rumpus room, new kitchen and associated living areas. The applicant outlines that the existing property owner has lived in the area for 12 years and is seeking to expand the home to accommodate a growing family without relocating.

At lodgement, Council staff advised the applicant the subject site is impacted by a maximum building height Technical and Numeric Variation (TNV) of one building level. Council staff recommended the proposal be amended to accord with Performance Outcome (PO) 4.1 of the Established Neighbourhood Zone. This position was reiterated during the assessment process including a suggestion to accommodate additional floor area within the roof space. The applicant does not wish to alter the proposal and in an email response to Council, received 6 August 2025, confirmed this position citing that, for example, a ground floor extension *"will most likely result in less private open space, less soft landscaping and will be in higher-than-average construction costs, given the restrictive access to the side and rear of the site"*.

While proposed site coverage, setbacks, private open space provision and car parking allocation are generally acceptable when measured against the Planning and Design Code criteria, it is considered that the proposal does not satisfy policies relating to streetscape impact, building height and impact upon the existing prevailing character. The proposed two storey addition is at odds with the character of the locality that comprises single storey dwellings and clearly offends the single storey height limit TNV.

Overall, it is considered that the proposal would not result in development that would reasonably satisfy the relevant provisions of the Planning and Design Code and thus should not be granted Planning Consent.

SITE AND LOCALITY

The subject site is a regular shaped allotment with an area of 806 square metres and direct frontage to John Dallwitz Avenue, a Council maintained road. The existing single storey detached dwelling on the subject land was constructed in 1979 and there have been other subsequent improvements to the land including a double width carport, outbuilding, rear deck and landscaping.

The existing dwelling is setback between 12 and 16 metres from the front property boundary. The carport abuts the southern side boundary with the northern side of the dwelling (incorporating a verandah) set 1.2 metres from this side boundary.

The subject land has a fall of approximately 500 mm – 600 mm from the street to the front of the dwelling. The dwelling and rear deck are then constructed on elevated footings (to accommodate downward slope and site cross fall) with steps from the rear deck leading to the backyard that slopes further downwards to the rear boundary.

There is an existing crossover and gravel driveway leading to a double width carport. At the front of the property there is mature vegetation along the northern boundary with a retaining wall positioned just in front of the dwelling creating a level area for a large section of grass in the front yard.

The locality is determined principally by visual reference, taking into account topography and cadastre patterns. The locality comprises John Dallwitz Avenue from its northern terminus to approximately in front of 10 John Dallwitz Avenue (where the road level begins to fall and is therefore less visible from the subject land) and the properties facing the intersection of John Dallwitz Avenue and Evans Street. The locality also includes the properties at the rear fronting Gransbury Court and which contain three split level homes that are two storey to the street as well as two vacant allotments (no. 1 and 3 Gransbury Court).

In total there are 26 allotments in the locality containing 18 dwellings. Five of the dwellings occupy two allotments each while there are two allotments that are vacant (no 1 and 3 Gransbury Court).

Notable locality characteristics include:

- The predominance of single storey detached dwellings set in landscaped grounds with larger front setbacks and low profile-built form. Of the 15 properties fronting John Dallwitz Avenue, none have a second storey visible from the public realm.
- A general dwelling construction period in John Dallwitz Avenue between the 1960's to 1980's whereby there are differences in materials and colours of the dwellings but there is generally consistency in dwelling massing and their modest appearance.
- A narrow interface with the rear boundary (where John Dallwitz Avenue terminates) of the State heritage Place (dwelling) at 21 Dean Street. This portion of the State Heritage Place comprises the grounds of the heritage listed property.
- There are more contemporary dwellings (including split level dwellings that are two storey to the street) facing Gransbury Court. These are not readily visible from the subject land and do not have any bearing on the streetscape to John Dallwitz Avenue.

Figure 1 below provides a Zone map and details of the locality of the site.

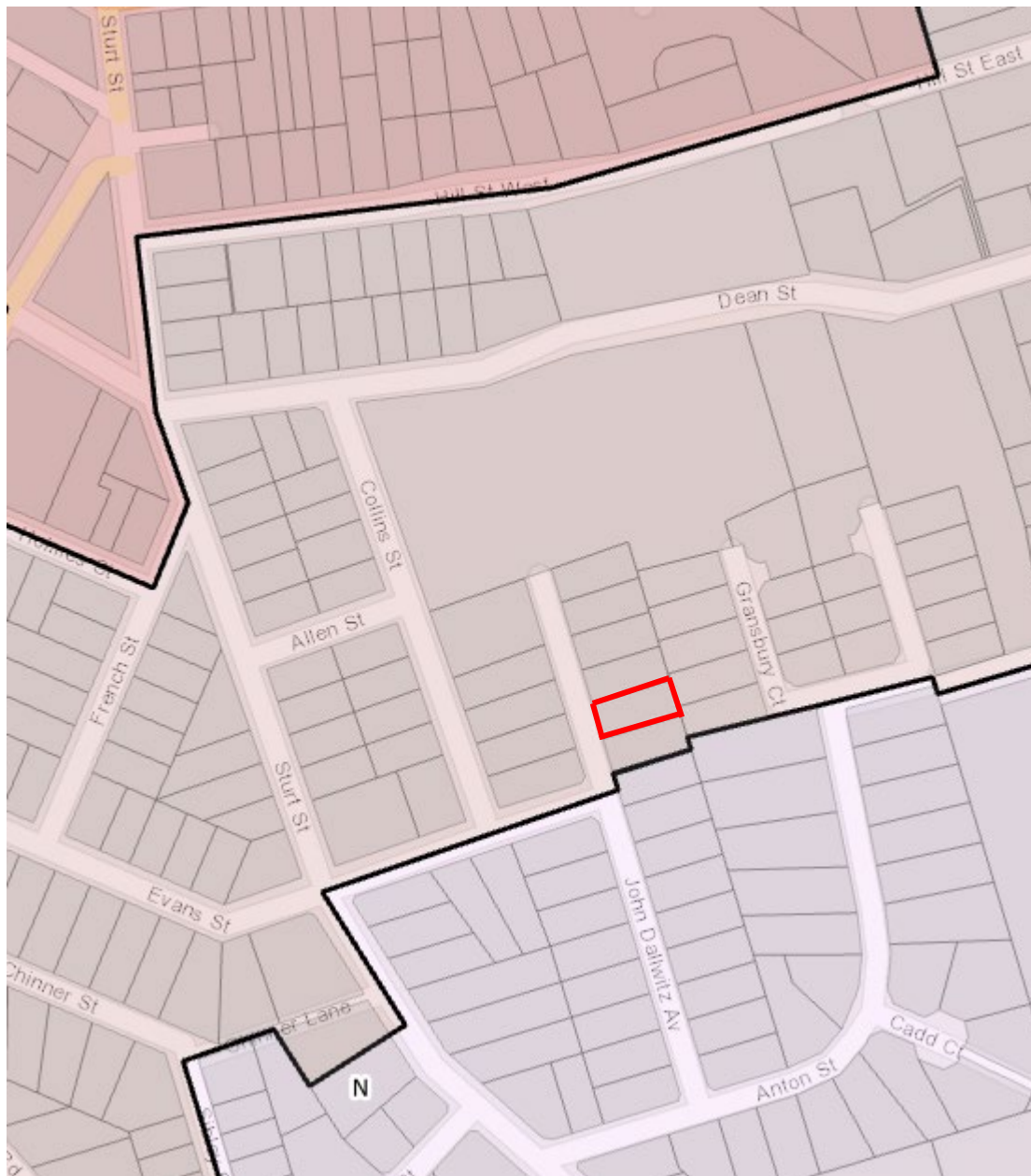


Figure 1: Zone Map – subject site with surrounding zoning.

An aerial view of the site and locality are contained in **Figure 2** and **Figure 3**.

Site photos are provided in **Figure 4** to **Figure 13**.

