

DRAFT - FOR EARLY COMMENCEMENT

Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment

Chief Executive, Department for Trade and Investment

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Adopted for early commencement by:




Hon Nick Champion MP

Minister for Planning

23/2/24

OFFICIAL

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HAVE YOUR SAY

This Code Amendment is on consultation from 29 February 2024 to 5:00 pm 15 April 2024.

During this time, you are welcome to lodge a written submission about any of the changes proposed in this Code Amendment.

Submissions can be made:

- online at plan.sa.gov.au/en/codeamendments
- by email to plansasubmissions@sa.gov.au
with subject "Submission – Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment"
- by post mailed to:
*Code Amendment Team
Planning and Land Use Services Division
Department for Trade and Investment
GPO Box 1815, Adelaide SA 5001*

Questions regarding the Code Amendment can be directed to the PlanSA Service Desk on 1800 752 664 or plansa@sa.gov.au

1. WHAT IS THE PLANNING AND DESIGN CODE?

The Planning and Design Code (the Code) sets out the rules that determine what landowners can do on their land.

For instance, if you want to build a house, the Code rules will tell you how high you can build and how far back from the front of your land your house will need to be positioned. The Code will also tell you if any additional rules apply to the area where your land is located. For example, you might be in a high bushfire risk area or an area with specific rules about protecting native vegetation.

1.1. Planning and Design Code Framework

The Code is based on a framework that contains various elements called overlays, zones, sub zones and general development policies. Together these elements provide all the rules that apply to a particular parcel of land. Information about how the Code works is available on the [PlanSA website](#).

1.2. Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy trumps the zone policy.

1.3. Zones

Zones are areas that share common land uses and in which specific types of development are permitted. Zones are the main element of the Code and will be applied consistently across the state.

For example, a township zone for Andamooka can be expected to apply to similar townships like Carrieton. Each zone includes information (called classification tables) that describes the types of development that are permitted in that zone and how they will be assessed.

1.4. Subzones

Subzones enable variation to policy within a zone, which may reflect local characteristics. An example is Port Adelaide centre, which has many different characteristics to typical shopping centres due to its maritime activities and uses.

1.5. General Development Policies

General development policies outline functional requirements for development, such as the need for car parking or wastewater management. While zones determine what development can occur in an area, general development policies provide guidance on how development should occur.

1.6. Land Use Definitions and Administrative Terms and Definitions

Land use and administrative definitions are contained in Part 7 and Part 8 of the Code, respectively, and provide clarity on the terms used in the Code.

Not all forms of development and terms are defined; definitions are provided where the ordinary meaning of a term is not sufficient to guide the desired policy/regulatory outcome.

Some definitions are also located in the Act and its associated regulations.

1.7. Amending the Planning and Design Code

The Planning, Development and Infrastructure Act 2016 (the Act) provides the legislative framework for undertaking amendments to the Code. With approval of the Minister for Planning (the Minister) the Chief Executive of the Department for Trade and Investment (the Department), a Council, Joint Planning Board, Government Agency or private proponent may initiate an amendment to the Code and undertake a Code Amendment process.

The Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment (the Code Amendment) was initiated by the Minister for Planning on 7 February 2024.

An approved Proposal to Initiate defined the scope of the Amendment and prescribed the investigations which must occur to enable an assessment of whether the Code Amendment should take place and in what form. A copy of the Proposal to Initiate the Code Amendment can be downloaded from:

