

South Australia

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

under the *Planning, Development and Infrastructure Act 2016*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement

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

- 3 Amendment of Schedule 6A—Accepted development
    - 3 Dwellings in certain zones
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Planning, Development and Infrastructure (General) (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 Schedule 6A—Accepted development**

Schedule 6A—after clause 2 insert:

#### **3—Dwellings in certain zones**

- (1) The construction of a detached dwelling in—
  - (a) a Master Planned Neighbourhood Zone or a Master Planned Township Zone under the Planning and Design Code; or
  - (b) a zone or area designated by the Minister by notice published in the Gazette,

if the development is in accordance with the following subclauses.

- (2) The development will not result in more than 1 dwelling on—
  - (a) an existing allotment; or
  - (b) an allotment granted a development authorisation under the Act.
- (3) The setback of the dwelling from the primary street boundary is at least—
  - (a) where the allotment adjoins a public reserve greater than 2 000 m<sup>2</sup> (including where the allotment would adjoin a reserve if not separated by a public road), the dwelling faces that reserve and access is provided to the rear of the allotment—1.5 m; or
  - (b) in any other case—3 m.
- (4) For the purposes of subclause (3), any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 m into the minimum setback prescribed.
- (5) Building walls (except for ancillary buildings and structures) are set back at least 900 mm from a secondary street boundary.
- (6) Building walls (except for ancillary buildings and structures) on side boundaries satisfy either of the following:
  - (a) adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height;
  - (b) do not—
    - (i) exceed 3 m in wall height; and
    - (ii) exceed 11.5 m in length; and
    - (iii) with respect to all boundary walls on the same boundary, exceed 45% of the total length of the boundary; and
    - (iv) encroach within 3 m of any other existing or proposed boundary walls on the subject land.
- (7) Building walls are set back from the rear boundary at least—
  - (a) 3 m for the first building level or 0 m where the rear boundary adjoins a laneway; and
  - (b) 5 m for any second building level or 0 m where the rear boundary adjoins a laneway.
- (8) A dwelling does not exceed the following:
  - (a) a maximum building height of 2 building levels or 9 m;
  - (b) a wall height of 7 m (except where a gable end).
- (9) Each dwelling with a frontage to a public street—
  - (a) includes at least 1 window facing the primary street from a habitable room; and

- (b) has an aggregate window area of at least 2 m<sup>2</sup> facing the primary street.
- (10) Upper level windows facing side or rear boundaries shared with another residential allotment or site—
  - (a) are permanently obscured to a height of 1.5 m above finished floor level and are fixed or not capable of being opened more than 125 mm; or
  - (b) have sill heights greater than or equal to 1.5 m above finished floor level; or
  - (c) incorporate screening to a height of 1.5 m above finished floor level.
- (11) If the dwelling exceeds 1 building level, any balconies satisfy at least 1 of the following:
  - (a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15 m wide in all places faced by the balcony or terrace;
  - (b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency or openings fixed to a minimum height of—
    - (i) if the balcony is located at least 15 m from the nearest habitable window of a dwelling on adjacent land—1.5 m above finished floor level; or
    - (ii) in all other cases—1.7 m above finished floor level.
- (12) Private open space is provided in accordance with the following:
  - (a) the total private open space area must be—
    - (i) if the site area is less than 301 m<sup>2</sup>—24 m<sup>2</sup> located behind the building line; or
    - (ii) in any other case—60 m<sup>2</sup> located behind the building line;
  - (b) the private open space area that is directly accessible from a living room must be at least 16 m<sup>2</sup> with a minimum dimension of 3 m.
- (13) Car parking spaces are provided on-site as part of the development at a rate no less than—
  - (a) in the case of a 1 bedroom dwelling—1 space per dwelling; or
  - (b) in any other case—2 spaces per dwelling, 1 of which must be covered.

- (14) Vehicle access to car parking spaces is located—
- (a) 500 mm or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the infrastructure owner; and
  - (b) 2 m or more from the base of the trunk of a street tree unless consent is provided from the tree owner; and
  - (c) 6 m or more from the tangent point of an intersection of 2 or more roads or a pedestrian-actuated crossing; and
  - (d) so that access is not obtained from, and is located at least 25 m from, the tangent point of any State Maintained Road.
- (15) Driveways are designed and sited so that—
- (a) the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport is not steeper than 1:4 on average; and
  - (b) the driveways are aligned relative to the street boundary so that there is no more than a 20 degree deviation from 90 degrees between the centreline of any dedicated car parking space to which it provides access (measured from the front of that space) and the street boundary.
- (16) Development does not involve any of the following:
- (a) excavation exceeding a vertical height of 1 m;
  - (b) filling exceeding a vertical height of 1 m;
  - (c) a total combined excavation and filling vertical height of 2 m or more.
- (17) 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.
- (18) A dwelling is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the development.
- (19) Development is connected, or will be connected, to an approved common waste water disposal service with the capacity to meet the requirements of the development.

- (20) Where the Native Vegetation Overlay or State Significant Native Vegetation Overlay under the Planning and Design Code applies in relation to the relevant site or allotment, the 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 or driveway; or
    - (ii) within 20 m of a dwelling for fire prevention and control; or
    - (iii) within 50 m of residential accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area; 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.
- (21) Terms used in this clause and in the Planning and Design Code have the same meaning in this clause as they have in the Code.

**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**

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

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