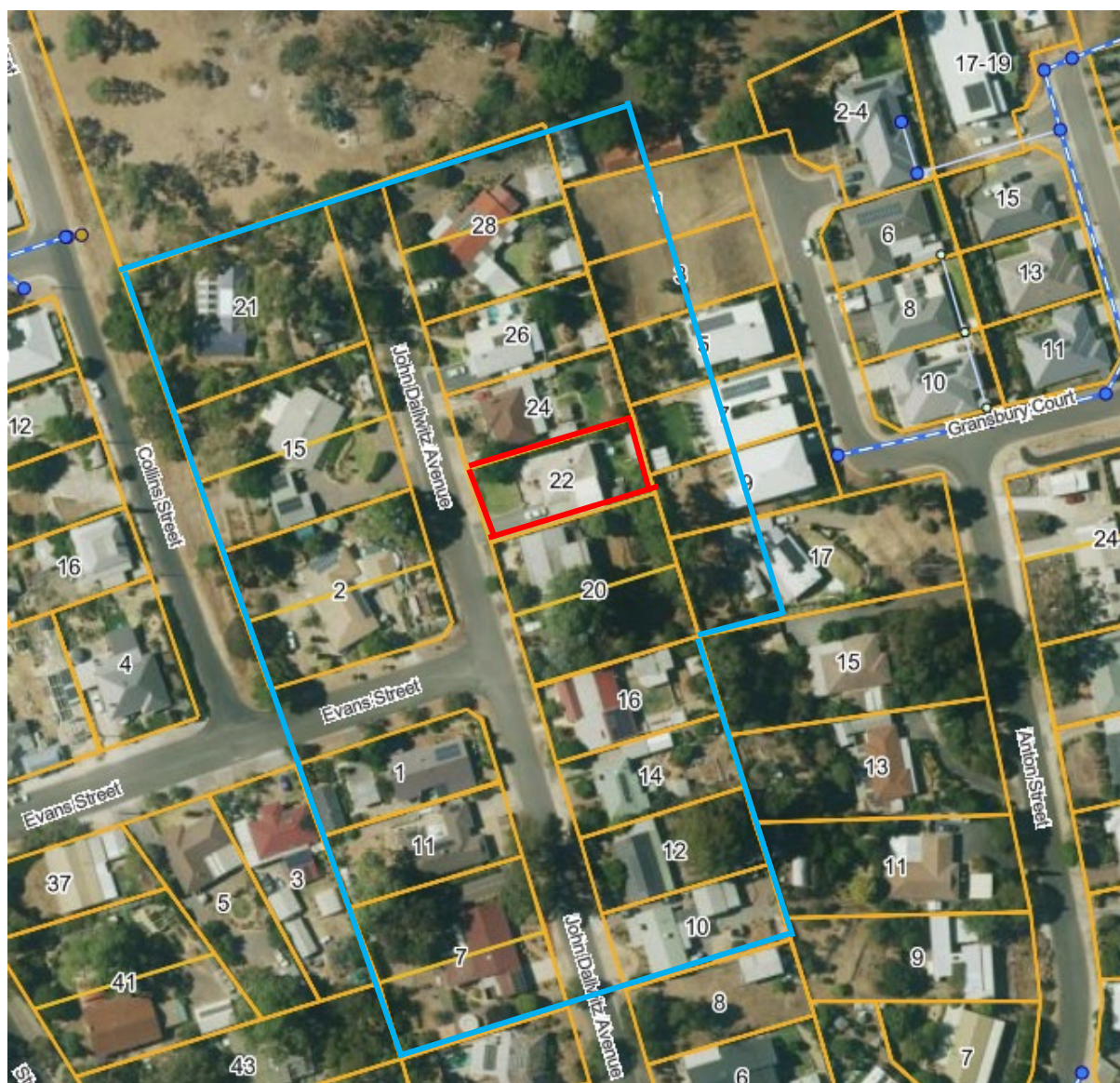


Figure 2: Aerial – Locality, site in red, locality in blue



Figure 3: Aerial – Site



Figure 4: Site Photo – Front of property looking east from John Dallwitz Avenue



Figure 5: Site Photo – Front of property looking south along John Dallwitz Avenue



Figure 6: Site Photo – Front of property looking west across John Dallwitz Avenue



Figure 7: Site Photo – Front of property looking north along John Dallwitz Avenue



Figure 8: Site Photo – Front of property looking north-west along John Dallwitz Avenue



Figure 9: Site Photo – View towards subject land looking north-east from intersection of John Dallwitz Avenue and Evans Street



Figure 10: Site Photo – Front of property looking toward southern adjoining property



Figure 11: Site Photo – Front of property looking toward northern adjoining property



Figure 12: Site Photo – Rear of dwelling looking south-east



Figure 13 Site Photo – Rear of deck looking north-east

PROPOSAL

The proposed development involves the partial demolition of the existing single storey dwelling (including roof sections, pergola, internal walls, selected windows and other building elements) to accommodate the construction of a 119 square metre upper storey and reconfigured ground floor layout.

The existing dwelling consists of the following key elements:

- Three bedrooms
- Two bathrooms and laundry
- Kitchen and living/lounge areas
- Carport
- Porch and deck to rear of dwelling

The proposed changes result in:

- Reconfigured ground floor with new kitchen, living/lounge and meals area
- Ground floor rumpus/study room and new guest bedroom
- Three first floor bedrooms including master suite and lounge/parent's retreat
- Retention of rear deck

The external appearance will alter with:

- Construction of the first-floor addition comprising 2.7 metre ceiling height, rendered external walls (white finish) and metal sheet roof (set at 25 degrees with a dark Colourbond Monument finish).
- New secondary storey aluminium windows and replacement aluminium windows at ground level.

Existing ground level brickwork will be retained, and the flat roof double width carport is unchanged.

The property is not impacted by any easements or Land Management Agreements.

Attachment 1 contains a copy of the application and associated documentation.

APPLICATION TYPE

The site is located within the Established Neighbourhood Zone under the Planning and Design Code.

The proposed development does not have an applicable Accepted, Deemed to Satisfy or Restricted Pathway in accordance with Tables 1, 2 and 4 of the Neighbourhood Zone. Therefore, the application is subject to the Performance Assessed (Table 3) assessment Pathway.

PUBLIC NOTIFICATION

The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Established Neighbourhood Zone on the basis that the proposed development exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 'Class of Development (Column B)' within Table 5.

A summary of the public notification process is contained below:

Representations: Nil representations were received during the public notification period.

One late representation was received. This representation was primarily concerned with release of any asbestos. This matter will be addressed as part of any Building Consent if granted.

Person wishing to be heard: Nil

**Time period for
Public Consultation** 3 July 2025 – 23 July 2025

REFERRALS

External

Pursuant to Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017* and Part 9 of the Planning and Design Code, the application was not subject to referrals.

Internal

No internal referrals were required.

ASSESSMENT

Please refer to the following link, the Planning and Design Code extract for this proposal, Version 2025.10 29 May 2025.

Planning and Design Code Extract Link	Relevant Code Extract
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Seriously at Variance

The matter of 'Seriously at Variance' where an application is recommended for refusal by the Panel needs to be considered as a specific component of an assessment. As outlined in legal advice from Kellady Jones following the Supreme Court decision in *Geber Super Pty Ltd v The Barossa Assessment Panel* [2023] SASC 154 decision, where the Panel resolves that a development is Seriously at Variance, it should be refused without further assessment. Conversely, where the Panel resolves that a development is not Seriously at Variance, it should proceed to deliberations on the merits of the proposed development and then, separately, a resolution to determine whether it should or should not be granted planning consent on its merits.

In considering the 'variance' question, it is also important for this application to consider the observation from Commissioner Rumsby in *Tierney vs State Planning Commission (2021)*, where he stated that to be considered Seriously at Variance, the variance must be 'plainly discernible'. Further, in *Hays vs the Development Assessment Commission* the ERD Court considered that a departure should be weighted against not just a numerical value departure but also against the intent of the policy.

The proposal involves alterations and additions to an existing single storey dwelling in the Established Neighbourhood Zone. There is no proposed change of land use, and the development satisfactorily achieves private open space, site coverage, overshadowing, visual privacy, car parking and rear and side setbacks in accordance with the relevant policies of the Planning & Design Code. The major departure of the proposal is the proposed two storey form and resulting built form massing and incompatibility with the prevailing streetscape character and non-compliance in particular with zone policy Desired Outcome (DO) 1.

In PO 4.1 and DTS/DPF 4.1, there are examples of two storey dwellings to the rear of the subject land, however, these are set in a different streetscape context and do not have a strong visual relationship with the proposed development. While the proposed built form outcome is not supported by Council staff it is considered that the application is not Seriously at Variance to the Planning and Design Code by its very nature and is worthy of a more detailed merits assessment.

Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, it is recommended that the Panel determine that the proposed development is not considered to be Seriously at Variance with the relevant provisions of the Planning and Design Code.

Character Preservation (Barossa Valley) Act 2012

The subject land sits in a residential area within the Angaston Township and is not visible from adjoining rural land, key tourist routes or from main street environs.

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, having regard to the Objects of the Act, it is recommended that the Panel determine that the proposed development does not adversely impact the character values of the district.

The proposal will not diminish the visual amenity of the overall township landscape and will have limited impact of the character attributes of the district as a whole by virtue of its urban location within Angaston.

Further discussion is contained under the Assessment section below in relation to the Character Preservation District Overlay.

Assessment

Detailed assessment of the proposal has taken place against the relevant provisions of the Planning and Design Code as quoted above. Commentary is provided below under headings:

Site Coverage

<u>Established Neighbourhood Zone</u>	
<u>Desired Outcomes</u>	
DO1	<i>A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.</i>
DO2	<i>Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.</i>

<u>Site Coverage</u>	
PO 3.1 <i>Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.</i>	DTS/DPF 3.1 Development does not result in site coverage exceeding: (1) In instances where: (a) no value is returned (i.e. there is a blank field), then a maximum 50% site coverage applies. (b) more than one value is returned in the same field, refer to the Site Coverage Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development.

The existing dwelling and proposed additions will result in a site coverage well below the anticipated maximum of 50%. The site area is approximately 806 sqm whereas the total ground level building areas are calculated at approximately 260 sqm, thereby resulting in an approximate 32% site coverage. PO 3.1 is therefore achieved.

Building Height

Building Height	
PO 4.1 Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.	DTS/DPF 4.1 Building height (excluding garages, carports and outbuildings) is no greater than: (a) the following: Maximum Building Height (Levels) Maximum building height is one level (b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - two building levels up to a height of nine metres. In relation to DTS/DPF 4.1, in instances where: (c) more than one value is returned in the same field, refer to the Maximum Building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Meters) Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development. (d) only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.
PO 4.2 Additions and alterations do not adversely impact on the streetscape character.	DTS/DPF 4.2 Additions and alterations: (a) are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street or (b) meet all of the following: - do not include any development forward of the front façade building line - where including a second or subsequent building level addition, does not project beyond a 45 degree angle measured from ground level at the building line of the existing building.

The proposal comprises a change from a single to a two storey building where the upper level is clearly expressed as an additional storey with a maximum building height of approximately 7.635 metres measured above adjacent ground level.