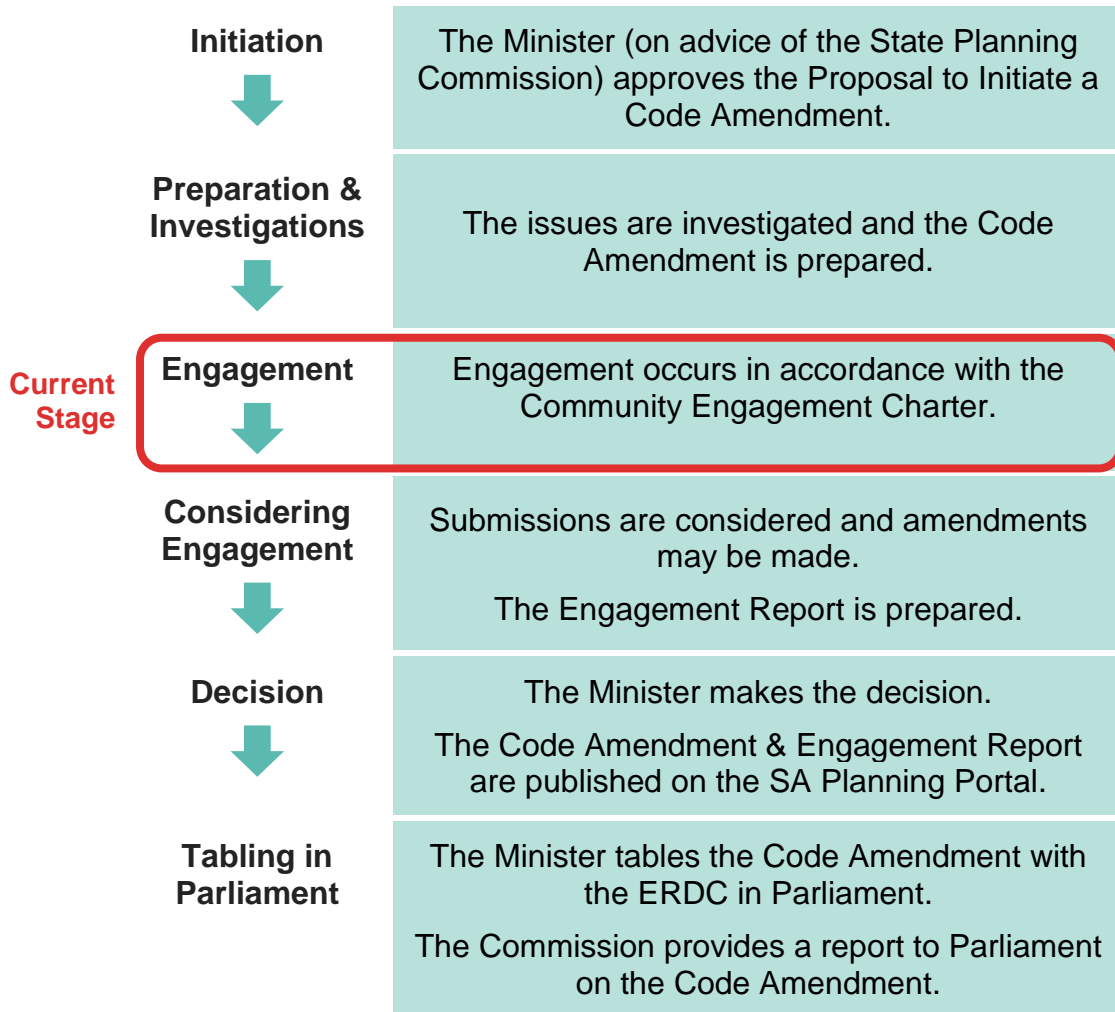
https://plan.sa.gov.au/have_your_say/general_consultations

The State Planning Commission (the Commission) is responsible under the Act for ensuring the Code is maintained, reflects contemporary values relevant to planning, and readily responds to emerging trends and issues.

The Commission provided independent advice to the Minister for Planning on the Proposal to initiate the Code Amendment. The Commission will also provide a report on the Code Amendment (including compliance with the Community Engagement Charter) at the final stage of the Code Amendment process.

A summary of the Code Amendment process is outlined in **Figure 1**.

Figure 1. Summary of the Code Amendment process



2. WHAT IS PROPOSED IN THIS CODE AMENDMENT?

2.1. Need for the amendment

Ancillary Accommodation

Under Part 7 – Land Use Definitions of the Code, ancillary accommodation:

Means accommodation that:

- a) *is located on the same allotment as an existing dwelling; and*
- b) *is not a self-contained residence; and*
- c) *contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and*
- d) *is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.*

The requirement for ancillary accommodation to not be a self-contained residence was introduced by the recently approved Miscellaneous Technical Enhancement Code Amendment, which altered the previous definition for ancillary accommodation by:

- Inserting the words “is not a self-contained residence” at clause b), and
- Changing the wording of clause c) from:

“is subordinate to and shares the same utilities of the existing dwelling”

to

“is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling”

The change to explicitly state that ancillary accommodation is not self-contained, as well as to specify the nature of utilities which must be shared, was requested by some to clarify that ancillary accommodation is not an independent dwelling. This reflected the existing dwelling definition (meaning a building or part of a building used as a self-contained residence), which excluded ancillary accommodation from being a dwelling and therefore precluded it from being self-contained.

