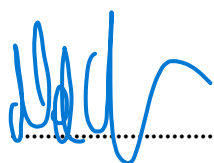


Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment

By the Chief Executive, Department for Housing and Urban Development

THE AMENDMENT

Adopted by:



Hon Nick Champion MP

Minister for Planning

18/11/24

Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment

Preamble

The amendment instructions below reflect the changes to the Planning and Design Code (the Code) as proposed in the Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment (the Code Amendment).

The Code Amendment commenced interim operation on 29 February 2024, amending the definitions of 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:

- 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 Designated Entity proposed further changes to the Code Amendment following consultation, as outlined in the Engagement Report furnished to the Minister for Planning by the Designated Entity under section 73(7) of the *Planning, Development and Infrastructure Act 2016* the Act), as follows:

- Increase the maximum floor area criteria from 60 to 70 square metres to support living amenity within ancillary accommodation
- Include a new policy for ancillary accommodation specifying that the primary dwelling's private open space is accessible to all occupiers of the site so that ancillary accommodation has access to private open space and further reinforce that ancillary accommodation is not a separate dwelling

- Remove the part of the definition of ancillary accommodation relating to utilities and include it within the related policy instead, thereby utilities connection to be assessed by the relevant authority
- Instead of applying policy for ancillary buildings (e.g. carports, outbuildings), package ancillary accommodation policy into a single policy suite in the Design and Design in Urban Areas general development policies
- Refer to a 'site' instead of an 'allotment' in the definition of ancillary accommodation, consistent with other definitions
- Simplify clause (b) of the definition of ancillary accommodation to "can be (but need not be) self-contained" to provide further clarity rather than introduce a new term of 'residence'.

The amendment instructions below represent these further changes.

Amendment instructions

The following amendment instructions (at the time of drafting) relate to the Code, version 2024.9 published on 23 May 2024. Where amendments to the Code have been published after this date, consequential changes to the following amendment instructions will be made as necessary to give effect to this Code Amendment. The Minister specifies under section 73(12)(c) of the Act that this Code Amendment will take effect on the day that it is deployed into both the electronic Planning and Design Code and the South Australian Property and Planning Atlas.

Instructions

Amend the Code as follows:

1. In Part 7 – Land Use Definitions, replace the existing definition (in Column B of the Land Use Definitions Table) for land use term "Ancillary accommodation" with the following:
"Means accommodation that:
 - (a) is located on the same site as an existing dwelling and is ancillary to that dwelling; and
 - (b) can be (but need not be) self-contained; and
 - (c) contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom."
2. In Part 4 – General Development Policies in the Assessment Provisions of the **Design in Urban Areas** module:
 - a. Insert the words "(excluding ancillary accommodation)" immediately following the words "Ancillary buildings" in DTS/DPF 19.1
 - b. Delete the following part (l) from DTS/DPF 19.1:
"(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."
 - c. Insert the following new policy immediately after PO 19.4 and associated DTS/DPF 19.4:

<p>PO 19.5</p> <p>Ancillary accommodation:</p> <p>(a) is sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties</p> <p>(b) is integrated within the site of the dwelling to which it is ancillary and incorporates shared utilities and shared open space.</p>	<p>DTS/DPF 19.5</p> <p>Ancillary accommodation:</p> <p>(a) is ancillary to a dwelling erected on the same site</p> <p>(b) has a floor area not exceeding 70m²</p> <p>(c) is not constructed, added to, or altered so that any part is situated:</p> <p style="margin-left: 20px;">(i) in front of any part of the building line of the dwelling to which it is ancillary or</p> <p style="margin-left: 20px;">(ii) within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)</p> <p>(d) if situated on a boundary (not being a boundary with a primary street or secondary street), does not exceed a length of 11.5m unless:</p> <p style="margin-left: 20px;">(i) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and</p> <p style="margin-left: 20px;">(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</p> <p>(e) 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</p> <p>(f) 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</p> <p>(g) has a wall height or post height not exceeding 3m above natural ground level (and not including a gable end)</p> <p>(h) has a roof height where no part of the roof is more than 5m above the natural ground level</p> <p>(i) if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour</p> <p>(j) retains a total area of soft landscaping in accordance with (i) or (ii), whichever is less:</p> <p style="margin-left: 20px;">(i) a total area as determined by the following table:</p> <table border="1" style="margin-left: 40px; margin-top: 10px;"> <thead> <tr> <th style="padding: 5px;">Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th> <th style="padding: 5px;">Minimum percentage of site</th> </tr> </thead> <tbody> <tr> <td style="text-align: center; padding: 5px;"><150</td> <td style="text-align: center; padding: 5px;">10%</td> </tr> <tr> <td style="text-align: center; padding: 5px;">150-200</td> <td style="text-align: center; padding: 5px;">15%</td> </tr> <tr> <td style="text-align: center; padding: 5px;">201-450</td> <td style="text-align: center; padding: 5px;">20%</td> </tr> <tr> <td style="text-align: center; padding: 5px;">>450</td> <td style="text-align: center; padding: 5px;">25%</td> </tr> </tbody> </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%
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<150	10%										
150-200	15%										
201-450	20%										
>450	25%										

