

South Australia

# **Planning, Development and Infrastructure (General) (Ancillary Accommodation and Schedule 6A) Amendment Regulations 2023**

under the *Planning, Development and Infrastructure Act 2016*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Ancillary Accommodation and Schedule 6A) Amendment Regulations 2023*.

### **2—Commencement**

These regulations come into operation on the day on which they are made.

## Part 2—Amendment of *Planning, Development and Infrastructure (General) Regulations 2017*

### 3—Amendment of regulation 3A—Application of Act (section 8)

Regulation 3A(3a) and (4)—delete subregulations (3a) and (4) and substitute:

- (4) Pursuant to section 8(2)(b) of the Act, section 215 of the Act applies with the following prescribed variation:

Section 215—after subsection (4) insert:

- (5) Subsection (4) does not apply to prevent a person who owns ancillary accommodation from entering into an agreement for the residential occupation of the ancillary accommodation (such as a residential tenancy agreement or rooming house agreement (both within the meaning of the *Residential Tenancies Act 1995*)) with a person who is not a resident, or associated with a resident, of the dwelling in respect of which the accommodation is ancillary, or with any other person.
- (5) In this regulation—
- ancillary accommodation* has the same meaning as in the Planning and Design Code;
- prescribed separation distance*, in relation to a building, means the separation distance that applies to the building under the Building Code for the purpose of determining requirements for fire-resistance of building elements under the Code;
- sole occupancy unit* has the same meaning as in the Building Code.

### 4—Amendment of Schedule 6A—Accepted development

- (1) Schedule 6A, clause 3(1)—delete "subclauses." and substitute:

subclauses, but not if—

- (c) a building envelope plan (as defined in regulation 19A(5)) exists in relation to the site; or
- (d) the dwelling is in the State Heritage Area Overlay, State Heritage Place Overlay or Local Heritage Place Overlay under the Planning and Design Code.
- (2) Schedule 6A, clause 3(2)(b)—delete paragraph (b)
- (3) Schedule 6A, clause 3(3)(b)—delete "3 m" and substitute:
- 5 m

- (4) Schedule 6A, clause 3—after subclause (4) insert:
- (4a) If the dwelling is in the Hazards (Flooding) Overlay, Hazards (Flooding - Evidence Required) Overlay or the Hazards (Flooding - General) Overlay under the Planning and Design Code, finished floor level is 300 mm above the highest point of the kerb of the primary street.
- (5) Schedule 6A, clause 3—after subclause (6) insert:
- (6a) Building walls not located on side boundaries are set back—
- (a) if the wall height does not exceed 3 m—at least 900 mm from a side boundary; or
- (b) in any other case—at least 900 mm from a side boundary plus a distance of one-third of the extent to which the height of the wall exceeds 3 m from the top of the footings.
- (6) Schedule 6A, clause 3—after subclause (9) insert:
- (9a) A living room of the dwelling incorporates a window with an outlook towards the street frontage, private open space, public open space or waterfront areas.
- (7) Schedule 6A, clause 3—after subclause (13) insert:
- (13a) Car parking spaces for the dwelling enclosed by fencing, walls or other obstructions have the following internal dimensions:
- (a) for a single parking space—
- (i) a minimum length of 5.4 m; and
- (ii) a minimum width of 3 m; and
- (iii) a minimum garage door width of 2.4 m;
- (b) for a double parking space (that consists of side-by-side spaces)—
- (i) a minimum length of 5.4 m; and
- (ii) a minimum width of 5.5 m; and
- (iii) a minimum garage door width of 2.4 m per space.
- (13b) Car parking spaces for the dwelling that are uncovered have the following internal dimensions:
- (a) a minimum length of 5.4 m;
- (b) a minimum width of 2.4 m;
- (c) a minimum width between the centreline of the space and any fence, wall or other obstruction of 1.5 m.
- (13c) Garages and carports facing a street—
- (a) are situated so that no part of the garage or carport is in front of any part of the building line of the dwelling; and

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- (b) are set back at least 5.5 m from the boundary of the primary street; and
  - (c) have a garage door or opening width not exceeding 7 m; and
  - (d) have a garage door or opening width not exceeding 50% of the site frontage unless the dwelling has 2 or more building levels at the building line fronting the same street.
- (8) Schedule 6A, clause 3—after subclause (14) insert:
  - (14a) Vehicle access to designated car parking spaces satisfies either of the following:
    - (a) is provided via a lawfully existing or authorised access point for which consent has been granted as part of an application for the division of land;
    - (b) if newly proposed—
      - (i) is set back 6 m or more from the tangent point of an intersection of 2 or more roads; and
      - (ii) is set back outside of the marked lines or infrastructure dedicating a pedestrian crossing; and
      - (iii) does not involve the removal or relocation of, or damage to, a mature street tree, street furniture or utility infrastructure services.
  - (14b) Driveways and access points on sites with a frontage to a public road of 10 m or less have a width of between 3 and 3.2 m measured at the property boundary and are the only access points provided on the site.

**Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 16 November 2023

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