As the term ‘self-contained’ is not defined in the Code, it bears its ordinary meaning for the purposes of planning assessment. While the fundamental elements of what makes a residence ‘self-contained’ are not outlined under the Code, a residence is likely to be ‘self-contained’ (according to its ordinary meaning) if it has its own kitchen, bathroom and lavatory that is complete within itself and does not necessitate sharing.

Given the current housing crisis, as well as the need for a greater range of housing options to support both housing affordability and ageing in place, it is considered reasonable that the Code should support self-contained ancillary accommodation.

The Code Amendment has reviewed the existing definition of ancillary accommodation to facilitate small, self-contained housing units on allotments that are shared with an existing dwelling.

Student Accommodation

Under Part 7 – Land Use Definitions of the Code, student accommodation:

Means premises used to accommodate students in room or dormitory style accommodation that is not self-contained and that includes common facilities for shared use by student occupants such as:

- a) *shared cooking facilities and/or the provision of meals;*
- b) *common rooms and recreation areas;*
- c) *shared laundry facilities or a laundry service; or*
- d) *shared bathroom facilities*

The requirement for student accommodation to not be self-contained has existed since the definition of 'student accommodation' was introduced at the commencement of the Code in March 2021.

Recent student accommodation proposals have sought to incorporate small kitchenettes in individual dormitory units, meaning that these rooms would be considered self-contained, and therefore would no longer fall within the definition of student accommodation. It is considered reasonable for individual rooms to be self-contained, while ensuring that shared facilities, services, and common areas are still provided.

2.2. Affected Area

The whole of the state will be affected by the Code Amendment given it seeks to amend the land use definitions for ancillary accommodation and student accommodation contained within *Part 7 – Land Use Definitions* in the Code.

2.3. Summary of proposed policy changes

2.3.1. Current Code Policy

Ancillary accommodation

Ancillary accommodation is defined under Part 7 – Land Use Definitions of the Code:

Means accommodation that:

- a) is located on the same allotment as an existing dwelling; and*
- b) is not a self-contained residence; and*
- c) contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and*
- d) is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.*

Student accommodation

Student accommodation is defined under Part 7 – Land Use Definitions of the Code:

Means premises used to accommodate students in room or dormitory style accommodation that is not self-contained and that includes common facilities for shared use by student occupants such as:

- a) shared cooking facilities and/or the provision of meals;*
- b) common rooms and recreation areas;*

- c) *shared laundry facilities or a laundry service; or*
- d) *shared bathroom facilities.*

2.3.2. Proposed Code Policy

The Code Amendment proposes to amend the definitions for ancillary accommodation and student accommodation as follows (deleted text shown in ~~red strikethrough~~ and new text in green underlined):

➤ Ancillary accommodation

Means accommodation that:

- a) *is located on the same allotment as an existing dwelling; and*
- b) ~~is not~~ can be (but need not be) *a self-contained residence; and*
- c) *contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and*
- a) *is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.*

➤ Student accommodation:

Means premises used to accommodate students in room or dormitory style accommodation that ~~is not~~ can be (but need not be) self-contained and that includes common facilities for shared use by student occupants such as:

- d) *shared cooking facilities and/or the provision of meals;*
- e) *common rooms and recreation areas;*
- f) *shared laundry facilities or a laundry service; or*
- g) *shared bathroom facilities.*

In the Rural Zone, Productive Rural Landscape Zone and Rural Horticulture Zone, a new policy is proposed to be applied to ancillary accommodation requiring it not be set back further than 20 metres from an existing dwelling. This policy mirrors the same policy that applies to a second dwelling on an allotment in these zones.

The proposed Code policy amendments are detailed in [Attachment B](#).

It is noted that a further Code Amendment is intended to be progressed by the State Planning Commission in 2024 to review policy in the Code to further support the establishment of self-contained ancillary accommodation

and student accommodation, as well as providing new policy in the Code for build-to-rent housing. These policy changes will aim to further support the definition changes proposed by this Code Amendment.