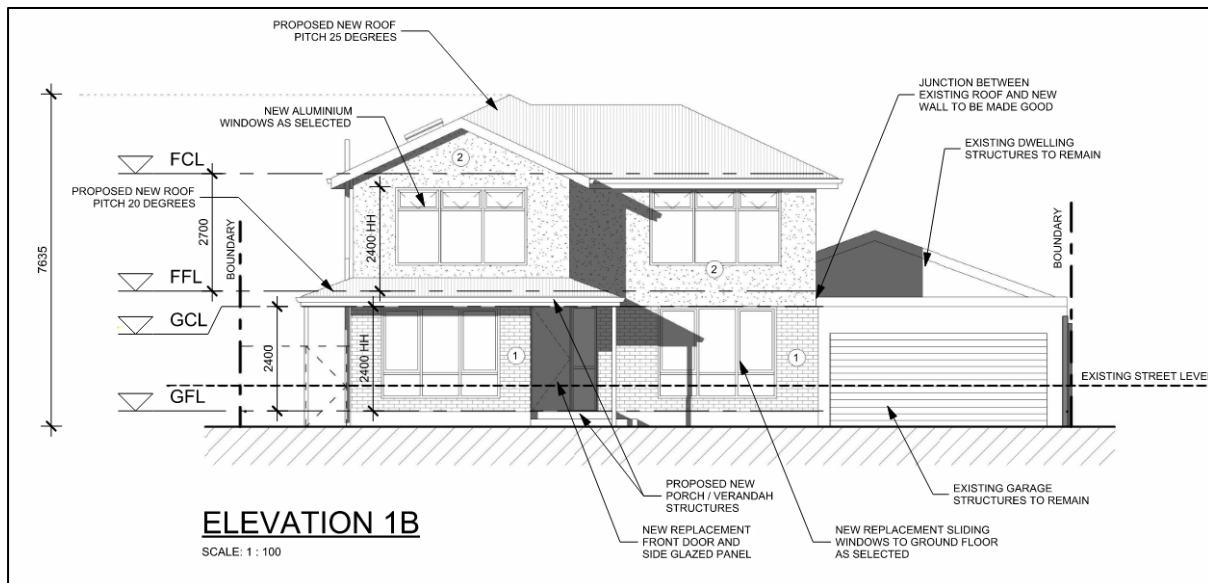


Figure 14: Elevation plan showing nominated heights

Observations of the locality in John Dallwitz Avenue identify that:

- There are 15 detached dwellings with no building containing an upper floor directly visible from the street.
- The majority of housing stock appears to be constructed between the 1960's to 1980's and are characterised by modest buildings with limited bulk and scale.
- Dwellings on the higher eastern side of the road are constructed either at or just below street level.
- Dwellings on the western side are generally set below street level (along John Dallwitz Avenue) with a higher proportion of boundary fencing. Most properties have mature landscaping with a couple of rainwater tanks or outbuildings positioned close to boundaries.
- There are no paved footpaths although there are compacted rubble verges with interspersed street trees or vegetation.

DO1 seeks development where new buildings are sympathetic to the predominant built form character and development patterns. Desired Outcomes help aid the interpretation of POs by setting the general policy guide for the zone. PO 4.1 reinforces the policy intent for buildings to contribute to the prevailing character of the neighbourhood and complement the height of nearby buildings.

The predominant built form character of the visual locality is therefore single storey and lower density housing set within established gardens and well treed environs. There is a high level of resident amenity, and all buildings complement each other with consistency in built form and building height and a sense of spaciousness due to the large setbacks and single storey form of development (as visible from the street). There are differences in building materials and architectural style, however, there is a consistency in streetscape that is considered to be sought to be retained via the application of DTS/DPF 4.1 limiting height to one level only.

The form and architectural expression of the proposed addition results in a dwelling with a double storey appearance. The addition is positioned to the front of the dwelling and significantly alters its streetscape appearance. The dwelling has a 12 metre front setback with some mature landscaping and no front fencing. This is consistent with properties in the local area. The existing dwelling is set down from street level but the visual impact and massing of the proposed second storey addition will be clearly visible from the street and adjoining properties.

Council staff sought amendments including providing the applicant with opportunity to provide upper floor living space within a roof space or other options that do not present as a large two storey built form. The applicant has however desired to retain the proposal in its current form and requests a decision on the merits.

The applicant's supporting statement identifies there are two storey dwellings in the area and the applicant considers these form a precedent to support the proposed departure from DTS/DPF 4.1. The identified dwellings are located to the rear of the subject land facing onto Gransbury Court. It is recognised that properties at 5 -9 Gransbury Court appear to the street as modern two storey dwellings, however, are not considered to set any precedent or influence the merits of the proposal as:

- Each development proposal is unique, as is every site with its own characteristics. Past decisions can help guide assessment and each planning application should be evaluated based on its individual merits.
- The dwellings fronting Gransbury Court are essentially split level homes, in that they are single storey at the rear and two storey at the front. This form of construction is common on these properties because the slope of the land is quite severe. It is more economical to cut the block and gain access at the lower level with the upper storey built above.
- Planning policy instruments are constantly evolving, making past decisions sometimes less relevant to new applications. The dwellings at Gransbury Court were formerly in the Residential Zone in The Barossa Council Development Plan. Zone policies did not restrict single storey development in the same way as the Planning & Design Code. The former Development Plan Desired Character Statement included the following text: *"Second storeys within roof spaces may be appropriate where they are appropriately designed in the context of the dwellings already located within the locality, in terms of building height, scale and massing. Two storey development will be limited to large residential allotments where there is sufficient area to accommodate space around the building so that the building is not dominant in the streetscape or overbearing to adjoining properties."* The Desired Character Statement has not been carried over into the Planning and Design Code.
- The cited dwellings at Gransbury Court are not visible from John Dallwitz Avenue due to the land falling steeply down to the east from the rear boundary of 22 John Dallwitz Avenue and these dwellings are cut into the slope of the land with no projecting form visible above the ridge line. These dwellings do not have a strong relationship with the majority of the locality which applies to John Dallwitz Avenue.
- As stated above, there are other factors that may have supported approval of two storey developments in Gransbury Court, noting the cul-de-sac environs exhibit a different streetscape to John Dallwitz Avenue and have differing slope characteristics. Any mitigating factors that applied in the application assessment are not found on this site where the building sits in a consistent streetscape and less steep topographic conditions.

It is further noted that even the presence of some taller buildings in the locality does not automatically alter the predominant character of the locality to warrant support for the proposed development. In this case, it is considered there is a consistent built form character with no obvious two storey dwellings in John Dallwitz Avenue.

Within the Established Neighbourhood Zone, PO 4.1 states buildings should contribute to the prevailing character of the neighbourhood and complement the height of nearby buildings. DTS/DPF 4.1 identifies the maximum building height is one level. A built outcome of one level would therefore satisfy PO 4.1. Any departure requires consideration of the policy intent of the zone DO and POs and reference to circumstances in which clearly expressed provisions of the Code can be departed from.

In this matter, case law such as the *Supreme Court decision in Town of Gawler v Impact Investment Corporation Pty Ltd* outlines a series of tests to apply for any clear departure from the provisions of the Planning & Design Code. These tests include:

- *The language of the principle or principles concerned- whether it is direct or contemplates some flexibility in approach* – In this matter, the policy expresses a need to be sympathetic to predominant character and DTS/DPF 4.1 as a Technical Numerical Variation seeks to limit buildings to one level only. Thus, there is limited contemplation of flexibility in approach.
- *Whether the relevant principle is in conflict with some other applicable planning principle* - No conflict, DTS/DPF 4.1 numerically reflects the desired outcome for the zone.
- *The evident purpose and objective of the policy expressed in the principle or principles concerned* - PO 4.1 and DTS/DPF 4.1 are clearly expressed to ensure maintenance of the predominant streetscape character and limiting development to one level only via a TNV helps achieve this policy outcome.
- *The significance of the policy to the particular proposed development* - PO 4.1 and DTS/DPF 4.1 are pivotal principles in the assessment of this application ensuring the Desired Outcomes for the Zone (and Heritage Overlay Policy Area) are met. Further, as this proposal represents the first two storey development in John Dallwitz Avenue, it essentially would represent a first intrusion into this part of the locality.
- *Where the policy contemplates possible degrees of compliance, the extent of the proposed development's compliance with the policy.* The proposal fails to meet the limitation of one level for a building.
- *Consistency of the proposed development with other objectives and purposes of the Zone* – The proposal is for residential development which is consistent with DO 1.
- *Whether there is something unusual about the proposal of the land on which it is to take place which makes the policy inapplicable or inappropriate* – No unusual circumstances exist noting that along John Dallwitz Avenue many properties slope either upwards or below from the street. The degree of slope is not the same as that experienced in properties in Gransbury Court.
- *Whether other events have happened since the Code was adopted which make the policy redundant, either generally or in respect of this particular development* – No, the prevailing character of the locality has been maintained and no State Government or Council policies, strategies, design frameworks or similar have been prepared recommending a different approach to development in this area.
- *The probable effect of non-compliance with the policy on the planning objectives of the zone* – Likely public view of inconsistency in decision making (noting earlier

comments regarding precedence) and possible additional applications for two storey development contrary to PO 4.1 and DTS/DPF 4.1.

- *Whether non-compliance with the policy in this case is likely to encourage other similar developments in the zone* – There is potential for further developments within John Dallwitz Avenue and Evans Court to be presented.

Given the above, the proposed development is not considered to be consistent with the streetscape and built form outcomes sought in DO 2, PO 4.1 and DTS/DPF 4.1. The proposed upper-level design and setbacks do not comply with DTS/DPF 4.2 (a) or (b)(ii).

The proposed upper-level addition is not within a roof space and the upper level addition projects beyond a 45 degree angle measured from ground level at the building line of the existing building at the northern side. If measured from the edge of the garage from the southern side, it meets the policy, however, if measured from the edge of the junction of the garage and main façade it does not meet DTS/DPF (b)(ii) from this angle either. Failure to adequately meet DTS/DPF 4.2 reinforces the adverse impact on the streetscape character borne from the dominant second storey addition that has no articulation/appropriate design response to satisfy PO 4.2.