	<ul style="list-style-type: none"> (ii) the amount of existing soft landscaping prior to the development occurring (k) 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 (l) has unrestricted access to the private open space associated with the existing dwelling to which it is ancillary (m) in the case of the Rural Zone, Productive Rural Landscape Zone, or Rural Horticulture Zone, is located within 20m of an existing dwelling.
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3. In Part 4 – General Development Policies in the Assessment Provisions of the **Design** module:

a. Insert the words “(excluding ancillary accommodation)” immediately following the words “Ancillary buildings” in DTS/DPF 13.1

b. Delete the following part (l) from DTS/DPF 13.1:

“(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.”

c. Insert the following new policy immediately after PO 13.4 and associated DTS/DPF 13.4:

<p>PO 13.5</p> <p>Ancillary accommodation:</p> <ul style="list-style-type: none"> (a) is sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties (b) is integrated within the site of the dwelling to which it is ancillary and incorporates shared utilities and shared open space. 	<p>DTS/DPF 13.5</p> <p>Ancillary accommodation:</p> <ul style="list-style-type: none"> (a) is ancillary to a dwelling erected on the same site (b) has a floor area not exceeding 70m² (c) is not constructed, added to, or altered so that any part is situated: <ul style="list-style-type: none"> (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) if situated on a boundary (not being a boundary with a primary street or secondary street), does not exceed a length of 11.5m unless: <ul style="list-style-type: none"> (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 (e) if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls
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	<p>or structures on the boundary will not exceed 45% of the length of that boundary</p> <p>(f) 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</p> <p>(g) has a wall height or post height not exceeding 3m above natural ground level (and not including a gable end)</p> <p>(h) has a roof height where no part of the roof is more than 5m above the natural ground level</p> <p>(i) if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour</p> <p>(j) retains a total area of soft landscaping in accordance with (i) or (ii), whichever is less:</p> <p style="padding-left: 40px;">(i) a total area as determined by the following table:</p> <table border="1" style="margin-left: 80px;"> <thead> <tr> <th>Dwelling 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 style="text-align: center;"><150</td> <td style="text-align: center;">10%</td> </tr> <tr> <td style="text-align: center;">150-200</td> <td style="text-align: center;">15%</td> </tr> <tr> <td style="text-align: center;">201-450</td> <td style="text-align: center;">20%</td> </tr> <tr> <td style="text-align: center;">>450</td> <td style="text-align: center;">25%</td> </tr> </tbody> </table> <p style="padding-left: 40px;">(ii) the amount of existing soft landscaping prior to the development occurring</p> <p>(k) 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</p> <p>(l) has unrestricted access to the private open space associated with the existing dwelling to which it is ancillary</p> <p>(m) in the case of the Rural Zone, Productive Rural Landscape Zone, or Rural Horticulture Zone, is located within 20m of an existing dwelling.</p>	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%
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<150	10%										
150-200	15%										
201-450	20%										
>450	25%										