3. WHAT ARE THE NEXT STEPS FOR THIS CODE AMENDMENT?

3.1. Early Commencement

This Code Amendment will commence operation on an interim basis following deployment on the planning portal on 29 Feb 2024 under section 78 of the Act. As a result, the amendments being proposed in this Code Amendment will apply for 12 months from the date of commencement, or until they are adopted (or otherwise) by the Minister.

This process is used when the Minister considers that the immediate application of the policy changes is necessary in the interests of orderly and proper development, and to counter applications for undesirable development ahead of the outcome of consideration of this Code Amendment by the Minister.

3.2. Engagement

Engagement on the Code Amendment must comply with the Community Engagement Charter (the Charter), as required under the Act. The Charter sets out the following principles for engagement:

- engagement is genuine
- engagement is inclusive and respectful
- engagement is fit for purpose
- engagement is informed and transparent
- engagement processes are reviewed and improved.

An Engagement Plan has been prepared for this Code Amendment to ensure that engagement will be conducted and measured against the principles of the Charter. For more information on the Community Engagement Charter go to the SA Planning Portal at (www.plan.sa.gov.au).

A summary of the engagement that is occurring for this Code Amendment is as follows:

- Code Amendment Portal (via the PlanSA portal)
- YourSAy consultation website
- Letters to all South Australian councils
- Letters to industry stakeholders
- Letters to relevant government agencies
- Social media campaign
- Newsletter articles

Staff from PlanSA are also available to discuss this Code Amendment and answer any questions.

3.3. How can I have my say on the Code Amendment?

There are several ways in which you can provide feedback on the Code Amendment.

Submissions can be made:

- online at plan.sa.gov.au/en/codeamendments
- by email to plansasubmissions@sa.gov.au
with subject "Submission – Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment"
- by post mailed to:
*Code Amendment Team
Planning and Land Use Services Division
Department for Trade and Investment
GPO Box 1815, Adelaide SA 5001*

3.4. What changes to the Code Amendment can my feedback influence?

Your feedback can influence the Code Amendment in the following ways:

- Changes to the ancillary accommodation and student accommodation land use definitions.

Feedback cannot influence instruments which are separate to the Code, such as the Act and its associated regulations.

3.5. What will happen with my feedback?

The Chief Executive is committed to undertaking consultation in accordance with the principles of the Community Engagement Charter and is genuinely open to considering the issues raised by people in the community.

All formal submissions will be considered by the Chief Executive when determining whether the proposed Code Amendment is suitable and whether any changes should be made.

Each submission will be entered into a register and you will receive an email acknowledging receipt of your submission. Your submission will be published on the SA Planning Portal. Personal addresses, email and phone numbers will not be published, however company details will be.

The Chief Executive will consider the feedback received in finalising the Code Amendment and will prepare an Engagement Report which will outline what was heard during consultation and how the proposed Code Amendment was changed in response to submissions, where relevant.

The Engagement Report will be forwarded to the Minister, and then published on the SA Planning Portal along with a copy of the submissions received.

3.6. Decision on the Code Amendment

Once the Engagement Report is provided to the Minister, the Commission may provide further advice to the Minister at the Minister's request, if the Code Amendment is considered significant.

The Minister will then either adopt the Code Amendment (with or without changes) or determine that the Code Amendment should not proceed. The Minister's decision will then be published on the SA Planning Portal.

If adopted, the Code Amendment will be referred to the Environment Resources and Development Committee of Parliament (ERDC) for review. The Commission will also provide the ERDC with a report on the Code Amendment.

4. ANALYSIS

4.1. Strategic Planning Outcomes

4.1.1. Summary of Strategic Planning Outcomes

Implement a policy framework that supports housing choice & affordability.

The proposed definition changes will support the establishment of both self-contained ancillary and student accommodation, along with ancillary and student accommodation that is not self-contained, to enable greater diversity in the establishment of these forms of housing that are currently not readily supported under the state's planning rules.

4.1.2. Consistency with the State Planning Policies

State Planning Policies define South Australia's planning priorities, goals and interests. They are the overarching umbrella policies that define the state's interests in land use. There are 16 State Planning Policies and six special legislative State Planning Policies.

These policies are given effect through the Code, with referral powers assigned to relevant Government Agencies (for example, the Environmental Protection Agency for contaminated land). The Code (including any Code Amendments) must comply with any principle prescribed by a State Planning Policy.