Appearance

Appearance	
PO 10.2 <i>The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.</i>	DTS/DPF 10.2 <i>None are applicable.</i>

As outlined above in the assessment against PO 4.1 and 4.2, the proposed form of the dwelling comprises a clearly delineated two storey building comprising a street facing gable end and 25 degree pitched roof that increases the visual prominence of the upper storey addition. The building is clearly visible from the street and has an overall massing that is not consistent with nearby dwellings that have single height walls with a mix of low pitch tile or metal roofing.

If developed in its current form the proposed development does not meet intent of PO 10.2.

Further, PO 20.3 of the 'Design' module of the Planning & Design Code states:

External appearance	
PO 20.3 <i>The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.</i>	DTS/DPF 20.3 <i>None are applicable</i>

Visual massing is not considered to be sufficiently reduced when viewed from the street or adjoining properties. The dwelling will present as a two-storey structure (over eight metres in height above adjacent ground level along part of the northern boundary) with a matching façade width at both ground and first floor level (with no level of subordination between levels). There is a gable end facing the street with only a small degree of articulation to the addition being a step in the floorplate and a verandah/porch at ground level. Setback and building levels do not offset the visual

impact of the proposed building in the context of the local area. Overall, the proposal is not considered to achieve PO 20.3.

Boundary Setbacks

Side Boundary Setback	
PO 8.1 Buildings are set back from side boundaries to provide: (a) separation between buildings in a way that complements the established character of the locality (b) access to natural light and ventilation for neighbours.	DTS/DPF 8.1 Other than walls located on a side boundary in accordance with Established Neighbourhood Zone DTS/DPF 7.1, building walls are set back from the side boundary: (a) no less than: (b) in all other cases (i.e., there is a blank field), then: i. where the wall height does not exceed three metres measured from the lower of natural or finished ground level - at least 900 mm. ii. for a wall that is not south facing, and the wall height exceeds three metres measured from the lower of natural or finished ground level - at least 900 mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds three metres from the lower of natural or finished ground level. iii. for a wall that is south facing, and the wall height exceeds three metres measured from the lower of natural or finished ground level - at least 1.9 metres from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds three metres from the lower of natural or finished ground level.

The proposed building additions achieve a 5.74 metre upper setback from the southern side boundary and a 2.47 metre upper setback from the northern side boundary.

The south facing upper-level wall complies with DTS/DPF 8.1 (B)(ii). The north facing upper-level wall (from adjacent ground level to the underside of the eaves) measures approximately 5.35 metres. On this basis, the wall should be setback between 1.6 metres and 2.1 metres. The north facing upper-level wall therefore complies with DTS/DPF 8.1 (B)(ii).

The side setbacks exceed DTS/DPF 8.1, however, the proposal is still considered to not fully meet the intent of PO 8(a) as the combined two storey wall height, setback and associated visual appearance, particularly from the northern boundary, are an unacceptable first intrusion within the locality and do not complement the established low rise character of the locality.

Rear Boundary Setback	
PO 9.1 Buildings are set back from rear boundaries to provide: (a) separation between buildings in a way that complements the established character of the locality (b) access to natural light and ventilation for neighbours (c) private open space (d) space for landscaping and vegetation.	DTS/DPF 9.1 Other than in relation to an access lane way, buildings are set back from the rear boundary at least: (a) 4 metres for the first building level (b) 6 metres for any second building level.

The proposed upper floor addition is setback a minimum 15.75 metres from the rear boundary and exceeds DTS/DPF 9.1(b).

Cut and Fill

Earthworks and sloping land	
PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	DTS/DPF 8.1 Development does not involve any of the following: (a) excavation exceeding a vertical height of one metre (b) filling exceeding a vertical height of one metre (c) a total combined excavation and filling vertical height of two metres or more.

It is noted that the dwelling is already lifted above ground level, however, the proposed additions do not require any additional cut and/or fill earthworks to occur such that the development satisfies PO 8.1. One of the benefits of an upper storey addition is the avoidance of cut and fill, however, this is countered by the greater visual impact of the second storey.

Character Preservation District Overlay

Character Preservation District Overlay (Township)	
Desired Outcomes	
DO1	Recognise, protect and enhance the special character of Character Preservation Districts.
DO2	The long term use of land outside of townships for primary production and associated value adding enterprises is assured and promoted.
Relevant Performance Outcomes/Designated Performance Features	
Built Form and Character	
PO 2.1 Development occurring at the edge of townships is sympathetic to the rural landscape and reinforces a clear transition between townships and rural landscape through measures including: (a) being of a low scale. (b) orientating residential development	DTS/DPF 2.1 None are applicable.

towards the rural area. (c) ensuring visual separation from the rural area through landscaping and road reserves.	
PO 2.2 Development contributes to and maintains the historic identity and character of townships through appropriate: (a) form (b) scale (c) siting (d) design (e) landscaping.	DTS/DPF 2.2 None are applicable.
PO 2.3 Adaptive re-use of rural structures and historic and/or character buildings supports their preservation and ongoing contribution to the landscape.	DTS/DPF 2.3 None are applicable.
Earthworks	
PO 4.1 Excavation and filling of land is limited to that associated with: (a) minimising the visual impact of buildings or structures (a) or (b) construction of water storage facilities.	DTS/DPF 4.1 Excavation and/or filling of land is: (a) no greater than 1.5 metres from natural ground level (b) only undertaken in order to reduce the visual impact of buildings or structures or to construct water storage facilities.

The site is located within the Angaston township boundary and has a significant separation distance from the nearest rural area identified within the *Character Preservation (Barossa Valley) Act 2012*. The subject property is located within an urban part of the township well away from the edge of the township. Therefore, PO 2.1 is not impacted.

The proposal seeks to include a second storey building addition at the front of the dwelling whereby the visual appearance of the existing dwelling will impact the streetscape and conflict with the prevailing character. The intent of PO 2.2 which seeks to maintain the character of townships through appropriate form, scale, siting and design is therefore not considered to be met.

No earthworks will exceed 1.5 metres and PO 4.1 is therefore achieved.

In summary, the proposal by virtue of its residential location and position in the township has limited impact on the Character Preservation District. The proposal does not however comply with PO 2.2. The weight of assessing this non-conformance is less than related to zone policies which are more explicit in relation to building heights.

Historic Area Overlay

Historic Area Overlay (Baro15)	
Desired Outcomes	
DO1	Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to

	existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.
Relevant Performance Outcomes/Designated Performance Features	
All Development	
PO 1.1 All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.	DTS/DPF 1.1 None are applicable.

Angaston Residential Historic Area Statement (Baro2)

Baro2	Angaston Residential Historic Area Statement (Baro2) The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and/or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality. These attributes have been identified in the below table. In some cases State and/or Local Heritage Places within the locality contribute to the attributes of an Historic Area. The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table. <table border="1"> <tr> <td>Eras, themes and context</td><td>Late 1800s. 1920s, second wave of prosperity for Angaston in the 20th Century.</td></tr> <tr> <td>Allotments, subdivision and built form patterns</td><td>[Not stated]</td></tr> <tr> <td>Architectural styles, detailing and built form features</td><td>Substantial residences in 1879-80. Residences of the 1920s.</td></tr> <tr> <td>Building height</td><td>[Not stated]</td></tr> <tr> <td>Materials</td><td>Local stone</td></tr> <tr> <td>Fencing</td><td>[Not stated]</td></tr> <tr> <td>Setting, landscaping, streetscape and public realm features</td><td>Tree lined streets, attractive gardens, varied topography, mature white cedars along Schilling Street, coprosma hedges in front of some houses (retaining early post and wire fence structures), mature Ficus at the base of Dean Street, mature gums along the creek, and cypress hedges to many 1920s dwellings. Angas Recreation Park forms an important element located within the residential area. The park between Dean Street and Hill Street and Angaston Children's Reserve provides an open area for community use.</td></tr> <tr> <td>Representative Buildings (b)</td><td>Identified - refer to SA planning database</td></tr> </table>	Eras, themes and context	Late 1800s. 1920s, second wave of prosperity for Angaston in the 20th Century.	Allotments, subdivision and built form patterns	[Not stated]	Architectural styles, detailing and built form features	Substantial residences in 1879-80. Residences of the 1920s.	Building height	[Not stated]	Materials	Local stone	Fencing	[Not stated]	Setting, landscaping, streetscape and public realm features	Tree lined streets, attractive gardens, varied topography, mature white cedars along Schilling Street, coprosma hedges in front of some houses (retaining early post and wire fence structures), mature Ficus at the base of Dean Street, mature gums along the creek, and cypress hedges to many 1920s dwellings. Angas Recreation Park forms an important element located within the residential area. The park between Dean Street and Hill Street and Angaston Children's Reserve provides an open area for community use.	Representative Buildings (b)	Identified - refer to SA planning database
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Representative Buildings (b)	Identified - refer to SA planning database																

Alterations and additions	
PO 3.1 <i>Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.</i>	DTS/DPF 3.1 <i>Alterations and additions are fully contained within the roof space of an existing building with no external alterations made to the building elevation facing the primary street.</i>

The proposed additions are not located within the roof space, and as a result, the dwelling's external appearance will undergo significant alteration. While it is acknowledged that the dwelling does not hold a historic listing or possess significant heritage value, this policy applies to all developments within the Overlay Area. As such, PO 3.1 is not deemed to be met.

Context and Streetscape Amenity	
PO 6.1 <i>The width of driveways and other vehicle access ways are consistent with the prevailing width of existing driveways of the historic area.</i>	DTS/DPF 6.1 <i>None are applicable.</i>
PO 6.2 <i>Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on buildings or infrastructure.</i>	DTS/DPF 6.2 <i>None are applicable.</i>

The existing driveway width is not proposed to be altered and is not considered inconsistent with nearby properties. PO 1.1 is reasonably achieved.

The existing landscaping within the property, especially the front yard, will be maintained and therefore PO 6.2 is achieved.