4. In Part 2 in the **Business Neighbourhood Zone** and **Suburban Business Zone** make the following amendments:
- a. In Table 2 – Deemed-to-Satisfy Development Classification, in the row applying to “Ancillary accommodation” Class of Development:
- Delete the following words in the column titled “Zone”:
“Ancillary Buildings and Structures
DTS/DPF 7.1, DTS/DPF 7.2”

- Insert the following words in the column titled “General Development Policies”:
“Design in Urban Areas [All Residential Development [Ancillary Development]]
DTS/DPF 19.2, DTS/DPF 19.5”
- b. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:
 - Delete the following words in the column titled “Zone”:
“Ancillary Buildings and Structures
PO 7.1, PO 7.2”
 - Insert the following words in the column titled “General Development Policies”:
“Design in Urban Areas [All Residential Development [Ancillary Development]]
PO 19.2, PO 19.5”
- 5. In Part 2 in the **Established Neighbourhood Zone, General Neighbourhood Zone, Suburban Neighbourhood Zone** and **Township Neighbourhood Zone** make the following amendments:
 - a. In Table 2 – Deemed-to-Satisfy Development Classification in the row applying to “Ancillary accommodation” Class of Development:
 - Delete the following words in the column titled “Zone”:
“Ancillary buildings and structures
DTS/DPF 11.1, DTS/DPF 11.2”
 - Insert the following words in the column titled “General Development Policies”:
“Design in Urban Areas [All Residential Development [Ancillary Development]]
DTS/DPF 19.2, DTS/DPF 19.5”
 - b. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:
 - Delete the following words in the column titled “Zone”:
“Ancillary buildings and structures
PO 11.1, PO 11.2”
 - Insert the following words in the column titled “General Development Policies”:
“Design in Urban Areas [All Residential Development [Ancillary Development]]
PO 19.2, PO 19.5”
- 6. In Part 2 in the **City Living Zone** make the following amendments:
 - a. In Table 2 – Deemed-to-Satisfy Development Classification in the row applying to “Ancillary accommodation” Class of Development:
 - Delete the following words in the column titled “Zone”:

“Ancillary Buildings and Structures
DTS/DPF 8.1, DTS/DPF 8.2”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
DTS/DPF 19.2, DTS/DPF 19.5”

- b. In Table 3 – Performance Assessed Development Classification the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words in the column titled “Zone”:

“Ancillary Buildings and Structures
PO 8.1, PO 8.2”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
PO 19.2, PO 19.5”

7. In Part 2 in the **Golf Course Estate Zone** make the following amendments:

- a. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary Buildings and Structures
PO 9.1, PO 9.2,”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
PO 19.2, PO 19.5”

8. In Part 2 in the **Housing Diversity Neighbourhood Zone** and **Urban Renewal Neighbourhood Zone** make the following amendments:

- a. In Table 2 – Deemed-to-Satisfy Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary buildings and structures
DTS/DPF 10.1, DTS/DPF 10.2”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
DTS/DPF 19.2, DTS/DPF 19.5”

- b. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary buildings and structures
PO 10.1, PO 10.2”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
PO 19.2, PO 19.5

9. In Part 2 in the **Hills Neighbourhood Zone** make the following amendments:

- a. In Table 2 – Deemed-to-Satisfy Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary Buildings and Structures
DTS/DPF 12.1, DTS/DPF 12.2”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
DTS/DPF 19.2, DTS/DPF 19.5”

- b. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary Buildings and Structures
PO 12.1, PO 12.2”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
PO 19.2, PO 19.5”

10. In Part 2 in the **Waterfront Neighbourhood Zone** make the following amendments:

- a. In Table 2 – Deemed-to-Satisfy Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary Buildings and Structures
DTS/DPF 12.2, DTS/DPF 12.3”

- Insert the following in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
DTS/DPF 19.2, DTS/DPF 19.5”

- b. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary Buildings and Structures
PO 12.2, PO 12.3”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
PO 19.2, PO 19.5”

11. In Part 2 in the **Master Planned Neighbourhood Zone** and **Master Planned Township Zone** make the following amendments:

- a. In Table 2 – Deemed-to-Satisfy Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary Structures and Buildings
DTS/DPF 17.1, DTS/DPF 17.2”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
DTS/DPF 19.2, DTS/DPF 19.5”