This Code Amendment is considered to be consistent with the State Planning Policies as shown in [Attachment C](#).

4.1.3. Consistency with Regional Plans

The directions set out in Regional Plans provide the long-term vision and set the spatial patterns for future development within a region. This can include land use integration, transport infrastructure and the public realm.

The Commission has identified that the existing volumes of the South Australian Planning Strategy, prepared under the *Development Act 1993*, will apply until such time as the new Regional Plans are prepared and adopted. Refer to the SA Planning Portal for more information on the Commission's program for implementing Regional Plans throughout South Australia.

Where there is conflict between a Regional Plan and the State Planning Policies, the State Planning Policies will prevail.

This Code Amendment is considered to be consistent with Regional Plans as shown in [Attachment C](#).

4.2. Investigations

4.2.1. Investigations undertaken

The extent of investigations that have been undertaken as part of the Code Amendment process have been agreed by the Minister in the Proposal to Initiate. In addition to this, the Commission has also specified certain investigations to be undertaken to support the Code Amendment.

The following investigations have been undertaken to inform this Code Amendment:

- Review and consideration of the interaction between Ancillary Accommodation and Student Accommodation and the various dwelling definitions in the Code, in particular dwelling, group dwelling and detached dwelling.
- Investigations into the compatibility of the revised definition for ancillary accommodation with zone Desired Outcomes and policy settings to ensure this does not result in unintended consequences including, but not limited to, detrimental fragmentation of the productive value of rural land and detrimental impact on natural environments.

4.2.2. Definition Review

Ancillary Accommodation

Part 7 – Land Use Definitions of the Planning and Design Code provides a range of land use definitions.

Ancillary accommodation is defined as follows:

Means accommodation that:

- a) is located on the same allotment as an existing dwelling; and*
- b) is not a self-contained residence; and*
- c) contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and*
- d) is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.*

Ancillary accommodation is excluded from the definition of a 'dwelling' provided by Part 7 of the Code (*which means a building or part of a building used as a self-contained residence*). As a consequence, ancillary accommodation is distinct in a land use sense from a dwelling.

This Code Amendment seeks to allow for ancillary accommodation to be a self-contained residence, but also retain flexibility to not be self-contained. It does this by proposing to amend part (b) of the ancillary accommodation definition to read "can be (but need not be) a self-contained residence".

The proposed definition for ancillary accommodation retains the exclusion from the dwelling definition, which serves two purposes. Firstly, it allows ancillary accommodation to still not be self-contained. Secondly, it preserves ancillary accommodation assessment pathways and policy without overlapping and interacting with dwelling related pathways and policy.

Recognising that both a dwelling and ancillary accommodation as proposed to be defined by this Code Amendment can be self-contained, it is important that clear differences are provided. Parts (a) and (d) of the ancillary accommodation definition provide the distinction - i.e. must be on the same allotment as the primary dwelling and is subordinate to and does not have separate connection to utilities and services.

Student Accommodation

In Part 7 – Land Use Definitions of the Planning and Design Code, Student accommodation is defined as follows:

Means premises used to accommodate students in room or dormitory style accommodation that is not self-contained and that includes common facilities for shared use by student occupants such as:

- a) shared cooking facilities and/or the provision of meals;*
- b) common rooms and recreation areas;*
- c) shared laundry facilities or a laundry service; or*
- d) shared bathroom facilities.*

Some recent development applications for student accommodation have sought to have features such as small kitchenette facilities (for a microwave oven and the like), which cannot be accommodated under the definition, in which case such a proposal would need to be considered a typical apartment dwelling and assessed according to the relevant provisions for that type of development.

This Code Amendment proposes to amend the student accommodation definition to remove the requirement to not be self-contained in a manner similar to the amendment proposed to the ancillary accommodation definition – i.e. so that either self-contained or not self-contained student accommodation can be captured under the definition.

It is therefore proposed to amend the introductory text of the student accommodation definition to read “Means premises used to accommodate students in room or dormitory style accommodation that can be (but need not be) self-contained and that includes common facilities for shared use by student occupants such as...”

4.2.3. Protection Of Productive Rural Land

The revised definition for ancillary accommodation is considered to be broadly compatible with zone Desired Outcomes (DOs) and policy settings in the Code. While the overarching DOs of the Code’s zones do not specifically mention ancillary accommodation (because such development is always ancillary to the underlying land use of residential/dwelling), it is important to consider whether changes to allow ancillary accommodation to be self-contained may have any unintended consequences.