Design in Urban Areas

Overlooking/Visual Privacy (low rise buildings)	
PO 10.1 <i>Development mitigates direct overlooking from upper-level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.</i>	DTS/DPF 10.1 <i>Upper-level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone:</i> <i>(a) are permanently obscured to a height of 1.5 metre finished floor level and are fixed or not capable of being opened more than 125 mm.</i> <i>(b) have sill heights greater than or equal to 1.5 metres above finished floor level.</i> <i>(c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500 mm from the window surface and sited adjacent to any part of the window less than 1.5 metres above the finished floor level.</i>

The proposal will not increase any existing overlooking concerns as each side or rear facing upper-level window has a raised sill height or fixed obscure glazing to a height

of 1.6 metres above floor level. Direct overlooking from the upper-level addition will therefore not occur, thereby satisfying PO 10.1.

Decks											
Design and Siting											
PO 45.1 Decks are designed and sited to: (a) complement the associated building form (b) minimise impacts on the streetscape through siting behind the building line of the principal building (unless on a significant allotment or open space) (c) minimise cut and fill and overall massing when viewed from adjacent land.	DTS/DPF 45.1 Decks: (a) where ancillary to a dwelling: - are not constructed, added to or altered so that any part is situated: - in front of any part of the building line of the dwelling to which it is ancillary (c) or - within 900 mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads) - are set back at least 900 mm from side or rear allotment boundaries - when attached to the dwelling, has a finished floor level consistent with the finished ground floor level of the dwelling - where associated with a residential use, retains a total area of soft landscaping for the entire development site, including any common property, with a minimum dimension of 700 mm in accordance with (1) or (2), whichever is less: - a total area is determined by the following table: <table border="1"> <thead> <tr> <th>Site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th><th>Minimum percentage of site</th></tr> </thead> <tbody> <tr> <td><150</td><td>10%</td></tr> <tr> <td>150–200</td><td>15%</td></tr> <tr> <td>>200–450</td><td>20%</td></tr> <tr> <td>>450</td><td>25%</td></tr> </tbody> </table> - the amount of existing soft landscaping prior to the development occurring.	Site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150–200	15%	>200–450	20%	>450	25%
Site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site										
<150	10%										
150–200	15%										
>200–450	20%										
>450	25%										

	(b) where in association with a non-residential use: i. are set back at least two metres from the boundary of an allotment used for residential purposes. ii. are set back at least two metres from a public road. iii. have a floor area not exceeding 25 sqm (c) in all cases, has a finished floor level not exceeding one metre above natural ground level at any point.
PO 45.2 Decks are designed and sited to minimise direct overlooking of habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones through suitable floor levels, screening and siting taking into account the slope of the subject land, existing vegetation on the subject land, and fencing.	DTS/DPF 45.2 Decks with a finished floor level/s 500 mm or more above natural ground level facing side or rear boundaries shared with a residential use in a neighbourhood-type zone incorporate screening with a maximum of 25% transparency/openings, permanently fixed to the outer edge of the deck not less than 1.5 metres above the finished floor level/s.

The existing elevated deck is to be retained and not altered as part of the proposed development. The extent of overlooking from the deck will not be changed.

Residential Amenity

All residential development	
Outlook and Amenity	
PO 18.1 Living rooms have an external outlook to provide a high standard of amenity for occupants.	DTS/DPF 18.1 A living room of a dwelling incorporates a window with an external outlook of the street frontage, private open space, public open space, or waterfront areas.

The proposed upper level living area will feature a large street facing window thereby providing for natural light and views and ultimately promoting the desirable amenity of the site for the residents, consistent with PO 18.1.

Private Open Space	
PO 21.1 Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.	DTS/DPF 21.1 Private open space is provided in accordance with Design in Urban Areas Table 1 - Private Open Space.
PO 21.2 Private open space is positioned to provide convenient access from internal living areas.	DTS/DPF 21.2 Private open space is directly accessible from a habitable room.

There is sufficient private open space provided for within the property due to the large size of the allotment and the extent of private open space that is currently accessible from ground floor living areas. In general, the proposal is considered to reasonably achieve PO 21.1 and PO 21.2.

Landscaping	
PO 22.1	DTS/DPF 22.1

Soft landscaping is incorporated into development to: (a) minimise heat absorption and reflection (b) contribute shade and shelter (c) provide for stormwater infiltration and biodiversity (d) enhance the appearance of land and streetscapes.	Residential development incorporates soft landscaping with a minimum dimension of 700 mm provided in accordance with (a) and (b): (a) a total area for the entire development site, including any common property, as determined by the following table: <table> <tr> <th>Site area (or in the case of residential flat building, co-located housing or group dwelling(s), average site area) (m²)</th><th>Minimum percentage of site</th></tr> <tr> <td><150</td><td>10%</td></tr> <tr> <td>150–200</td><td>15%</td></tr> <tr> <td>>200–450</td><td>20%</td></tr> <tr> <td>>450</td><td>25%</td></tr> </table> (b) at least 30% of any land between the primary street boundary and the primary building line.	Site area (or in the case of residential flat building, co-located housing or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150–200	15%	>200–450	20%	>450	25%
Site area (or in the case of residential flat building, co-located housing or group dwelling(s), average site area) (m ²)	Minimum percentage of site										
<150	10%										
150–200	15%										
>200–450	20%										
>450	25%										

The subject site achieves 25% minimum soft landscaping with the majority of the front and rear yard of the property. PO 22.1 is therefore achieved.

Transport, Access and Parking

Transport Access and Parking	
Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Relevant Performance Outcomes/Designated Performance Features	
Vehicle Parking Rates	
PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as: (a) availability of on-street car parking. (b) shared use of other parking areas. (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared. (d) the adaptive reuse of a State or Local Heritage Place.	DTS/DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant: (a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area. (b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply. (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.

Table 1 – General Off-Streetcar Parking Requirements**Vehicle Parking Rates**

Detached Dwelling	Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - two spaces per dwelling, one of which is to be covered.
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The site is served by at least three on-site car parking spaces. At least one vehicle can park within the existing double width garage as well as a further two spaces within the gravel driveway. Therefore, the proposal provides for sufficient on-site car parking spaces, consistent with PO 5.1.

Wastewater Disposal**Infrastructure and Renewable Energy Facilities****Desired Outcomes**

DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
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Relevant Performance Outcomes/Designated Performance Features**Flood Resilience**

PO 12.1 Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following: (a) It is wholly located and contained within the allotment of the development it will service. (b) In areas where there is a high risk of contamination of surface, ground or marine water resources from on-site disposal of liquid wastewaters, disposal systems are included to minimise the risk of pollution to those water resources. (c) Septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping or saline or poorly drained land to minimise environmental harm.	DTS/DPF 12.1 Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following: (a) The system is wholly located and contained within the allotment of development it will service; and (b) The system will comply with the requirements of the South Australian Public Health Act 2011.
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The site is connected to the SA Water sewer mains, such that on-site wastewater disposal is not required. The proposed new plumbing fixtures and fittings will be connected to the SA Water sewer mains, such that an authorised method of wastewater disposal is in place to service the development.

Hazards (Flooding – Evidence Required) Overlay

Hazards (Flooding – Evidence Required) Overlay	
Desired Outcomes	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
Relevant Performance Outcomes/Designated Performance Features	
Flood Resilience	
PO 1.1 Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.	DTS/DPF 1.1 Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300 mm above: (c) the highest point of top of kerb of the primary street or (d) the highest point of natural ground level at the primary street boundary where there is no kerb.

The existing dwelling is set below street level. At present, rainwater is diverted to an existing rainwater tank to the rear of the property and a soakage pit in the front yard. No adjoining occupiers raised issue with existing stormwater runoff problems. The amount of roof area from this proposal is relatively unchanged as overall building footprint will not be increased. Overall, the intent of PO 1.1 is therefore considered to be achieved.

Native Vegetation

Native Vegetation Overlay	
Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Relevant Performance Outcomes/Designated Performance Features	
Environmental Protection	
PO1.1 Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.	DTS/DPF 1.1 An application is accompanied by: (a) a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991, including any clearance that may occur: i. in connection with a relevant access point and / or driveway. ii. within 10 metres of a building (other than a residential building or tourist accommodation). iii. within 20 metres of a dwelling or addition to an existing dwelling for fire prevention and control.

	Or (b) a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.
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No native vegetation clearance is required as part of this application and a clearance declaration has been provided such that PO 1.1 is achieved.

Clearance from Overhead Powerlines

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DTS/DPF 1.1 One of the following is satisfied: (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. (b) there are no aboveground powerlines adjoining the sites that are the subject of the proposed development.

The applicant has provided an electricity declaration and therefore PO 1.1 is achieved.

Other Overlays

The following Overlays have been considered in the assessment of the proposed development but are not applicable to the proposed development given that:

Prescribed Water Resources Area

The site is serviced by mains water and will not be impact surface water, watercourses or wells.

Water Protection Area

The proposal does not involve activities with the potential to harm or impact on water supply.

CONCLUSION

In conclusion, while the proposal complies with a number of quantitative guidelines in the Planning and Design Code including in relation to private open space, site coverage, overshadowing, visual privacy, car parking, and side setbacks, it fails to meet the Technical Numeric Variation for building height and does not achieve an appropriate design and contextual response to the existing streetscape and prevailing single storey character of the locality. This is considered to be a major policy departure from Established Neighbourhood Zone PO 4.1, DTS/DPF 4.1, PO 4.2 and DTD/DPF 4.2 is considered unacceptable outcome. The proposal further reinforces

the two storey nature of the design with clearly visible double storey walls, front gable end, lack of articulation and extensive areas of roofing that is not in accordance with Zone DO 1. Council staff have encouraged redesign including seeking exploration of floorspace within a roofed area but this has not been pursued.

Case law is referenced within the report and has clarified that while the provisions of the Planning and Design Code are not mandatory, they are considered directory and persuasive. As such, a planning authority is generally expected to apply to them, unless there is a sound planning reason to depart from them. Taking into account prevailing local character and building patterns, there is no strong planning reason to depart from the single storey height guideline, in particular from the intent of Established Neighbourhood Zone DO 1 and PO 4.1.

