

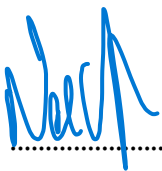
Section 73(10) of the Planning, Development and Infrastructure Act 2016

Tunnel Protection Overlay Code Amendment

By the Chief Executive, Department for Infrastructure and Transport

THE AMENDMENT

Adopted by:



.....
Hon Nick Champion MP

Minister for Planning

30/8/24
...../...../.....

Tunnel Protection Overlay Code Amendment

Preamble

The Code Amendment was placed on Early Commencement on 31 August 2023. The changes to the Code proposed in the version of the amendment instructions released for public engagement have already been incorporated into the Code. Accordingly, the amendment instructions below reflect only the proposed changes to the Planning and Design Code (the Code) required following public engagement. These are, 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]:

- Amend the definition of the term *Regulated Surface Level* in Part 8 – Administrative Terms and Definitions to reflect the correct name of the Tunnel Protection Overlay Code Amendment to improve consistency.
- Repword DTS/DPF 1.1(b)(ii) within the Overlay to reflect wording within the Regulations (Sch3 (10)) to remove ambiguity.
- Remove DTS/DPF 2.1(b) from within the Overlay to remove duplication.
- Remove public notification requirements for works usually excluded under Schedule 4, 4A or 13 of the Regulations from the need for approval under the Act if undertaken by councils, state agencies and essential service providers.

In addition, and pursuant to section 73(10)(d) of the Act, the Minister has resolved to make the following technical alterations to the amendment furnished by the Designated Entity under section 73(7) of the Act:

- Remove policies introduced by the Code Amendment within Table 1 – Accepted Development Classification for the affected zones, because Schedule 3, Clause 10 of the *Planning, Development and Infrastructure (General) Regulations 2017* brings the subject activities within the ambit of development rendering the Code policies superfluous.

The amendment instructions are outlined below.

Amendment Instructions

The following amendment instructions (at the time of drafting) relate to the Planning and Design Code, version 2024.15 published on 15 August 2024. Where amendments to the Planning and Design 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.