Ancillary accommodation is considered to be most commonly developed in zones which provide a deemed-to-satisfy pathway for ancillary accommodation. These generally include neighbourhood-type zones, township zones and rural zones.

Self-contained ancillary accommodation is considered to be compatible with the overarching policy settings in neighbourhood-type zones, which envisage dwellings and associated ancillary structures as the primary land use. Design and siting parameters will continue to apply, ensuring consistency with these zones’ desired built form and scale settings.

Self-contained ancillary accommodation is also considered appropriate in township zones as dwellings with ancillary structures are also envisaged in these zones, in addition to community, retail, business, commercial and light industry uses and facilities (noting ancillary accommodation can must be ancillary to an associated dwelling).

Rural zones (namely the Rural Zone, Rural Horticulture Zone and Productive Rural Landscape Zone) primarily anticipate primary production

land uses, with dwellings only envisaged for landowners to manage an associated primary production/rural related activity, in order to maintain the long-term purpose of the zone for primary production. Accordingly, consideration should be given to limiting the impacts of ancillary accommodation on productive rural lands.

Certain rural type zones contain provisions that allow for a second dwelling to be established on an allotment to support ageing in place for the owner of the allotment or multi-generational management of farms in a manner that minimises the potential loss of land available for primary production. One of the DTS/DPF criteria for a second dwelling is for it to be sited in proximity to the existing dwelling (not more than 20 metres separation). This is aimed at minimising the risk of future land division creating a separate allotment for the second dwelling which would otherwise contribute to fragmentation of rural land, which rural type zones seek to guard against.

Under the current ancillary accommodation definition, the requirement to not be self-contained prevents independent accommodation being established. However, under the proposed new definition, although it is highly unlikely given requirements to be connected to the same services and utilities as the primary dwelling, it may be possible for an ancillary accommodation building to be sited somewhat separately from the primary dwelling. In such instances it is possible a future land division could seek to establish a new residential allotment around the ancillary accommodation, presenting potential risk of fragmentation.

To guard against this risk it is proposed to include a requirement for ancillary accommodation to be not setback more than 20m from the primary dwelling in the relevant rural zones (Rural Zone, Productive Rural Landscape Zone, and Rural Horticulture Zone). The policy used for assessment of ancillary accommodation in rural zones is found in PO and DTS/DPF 13.1 of the Design General Development Policies and PO & DTS/DPF 19.1 in the Design in Urban Areas General Development Policies.

This will ensure essentially the same outcome is achieved for ancillary accommodation as is currently required for second dwellings in rural zones.

ATTACHMENT A – CURRENT CODE POLICY

Student accommodation and ancillary accommodation are assessed against a range of policies within the Code. Policies related to built form, floor area, setbacks, site coverage, common facilities and other matters are contained within the Code's zones, subzones, overlays and general development policies. These policies are not proposed to be altered through this Code Amendment.

For ancillary accommodation, DTS/DPF 13.1 in the Design General Development Policies or DTS/DPF 19.1 in the Design in Urban Areas General Development Policies provide a typical example of the key assessment parameters:

Ancillary buildings:

- a) *are ancillary to a dwelling erected on the same site*
- b) *have a floor area not exceeding 60m²*
- c) *are not constructed, added to or altered so that any part is situated:*
 - i. *in front of any part of the building line of the dwelling to which it is ancillary*
 - or
 - ii. *within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)*
- d) *in the case of a garage or carport, the garage or carport:*
 - i. *is set back at least 5.5m from the boundary of the primary street*
 - ii. *when facing a primary street or secondary street, has a total door / opening not exceeding:*
 - A. *for dwellings of single building level - 7m in width or 50% of the site frontage, whichever is the lesser*
 - B. *for dwellings comprising two or more building levels at the building line fronting the same public street - 7m in width*
- e) *if situated on a boundary (not being a boundary with a primary street or secondary street), do not exceed a length of 11.5m unless:*
 - i. *a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary*
 - and
 - ii. *the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent*
- f) *if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary will not exceed 45% of the length of that boundary*
- g) *will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure*
- h) *have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end)*

- i) have a roof height where no part of the roof is more than 5m above the natural ground level
- j) if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour
- k) retains a total area of soft landscaping in accordance with (i) or (ii), whichever is less:
 - i. a total area as determined by the following table:

Dwelling 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%
201-450	20%
>450	25%

- ii. the amount of existing soft landscaping prior to the development occurring.