It is recommended that the application does not warrant the support of the Assessment Panel and that it be refused.

RECOMMENDATION 1

Not Seriously at Variance

The Barossa Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not Seriously at Variance with the Planning and Design Code.

RECOMMENDATION 2

Character Preservation

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that there are no significant impacts on the character values of the district.

RECOMMENDATION 3

Refusal of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to REFUSE Planning Consent for Application No. 25002645 by Ms Jane Hoarder to undertake construction of a two storey dwelling addition and alterations to existing single storey dwelling including partial demolition of existing roof structure at 22 John Dallwitz Avenue Angaston (CT 5520/135) for the following reasons:

The proposed development is contrary to:

- Established Neighbourhood Zone, PO 4.1, PO 4.2, PO 8.1(a) and PO 10.2
- Character Preservation District Overlay, PO 2.2
- Historic Area Overlay, PO 3.1

In that the proposed second storey addition:

- Will be visually dominant within the locality and does not align to the prevailing character of the neighbourhood nor does it complement the height of nearby buildings

- Is not of an appropriate bulk and scale for the site and results in an adverse impact upon the streetscape character
- Does not provide for a suitable separation between buildings in a way that complements the established character of the locality
- Is not sympathetic to the wall heights, roof forms and roof pitches of the predominant housing stock in the locality
- Does not contribute to the character of the township through its form, scale and design
- Does not provide for a contextual design and dominates the primary façade.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application and Associated Documentation

Development Locations

Location 1

Location reference

22 JOHN DALLWITZ AV ANGASTON SA 5353

Title Ref

CT 5220/135

Plan Parcel

D5696 AL5

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Established Neighbourhood

Sub-zones

(None)

Overlays

- Character Preservation District
- Historic Area
- Hazards (Flooding - Evidence Required)
- Native Vegetation
- Prescribed Water Resources Area
- Water Protection Area

Variations

- Minimum Frontage (Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 12m; row dwelling is 10m; group dwelling is 25m; residential flat building is 25m)
- Minimum Site Area (Minimum site area for a detached dwelling is 500 sqm; semi-detached dwelling is 400 sqm; row dwelling is 350 sqm; group dwelling is 400 sqm; residential flat building is 400 sqm)
- Maximum Building Height (Levels) (Maximum building height is 1 level)

Application Contacts

Applicant(s)

Stakeholder info

Ms Jane Horder

[REDACTED]

Contact

Stakeholder info

Mr Jamie Robertson

[REDACTED]

Invoice Contact

Stakeholder info

Ms Jane Horder

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Land owners

Stakeholder info

Ms Jane Horder

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Nature Of Development

Nature of development

Proposed partial demolition of existing dwelling structures (roof structure) to allow for construction of new first floor addition, plus demolition of internal walls to allow for alterations to existing ground floor layout.

Development Details

Current Use

Residential

Proposed Use

Residential

Development Cost

\$250,000.00

Proposed Development Details

Proposed partial demolition of existing dwelling structures (roof structure) to allow for construction of new first floor addition, plus demolition of internal walls to allow for alterations to existing ground floor layout.

Element Details

You have selected the following elements

Dwelling alteration or addition - \$230,000.00

- Building Alterations
- Dwelling addition

Demolition - \$20,000.00

- Partial demolition of a building or structure

Alteration or addition

Please clarify the details of the alteration or addition:

Proposed construction of new first floor addition to include additional bedroom, living and bathroom spaces to accommodate growing family.

Demolition

Is the demolition for the whole of a building?

No

Septic/Sewer information submitted by applicant

Does this development require a new septic system or amendment to an existing septic system? i.e. septic tank and / or wastewater disposal area?

No

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?

No

Consent Details

Consent list:

- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at The Barossa Council

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?

Applicant

Building Consent

Do you wish to have your building consent assessed in multiple stages?

No

Apply Now?

No

Consent Order

Recommended order of consent assessments

1. Planning Consent

Do you have a pre-lodgement agreement?

No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Native Vegetation Declaration

The proposed development will not or would not, involve the clearance of Native Vegetation under the Native Vegetation Act 1991, including any clearance that may occur in connection with a relevant access point and/or driveway, and/or within 10m of a building (other than a residential building or tourist accommodation), and/or within 20m of a dwelling or addition to an existing dwelling for fire prevention and control, and/or within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