- b. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary Structures and Buildings
PO 17.1, PO 17.2”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
PO 19.2, PO 19.5”

12. In Part 2 in the **Rural Settlement Zone** make the following amendments:

- a. In Table 2 – Deemed-to-Satisfy Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary Buildings and Structures
DTS/DPF 6.1”

- Insert the following words in the column titled “General Development Policies”:

“Design [All Residential Development [Ancillary Development]]
DTS/DPF 13.2, DTS/DPF 13.5”

- b. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary Buildings and Structures
PO 6.1”

- Insert the following words in the column titled “General Development Policies”:

“Design [All Residential Development [Ancillary Development]]
PO 13.2, PO 13.5”

13. In Part 2 in the **Rural Neighbourhood Zone, Productive Rural Landscape Zone, Remote Areas Zone, Rural Zone, and Rural Living Zone** make the following amendments:

- a. In Table 2 – Deemed-to-Satisfy Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “General Development Policies”:

“Design [All Residential development [Ancillary Development]]
DTS/DPF 13.1,”

- Insert the following words in the column titled “General Development Policies”:

“Design [All Residential Development [Ancillary Development]]
DTS/DPF 13.5”

- b. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “General Development Policies”:

“Design [All Residential development [Ancillary Development]]
PO 13.1”

- Insert the following words in the column titled “General Development Policies”:

“Design [All Residential development [Ancillary Development]]
PO 13.5”

14. In Part 2 in the **Rural Shack Settlement Zone** make the following amendments:

- a. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “Zone”:

“Ancillary Buildings and Structures
PO 6.1,”

- Insert the following in the column titled “General Development Policies”:

“Design [All Residential development [Ancillary Development]]
PO 13.2, PO 13.5”

15. In Part 2 in the **Rural Horticulture Zone** make the following amendments:

- a. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words in the column titled “General Development Policies”:

“Design [All Residential development [Ancillary Development]]
PO 13.1,”

- Insert the following words in the column titled “General Development Policies”:

“Design [All Residential development [Ancillary Development]]
PO 13.5”

16. In Part 2 in the **Neighbourhood Zone** and **Township Zone** make the following amendments:

- a. In Table 2 – Deemed-to-Satisfy Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “General Development Policies”:

“Design [All Residential development [Ancillary Development]]
DTS/DPF 13.1,”

- Insert the following words in the column titled “General Development Policies”:

“Design [All Residential Development [Ancillary Development]]
DTS/DPF 13.5”

- b. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “General Development Policies”:

“Design [All Residential development [Ancillary Development]]
PO 13.1,”

- Insert the following words in the column titled “General Development Policies”:

“Design [All Residential Development [Ancillary Development]]
PO 13.5”

17. In Part 2 in the **Master Planned Renewal Zone** make the following amendments:

- a. In Table 2 – Deemed-to-Satisfy Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words in column titled “General Development Policies”:

“Design in Urban Areas [All residential development [Ancillary Development]]
DTS/DPF 19.1,”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
DTS/DPF 19.5”

- b. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All residential development [Ancillary Development]]
PO 19.1,”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All residential development [Ancillary Development]]
PO 19.5”

18. In Part 2 in the **Home Industry Zone** make the following amendments:

- a. In Table 2 – Deemed-to-Satisfy Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “General Development Policies”:

“Design in Urban Areas [All residential development [Ancillary Development]]
DTS/DPF 19.1,”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All Residential Development [Ancillary Development]]
DTS/DPF 19.5”

- b. In Table 3 – Performance Assessed Development Classification in the row applying to “Ancillary accommodation” Class of Development:

- Delete the following words from the column titled “General Development Policies”:

“Design in Urban Areas [All residential development [Ancillary Development]]
PO 19.1,”

- Insert the following words in the column titled “General Development Policies”:

“Design in Urban Areas [All residential development [Ancillary Development]]
PO 19.5”

19. In Part 13 – Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the publication of this Code Amendment.

Map A

As this is a state-wide Code amendment, the entire state is affected by the proposal. Therefore, there are no mapping changes.