For student accommodation, PO and DTS/DPF 41.1 of Design in Urban Areas General Development Policies outline some key policies:

Student Accommodation	
<p>PO 41.1</p> <p><i>Student accommodation is designed to provide safe, secure, attractive, convenient and comfortable living conditions for residents, including an internal layout and facilities that are designed to provide sufficient space and amenity for the requirements of student life and promote social interaction.</i></p>	<p>DTS/DPF 41.1</p> <p><i>Student accommodation provides:</i></p> <ul style="list-style-type: none"> a) <i>a range of living options to meet a variety of accommodation needs, such as one-bedroom, two-bedroom and disability access units</i> b) <i>common or shared facilities to enable a more efficient use of space, including:</i> <ul style="list-style-type: none"> i. <i>shared cooking, laundry and external drying facilities</i> ii. <i>internal and external communal and private open space provided in accordance with Design in Urban Areas Table 1 - Private Open Space</i> iii. <i>common storage facilities at the rate of 8m³ for every 2 dwellings or students</i> iv. <i>common on-site parking in accordance with Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas</i>

	v. <i>bicycle parking at the rate of one space for every 2 students.</i>
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The issue regarding self-containment proposed for review in this Code Amendment relates to the definition of these land uses in Part 7 of the Code, as set out below.

Part 7 – Land Use Definitions, Land Use Definitions Table, currently provides the following definitions (in Column B of the table):

1. Ancillary Accommodation:

Means accommodation that:

- a) *is located on the same allotment as an existing dwelling; and*
- b) *is not self-contained residence; and*
- c) *contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and*
- d) *is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.*

2. Student Accommodation:

Means premises used to accommodate students in room or dormitory style accommodation that is not self-contained and that includes common facilities for shared use by student occupants such as:

- a) *shared cooking facilities and/or the provision of meals;*
- b) *common rooms and recreation areas;*
- c) *shared laundry facilities or a laundry service; or*
- d) *shared bathroom facilities.*

ATTACHMENT B – PROPOSED CODE POLICY

1. In Part 7 – Land Use Definitions, Land Use Definitions Table, replace the current Definition (in Column B of the table) of:

a) Ancillary Accommodation with the following:

Means accommodation that:

- a) is located on the same allotment as an existing dwelling; and*
- b) can be (but need not be) a self-contained residence; and*
- c) contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and*
- d) is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling; and*

b) Student Accommodation with the following:

Means premises used to accommodate students in room or dormitory style accommodation that can be (but need not be) self-contained and that includes common facilities for shared use by student occupants such as:

- a) shared cooking facilities and/or the provision of meals;*
- b) common rooms and recreation areas;*
- c) shared laundry facilities or a laundry service; or*
- d) shared bathroom facilities.*

2. Add the following new part after the last part of DTS/DPF 13.1 in the Design General Development Policies and DTS/DPF 19.1 in the Design in Urban Areas General Development Policies:

(l) in relation to ancillary accommodation in the Rural Zone, Productive Rural Landscape Zone, or Rural Horticulture Zone, is located within 20m of an existing dwelling.

ATTACHMENT C – STRATEGIC PLANNING OUTCOMES

C1. State Planning Policies

The State Planning Policies (SPPs) require that the Principles of Good Planning are considered in the preparation of any designated instrument, including a Code Amendment.

The Principles of Good Planning are set out under section 14 of the Act and have been taken into consideration in preparation of this Code Amendment, with the key relevant principles noted below.