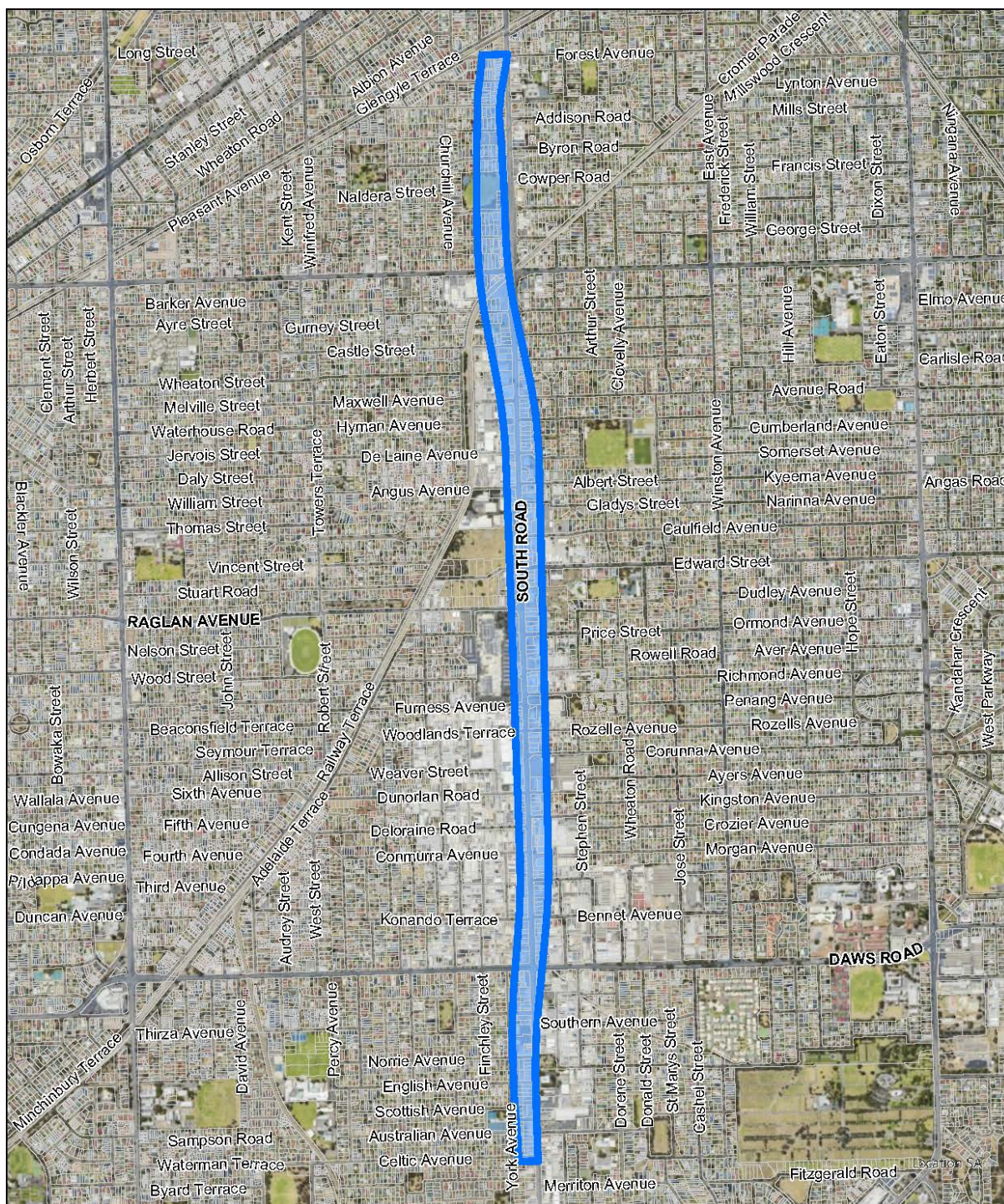
Instructions

Amend the Planning and Design Code as follows:




1. Spatially apply the Tunnel Protection Overlay to the 'Affected Area' bounded by the red line in Maps A and B contained in **Attachment A**.
2. In Part 3 – Overlays, insert, in alphabetical order, new Tunnel Protection Overlay as contained in **Attachment B**.
3. In Part 2 – Zones and Subzones, amend the following zones in accordance **Attachment C**:

- Employment Zone
 - Established Neighbourhood Zone
 - General Neighbourhood Zone
 - Housing Diversity Neighbourhood Zone
 - Local Activity Zone
 - Recreation Zone
 - Strategic Employment Zone
 - Suburban Activity Centre Zone
 - Suburban Neighbourhood Zone
 - Urban Corridor (Main Street) Zone
 - Urban Neighbourhood Zone.
4. In Part 8 – Administrative Terms and Definitions, insert in alphabetical order within the table of definitions, new definition for 'Regulated surface level' in accordance with **Attachment D**.
5. 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 B



Proposed Tunnel Protection Overlay

-  Parcel Boundaries
-  Tunnel Protection
-  Affected Area

0 280 560 840 m



Government of South Australia
Department for Housing
and Urban Development

Note: The above map is a printed representation of amendments that are proposed to the spatial layers of SA planning database if the Tunnel Protection Overlay Code Amendment is adopted by the Minister under section 78(1) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT B

Drafting Note: Changes proposed by the Code Amendment are outlined as follows:

Deletion shown by red text with strikethrough e.g., ~~remove text~~

Addition shown by green text with underline e.g., add text

Tunnel Protection Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development which preserves the integrity and operation of underground tunnel corridors and associated infrastructure.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed to Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Development does not unsatisfactorily increase loading on underground tunnel corridors or infrastructure.	DTS/DPF 1.1 Development satisfies (a) and (b): (a) comprises one or more of the following, and does not exceed 3 building levels above the regulated surface level: <ul style="list-style-type: none"> (i). ancillary accommodation (ii). carport (iii). child care facility (iv). community facility (v). consulting room (vi). dwelling (vii). educational facility (viii). hotel (ix). office (x). outbuilding (xi). retirement facility (xii). shop (other than a bulky goods outlet) (xiii). student accommodation

	<ul style="list-style-type: none"> (xiv). supported accommodation (xv). tourist accommodation (xvi). verandah (xvii). development which is, in the opinion of the relevant authority, minor in nature or would not warrant a referral when considering the purpose of the referral. <p>(b) does not include any of the following:</p> <ul style="list-style-type: none"> (i). <u>filling of land more than 1m above the regulated surface level</u> (ii). <u>storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres</u> (iii). <u>temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres.</u>
Excavation and Ground Intruding Activity	
<p>PO 2.1</p> <p>Development does not unsatisfactorily interact with or reduce the loading on underground tunnel corridors or infrastructure.</p>	<p>DTS/DPF 2.1</p> <p>Development does not include any of the following:</p> <ul style="list-style-type: none"> (a) excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level (b) ground intruding activity involving an underground drain, pipe, cable, conduit, tunnel, underground passageway or adit.

Procedural Matters (PM) – Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development, and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Except where all of the relevant deemed-to-satisfy criteria are met, development that is within a Tunnel Protection Area	Commissioner of Highways	To provide expert technical assessment and direction to the Relevant Authority in relation to the potential for development to adversely impact upon the safety and structural integrity of tunnels and associated underground infrastructure proposed by or under the care, control and	Development of a class to which Schedule 9 clause 3 item 8 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

		management of the Commissioner of Highways.	
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ATTACHMENT C

Drafting Note: Changes proposed by the Code Amendment are outlined as follows:

Deletion shown by red text with strikethrough e.g., ~~remove text~~

Addition shown by green text with underline e.g., add text

Part 2 – Zones and Subzones

Employment Zone

Table 1 – Accepted Development Classification

Drafting Note: Classes of Development and associated Accepted Development Classification Criteria that are not proposed to be amended have been omitted from the table for clarity.