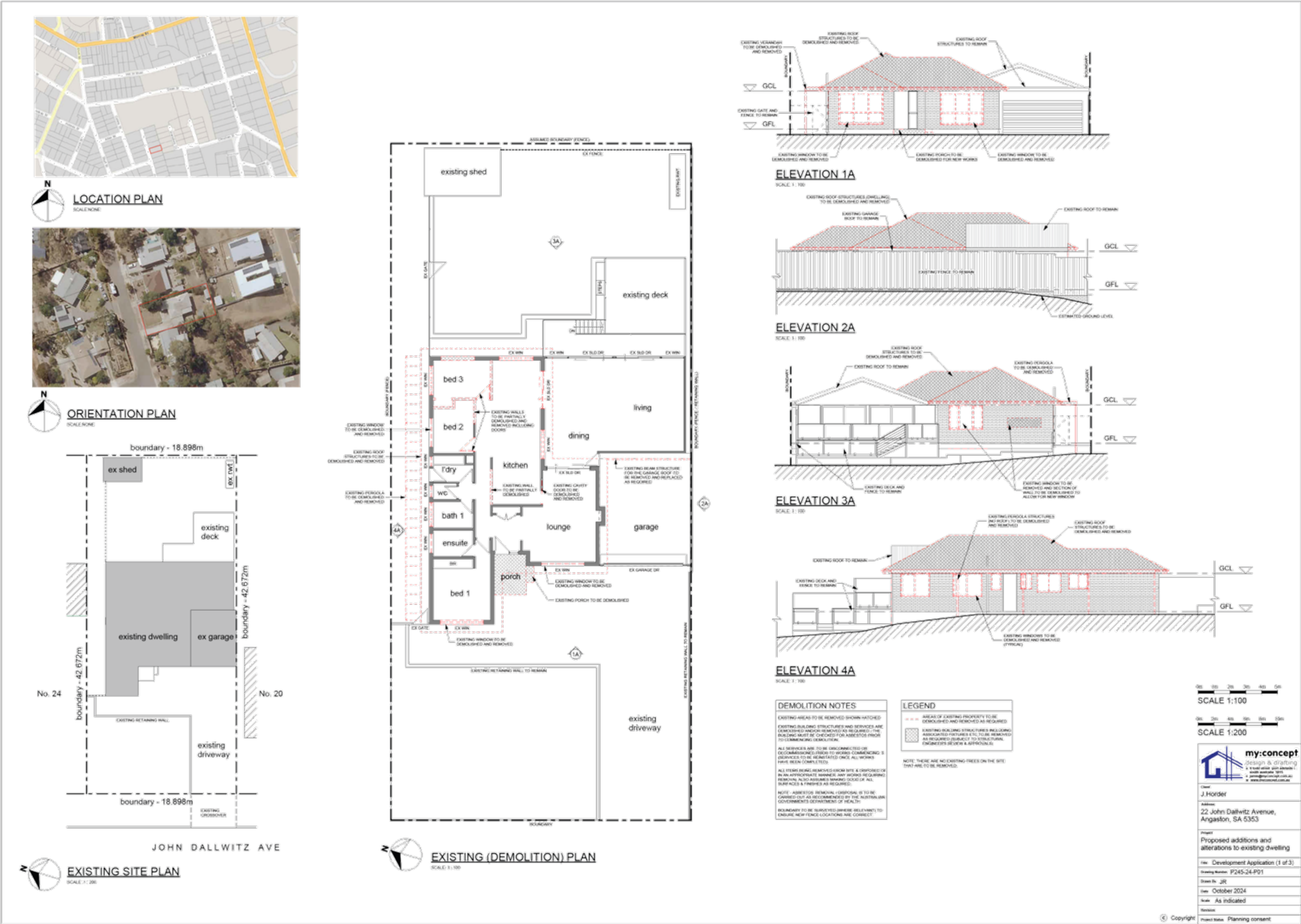
Documents

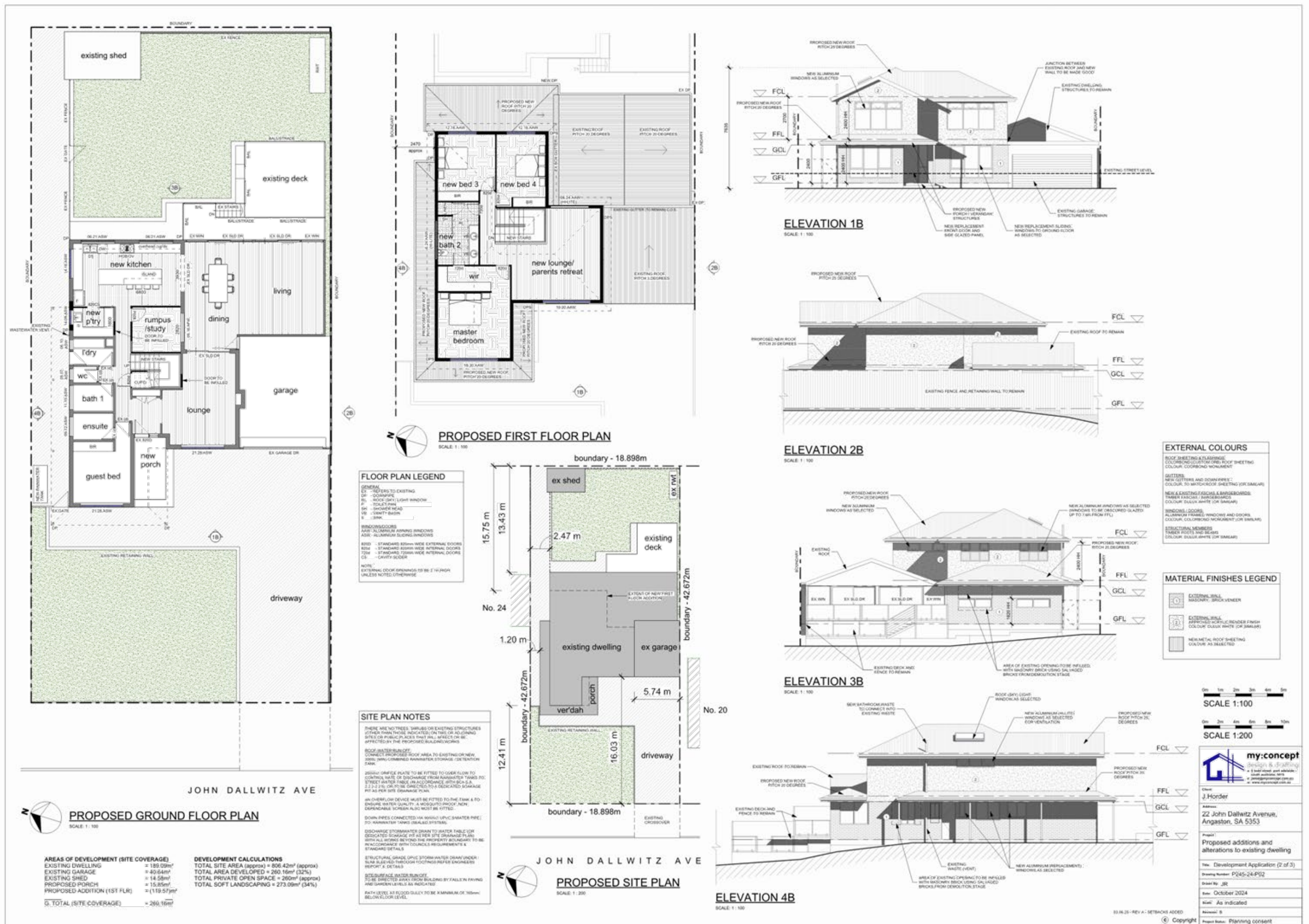
Document	Document Type	Date Created
P245- 24- HORDER_DA_issue_030225.pdf	All application documentation	3 Feb 2025 4:49 PM
Certificate of Title - 22 John Dallwitz Ave An gaston SA 5353.pdf	Certificate of Title	3 Feb 2025 4:49 PM

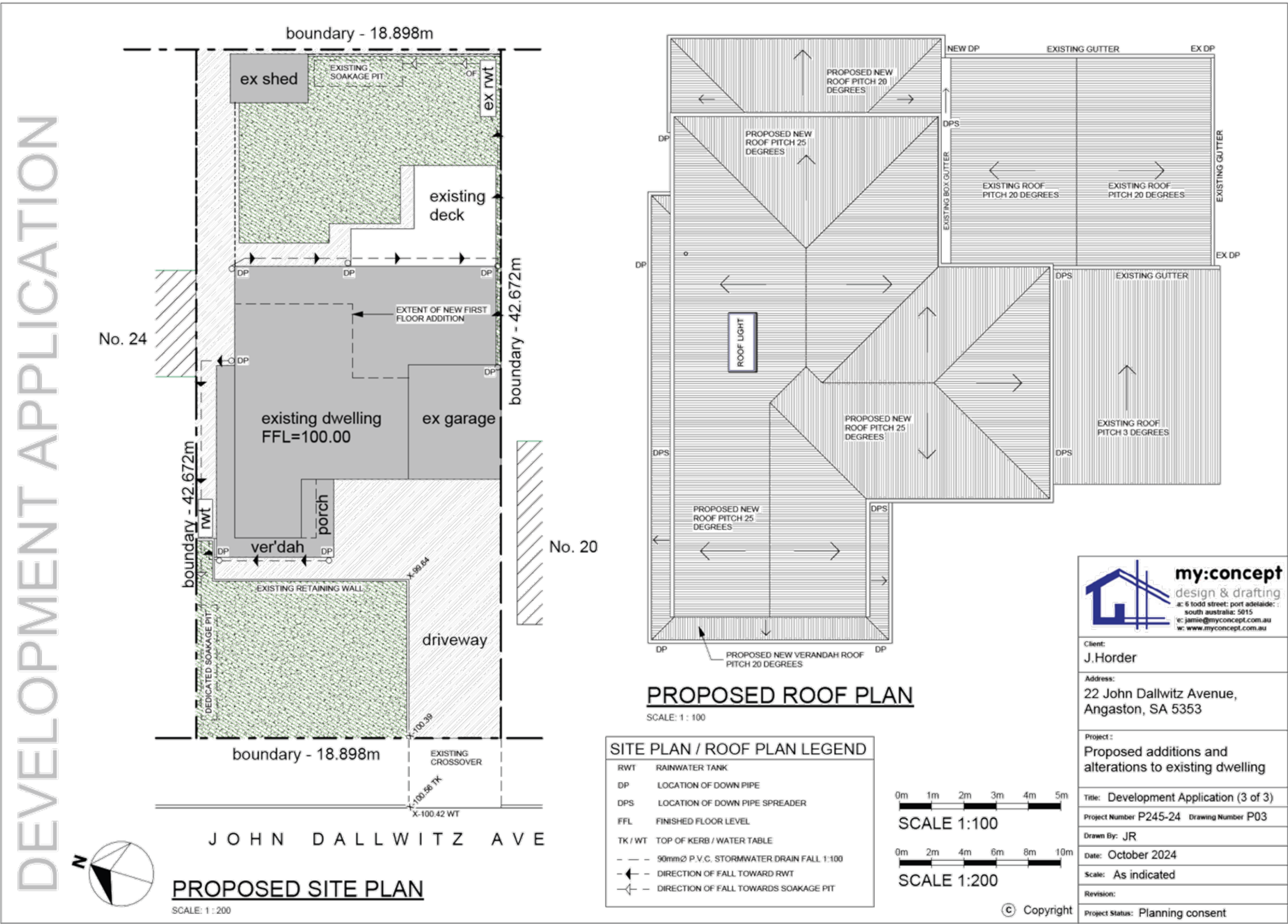
Application Created User and Date/Time

Created User
jamie.robertson

Created Date/Time
3 Feb 2025 4:49 PM







Supporting Statement for Development Application – 25002645

Property Address: 22 John Dallwitz Avenue, Angaston SA 5353



Project Overview

This development application seeks consent for the partial demolition of the existing roof structure to enable the construction of a new upper-level addition to an existing single-storey dwelling. The proposed addition includes 3 new bedrooms, a private lounge room and a second (shared) bathroom. Ground-level alterations comprise internal wall removals to allow for a larger open-plan kitchen with pantry and a new study room.

The owner of the property (the applicant) has lived in the area for 12 years and they are well established members of the Angaston Community.

They are seeking to expand their home to accommodate the needs of a growing family without relocating. The property is ideally situated near schools, recreational facilities, and essential services, making it a sustainable and community-centric choice for continued residency.

The proposed addition will not only significantly enhance the family's quality of life by providing essential additional living space, improved functionality, and privacy, but it will also enable the family to remain rooted in the Angaston community—close to schools, workplaces, recreational facilities, and social networks—for the foreseeable future, thereby supporting social continuity and local community cohesion.

Site and Contextual Analysis

Existing Dwelling

The property was originally built in 1979 and included 3 bedrooms, 2 bathrooms and a kitchen/dining and living room. The dwelling is constructed of double-brick / brick veneer, with aluminium single-glazed sliding windows/doors and concrete roof tiles, which is typical of other dwellings that are located on John Dallwitz Avenue. The property was recently extended to allow for a larger (open plan) dining and living space (entertaining area), which is more in keeping with modern day living requirements. The extension is constructed using lightweight construction methods and is relatively sympathetic to the architecture of the existing building and does not protrude past the existing building lines.

Site Topography

The property slopes significantly toward the rear, with a grade difference of approximately 1 metre from mid-block to the rear boundary. The existing finished floor level is lower than street level, limiting opportunities for rear extensions due to access constraints and disproportionate construction costs.

Construction Feasibility

The proposed works involve the removal of roof structures only. No trees, fences, or external structures will be affected. Mitigation measures will be implemented to minimise construction impacts such as dust, noise, and accessibility disruptions.

Planning and Design Code Assessment

The property is located within the Established Neighbourhood Zone, affected by the following overlays:

- Character Preservation District (Township)
- Historic Area Overlay (Baro2)
- Hazards (Flooding – Evidence Required)
- Native Vegetation
- Prescribed Water Resources Area
- Water Protection Area

The proposed development is classified as Performance Assessed, with assessment against the following key provisions:

Established Neighbourhood Zone – DTS/DPF Provisions

DTS/DPF 3.1 – Site Coverage

The proposed additions will not result in site coverage exceeding 50%.

DTS/DPF 4.1 – Building Height

While a maximum height of one building level is the default for this area, precedent exists with two-storey dwellings on adjacent lots. The proposal aligns with the existing neighbourhood character and the architectural style of the dwelling is adequately maintained.

DTS/DPF 4.2 – Design of Second Level Additions

The new upper level cannot be contained within the existing roof space due to the shallow roof pitch (25°), which prohibits practical conversion. Attempting to comply would yield a compromised and uneconomic outcome.

DTS/DPF 8.1 – Side Setbacks

Ground-floor walls are set back a minimum of 900mm. First-floor setbacks comply with the required 900mm + 1/3 wall height formula, mitigating overshadowing and visual impact.

DTS/DPF 9.1 – Rear Setbacks

Rear setbacks exceed minimums—4m (ground) and 6m (first floor).