Principles of Good Planning	Relevance to Code Amendment
<p>Urban renewal principles</p> <p>Preference should be given to accommodating the expected growth of cities and towns through the logical consolidation and redevelopment of existing urban areas.</p> <p>The encroachment of urban areas on places of rural, landscape or environmental significance is to be avoided other than in exceptional circumstances.</p> <p>Urban renewal should seek to make the best use (as appropriate) of underlying or latent potential associated with land, buildings and infrastructure.</p>	<p>The facilitation of ancillary accommodation that is self-contained will provide for further housing choices on land already used for residential purposes, maximising the latent potential of existing residential land.</p>
<p>Activation and livability principles</p> <p>Urban areas should include a range of high quality housing options with an emphasis on living affordability.</p>	<p>Permitting student accommodation to be self-contained will provide for further housing options in urban areas, assisting in the diversity of affordable housing options for students.</p>

SPP Key Principles

There are 16 SPPs that include Objectives, Policies and Principles for Statutory Instruments (including the Planning and Design Code). The most critical SPPs in the context of this Code Amendment are:

State Planning Policy	Code Amendment Outcome
<p>Housing Supply and Diversity</p> <p>Objective: To promote the development of a well-serviced and sustainable housing and land choices where and when required.</p>	<p>This Code Amendment seeks to facilitate the development of different forms of:</p> <ul style="list-style-type: none"> ancillary accommodation, including those which support

SPP 6.1: A well-designed, diverse and affordable housing supply that responds to population growth and projections and the evolving demographic, social, cultural and lifestyle needs of our current and future communities.

SPP 6.3: Develop healthy neighbourhoods that include diverse housing options; enable access to local shops, community facilities and infrastructure; promote active travel and public transport use; and provide quality open space, recreation and sporting facilities.

SPP 6.6: A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.

housing affordability and ageing in place. The Code Amendment seeks to provide greater opportunities for smaller housing options which take advantage of the locational advantages offered by established areas.

- student accommodation by allowing for both self-contained and not self-contained student accommodation units.

C2. Regional Plans

As a state-wide Code Amendment, all Regional Plans) are relevant for consideration as part of this Code Amendment:

- The 30-Year Plan for Greater Adelaide (2017 Update)
- The Eyre and Western Region Plan (April 2012) (EWRP)
- Far North Region Plan (July 2010) (FNRP)
- Kangaroo Island Plan (January 2011) + addendum Kangaroo Island Sustainable Futures (January 2014) (KIP)
- Limestone Coast Region Plan (May 2011) (LCRP)
- Mid North Region Plan (May 2011) (MNRP)
- Murray and Mallee Region Plan (January 2011) + addendum special character of the Barossa Valley and McLaren Vale (December 2013) (MMRP)
- Yorke Peninsula Regional Land Use Framework (December 2007) (YPRULF)

The key policies and targets of *The 30-Year Plan for Greater Adelaide (2017 Update)* which are most relevant to this Code Amendment includes '*Housing mix, affordability and competitiveness*'.

Other Regional Plans typically include a policy which seeks to '*Provide residential land and diverse, affordable and sustainable housing to meet current and future needs*'.

The investigations undertaken to date and outlined in this Code Amendment will ensure that the proposed rezoning is largely consistent with the relevant policies and targets of Regional Plans as described below.

30-Year Plan for Greater Adelaide (2017 update)	Code Amendment Outcome
<p>Policy Theme: Housing mix, affordability and competitiveness</p> <p>Policy 37: Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas, including:</p> <ul style="list-style-type: none"> • Ancillary dwellings such as granny flats, laneway and mews housing • Dependent accommodation such as nursing homes • Assisted living accommodation • Aged-specific accommodation such as retirement villages • Small lot housing types. <p>Policy 38: Explore the evolution of existing housing in local heritage areas to provide ancillary residences that encourage ageing in place and enable the release of equity to owners whilst protecting heritage values.</p> <p>Policy 39: Promote universal and adaptable housing principles in new housing stock to support changing needs over a lifetime, including the needs of those who are less mobile.</p>	<p>The Code Amendment will support the development of small self-contained units, promoting greater opportunities for small accommodation units and more diverse and affordable housing options and ageing in place.</p>
Other Regional Plans	Code Amendment Outcome
<p>Principle: Provide residential land and diverse, affordable and sustainable housing to meet current and future needs</p> <p>Policy: Ensure that appropriately serviced towns provide a range of housing types and densities to enable people to stay in their community as their housing needs change and to cater for the region's changing demographics.</p> <p>Policy: Provide a range of accommodation for older people and people with a disability, and focus high level care accommodation in towns with health services.</p> <p>(LCRP, EWRP, FNRP, KIRP, MNRP, MMRP, YPRLUF)</p>	<p>The Code Amendment will support the development of more diverse housing options by enabling self-containment of smaller forms of accommodation.</p>