Amend table as outlined below (insert new classes of development in alphabetical order):

Class of Development	Accepted Development Classification Criteria
Building work on railway land Except where any of the following apply: <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulphate Soils) Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	1. Building work is associated with a railway 2. It is situated (or to be situated) on railway land (within the meaning of Schedule 4 clause 14 of the Planning, Development and Infrastructure (General) Regulations 2017) 3. It is required for the conduct or maintenance of railway activities 4. It does not involve the clearance of native vegetation 5. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas 6. It does not involve the construction of a building that exceeds 3 building levels above the regulated surface level where located within the Tunnel Protection Overlay 7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay 8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 10. It does not involve excavation or ground intruding activity more than 2.5m below the

Class of Development	Accepted Development Classification Criteria
	regulated surface level where located within the Tunnel Protection Overlay.
Excavation	1. It does not involve excavation more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.
Filling of land	1. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay.
Ground intruding activity	1. It does not involve ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay. 2. It does not involve ground intruding activity involving an underground drain, pipe, cable, conduit, tunnel, underground passageway or adit.
Storage of material or equipment	1. It does not include storage of material or equipment over a designated stockpile or storage area that is larger than 100m² where located within the Tunnel Protection Overlay.
Temporary stockpiling	1. It does not include temporary stockpiling over a designated stockpile area that is larger than 100m² where located within the Tunnel Protection Overlay.

Table 5 – Procedural Matters (PM) – Notification

Class of Development (Column A)	Exceptions (Column B)
<u>Storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

Established Neighbourhood Zone

Table 1 – Accepted Development Classification

Drafting Note: Classes of Development and associated Accepted Development Classification Criteria that are not proposed to be amended have been omitted from the table for clarity.

Amend table as outlined below (insert new classes of development in alphabetical order):

Class of Development	Accepted Development Classification Criteria
<p>Building work on railway land</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulphate Soils) Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. Building work is associated with a railway 2. It is situated (or to be situated) on railway land (within the meaning of Schedule 4 clause 14 of the Planning, Development and Infrastructure (General) Regulations 2017) 3. It is required for the conduct or maintenance of railway activities 4. It does not involve the clearance of native vegetation 5. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas 6. It does not involve the construction of a building that exceeds 3 building levels above the regulated surface level where located within the Tunnel Protection Overlay 7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay 8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.
<p>Excavation</p>	<p>1. It does not involve excavation more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p>
<p>Filling of land</p>	<p>1. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay.</p>
<p>Ground intruding activity</p>	<p>1. It does not involve ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p> <p>2. It does not involve ground intruding activity involving an underground drain, pipe, cable,</p>

Class of Development	Accepted Development Classification Criteria
	conduit, tunnel, underground passageway or adit.
<p>Private bushfire shelter</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Future Local Road Widening Overlay • Future Road Widening Overlay • Hazards (Acid Sulfate Soils) Overlay • Hazards (Flooding) Overlay • Local Heritage Place Overlay • River Murray Flood Plain Protection Area Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i> 2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 3. Primary street setback - at least as far back as the building to which it is ancillary 4. Secondary street setback - at least 900mm from the boundary of the allotment 5. At least 6m from the corner of an allotment which abuts the intersection of two or more roads (other than where a 4m x 4m allotment cut-off is already in place) 6. Does not involve the clearance of native vegetation 7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay 8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.

Table 5 – Procedural Matters (PM) – Notification

Class of Development (Column A)	Exceptions (Column B)
<u>Storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

Class of Development (Column A)	Exceptions (Column B)
<u>Excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

General Neighbourhood Zone

Table 1 – Accepted Development Classification

Drafting Note: Classes of Development and associated Accepted Development Classification Criteria that are not proposed to be amended have been omitted from the table for clarity.

Amend table as outlined below (insert new classes of development in alphabetical order):

Class of Development	Accepted Development Classification Criteria
<p>Building work on railway land</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulphate Soils) Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. Building work is associated with a railway 2. It is situated (or to be situated) on railway land (within the meaning of Schedule 4 clause 14 of the Planning, Development and Infrastructure (General) Regulations 2017) 3. It is required for the conduct or maintenance of railway activities 4. It does not involve the clearance of native vegetation 5. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas 6. It does not involve the construction of a building that exceeds 3 building levels above the regulated surface level where located within the Tunnel Protection Overlay 7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay 8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.