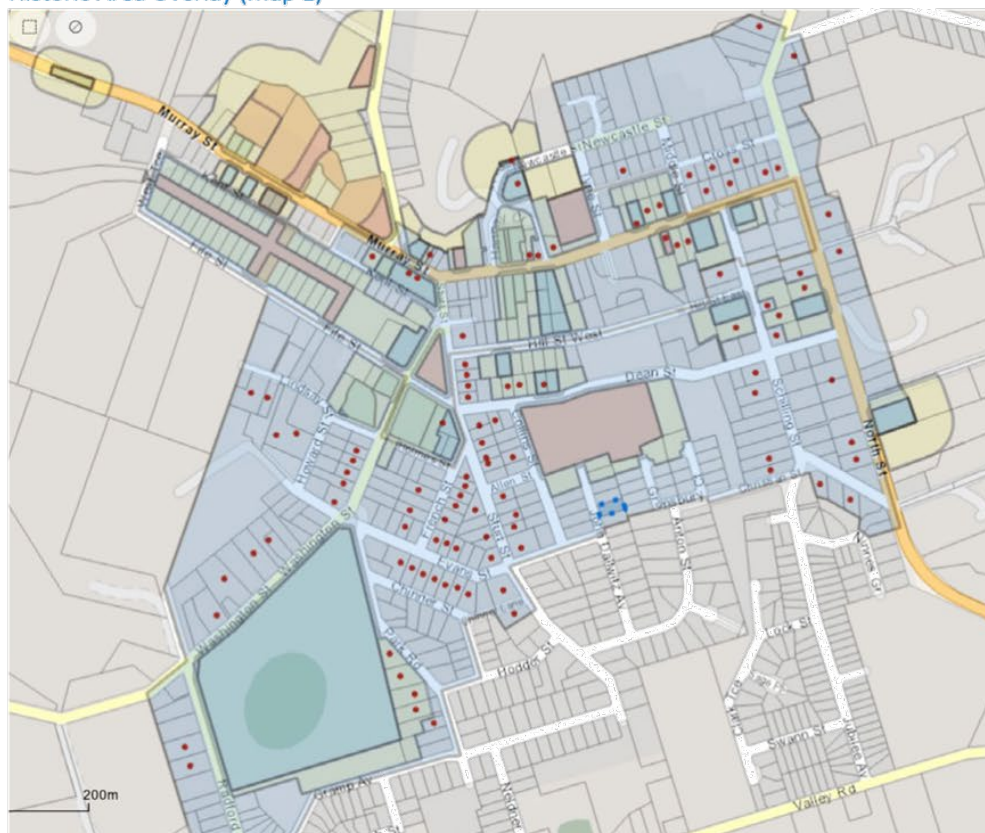
Overlays – Character and Heritage Context**Character Preservation District & Historic Area Overlay (Baro2)**

The subject site is located centrally to Angaston (a Character Preservation District) and is in an Historic Area Overlay.

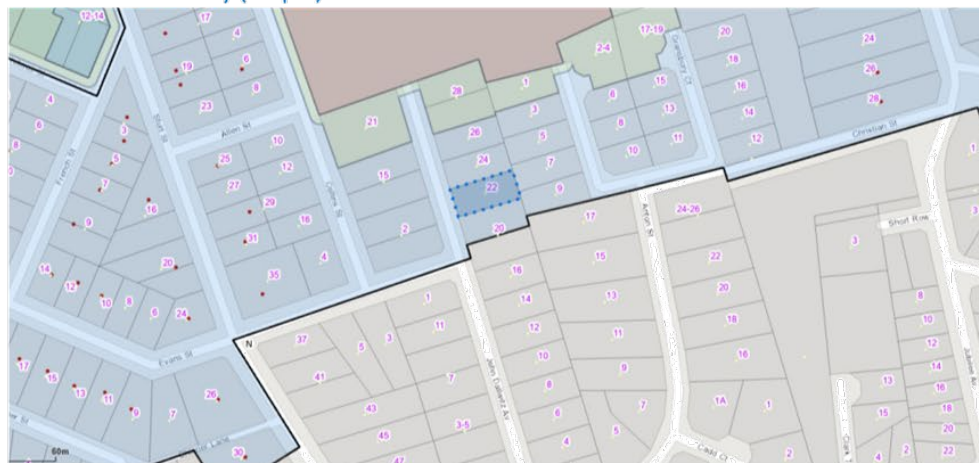
Please refer to the Historic Overlay Maps below (taken from Plan SA portal). The existing property is highlighted using blue (dots).

The property sits on the fringe of the Historic Area Overlay (Baro2 - highlighted in shaded blue), but is not listed as a State Heritage Place (highlighted in orange) or Local Heritage Place (highlighted in green), nor is it within the Heritage Adjacency Area (highlighted in yellow). It is also not listed as a 'Representative Building' within the Historic Area Overlay (normally indicated with red dot).

Historic Area Overlay (Map 1)

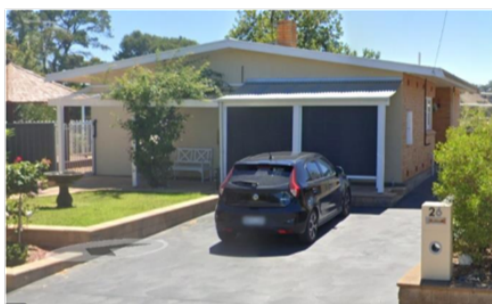


Historic Area Overlay (Map 2)



Characteristics of the locality

The architectural character of John Dallwitz Avenue includes a mix of single and double-storey dwellings with varied cladding (brick, render, weatherboard) and roofing types (hipped/gabled, tiled/sheet).



Character of other adjacent properties

The areas of recent and new development at Gransbury Road, are directly adjacent and parallel to John Dallwitz Avenue, they consist of a mixture of single storey and two storey developments. Those properties that are two-storey, are located directly behind the existing property at 22 John Dallwitz Avenue.

Note: these properties are also located within the fringe of the Historical Area Overlay, but the architectural design of these properties are modern and unique and do not reflect any heritage or other architectural features that are consistent within the requirements set out in the design guidelines for the Historic Overlay. The recent two-storey development sets a new precedent for height and form within the Established Neighbourhood Zone.

Images: Properties at 3, 5 and 7 Gransbury Road



Urban Design and Amenity Provisions

DTS/DPF 10.1 & 10.2 – Visual Privacy and Overlooking

Upper-level windows adjacent to residential lots will be designed with fixed obscure glazing to 1.5m or raised sill heights, in accordance with visual privacy guidelines.

DTS/DPF 21.1 – Private Open Space

More than 60m² of private open space is maintained, consistent with policy requirements.

DTS/DPF 22.1 – Landscaping

The development retains over 25% of the site as soft landscaping.

Summary and Justification

This proposal demonstrates a context-sensitive response to local planning objectives by enhancing the functionality of an existing residence while preserving neighbourhood character and residential amenity. The proposed design:

- Aligns with the Planning and Design Code's intent for efficient use of land within the established neighbourhood;
- Acknowledges and responds to topographical constraints which limit development to the rear of the site;
- Adopts design features that are sympathetic to the characteristics of the street, whilst minimising impacts on neighbours;
- Maintains compliance with key performance objectives related to setbacks, site coverage, privacy (overlooking), and landscaping.

We respectfully request that the application be assessed on its merits, noting comparable nearby developments that have been approved under similar conditions. The applicant is open to design refinements—including façade treatments and materials—if deemed necessary to further integrate the proposal into its context.



Product Register Search (CT 5220/135)
Date/Time 27/01/2025 05:13PM
Customer Reference
Order ID 20250127000758



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5220 Folio 135

Parent Title(s) CT 2903/63
Creating Dealing(s) CONVERTED TITLE
Title Issued 13/10/1994 Edition 12 Edition Issued 23/09/2020

Estate Type

FEE SIMPLE

Registered Proprietor

JANE KATHLEEN RYAN
OF 22 JOHN DALLWITZ AVENUE ANGASTON SA 5353

Description of Land

ALLOTMENT 5 DEPOSITED PLAN 5696
IN THE AREA NAMED ANGASTON
HUNDRED OF MOOROOO

Easements

NIL

Schedule of Dealings

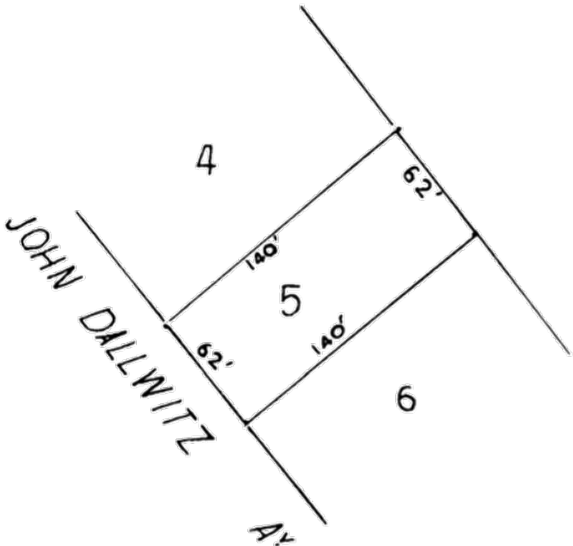
Dealing Number	Description
13372863	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Product Register Search (CT 5220/135)
Date/Time 27/01/2025 05:13PM
Customer Reference
Order ID 20250127000758



DISTANCES ARE IN FEET AND INCHES
FOR METRIC CONVERSION
1 FOOT = 0.3048 metres
1 INCH = 0.0254 metres

7. REPORTS – REVIEW OF ASSESSMENT MANAGER DECISIONS (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

Nil.

8. REPORTS – PANEL UPDATES

Nil.

9. REPORTS – OTHER BUSINESS

Nil.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 7 October 2025 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.