Class of Development	Accepted Development Classification Criteria
<u>Excavation</u>	1. It does not involve excavation more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.
<u>Filling of land</u>	1. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay.
<u>Ground intruding activity</u>	1. It does not involve ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay. 2. It does not involve ground intruding activity involving an underground drain, pipe, cable, conduit, tunnel, underground passageway or adit.
<p>Private bushfire shelter</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Future Local Road Widening Overlay • Future Road Widening Overlay • Hazards (Acid Sulfate Soils) Overlay • Hazards (Flooding) Overlay • Local Heritage Place Overlay • River Murray Flood Plain Protection Area Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i> 2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 3. Primary street setback - at least as far back as the building to which it is ancillary 4. Secondary street setback - at least 900mm from the boundary of the allotment 5. At least 6m from the corner of an allotment which abuts the intersection of two or more roads (other than where a 4m x 4m allotment cut-off is already in place) 6. Does not involve the clearance of native vegetation 7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay 8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.

Table 5 – Procedural Matters (PM) – Notification

Class of Development (Column A)	Exceptions (Column B)
<u>Storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

Housing Diversity Neighbourhood Zone

Table 1 – Accepted Development Classification

Drafting Note: Classes of Development and associated Accepted Development Classification Criteria that are not proposed to be amended have been omitted from the table for clarity.

Amend table as outlined below (insert new classes of development in alphabetical order):

Class of Development	Accepted Development Classification Criteria
Building work on railway land Except where any of the following apply: <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulphate Soils) Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. Building work is associated with a railway 2. It is situated (or to be situated) on railway land (within the meaning of Schedule 4 clause 14 of the Planning, Development and Infrastructure (General) Regulations 2017) 3. It is required for the conduct or maintenance of railway activities 4. It does not involve the clearance of native vegetation 5. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas 6. It does not involve the construction of a building that exceeds 3 building levels above the regulated surface level where located within the Tunnel Protection Overlay 7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay 8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100</u>

Class of Development	Accepted Development Classification Criteria
	<p><u>square metres where located within the Tunnel Protection Overlay</u></p> <p>9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u></p> <p>10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p>
<u>Excavation</u>	<p>1. It does not involve excavation more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p>
<u>Filling of land</u>	<p>1. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay.</p>
<u>Ground intruding activity</u>	<p>1. It does not involve ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p> <p>2. It does not involve ground intruding activity involving an underground drain, pipe, cable, conduit, tunnel, underground passageway or adit.</p>
<p>Private bushfire shelter</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Future Local Road Widening Overlay • Future Road Widening Overlay • Hazards (Acid Sulfate Soils) Overlay • Hazards (Flooding) Overlay • Local Heritage Place Overlay • River Murray Flood Plain Protection Area Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<p>1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i></p> <p>2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system</p> <p>3. Primary street setback - at least as far back as the building to which it is ancillary</p> <p>4. Secondary street setback - at least 900mm from the boundary of the allotment</p> <p>5. At least 6m from the corner of an allotment which abuts the intersection of two or more roads (other than where a 4m x 4m allotment cut-off is already in place)</p> <p>6. Does not involve the clearance of native vegetation</p> <p>7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay</p> <p>8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u></p>

Class of Development	Accepted Development Classification Criteria
	<p>9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u></p> <p>10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p>

Table 5 – Procedural Matters (PM) – Notification

Class of Development (Column A)	Exceptions (Column B)
<u>Storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

Local Activity Centre Zone

Table 1 – Accepted Development Classification

Drafting Note: Classes of Development and associated Accepted Development Classification Criteria that are not proposed to be amended have been omitted from the table for clarity.

Amend table as outlined below (insert new classes of development in alphabetical order):

Class of Development	Accepted Development Classification Criteria
<p>Building work on railway land</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulphate Soils) Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. Building work is associated with a railway 2. It is situated (or to be situated) on railway land (within the meaning of Schedule 4 clause 14 of the Planning, Development and Infrastructure (General) Regulations 2017) 3. It is required for the conduct or maintenance of railway activities 4. It does not involve the clearance of native vegetation 5. The development will not be located within the extents of the River Murray 1956 Flood Level

Class of Development	Accepted Development Classification Criteria
	<p>as delineated by the SA Property and Planning Atlas</p> <p>6. It does not involve the construction of a building that exceeds 3 building levels above the regulated surface level where located within the Tunnel Protection Overlay</p> <p>7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay</p> <p>8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u></p> <p>9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u></p> <p>10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p>
<u>Excavation</u>	1. It does not involve excavation more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.
<u>Filling of land</u>	1. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay.
<u>Ground intruding activity</u>	<p>1. It does not involve ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p> <p>2. It does not involve ground intruding activity involving an underground drain, pipe, cable, conduit, tunnel, underground passageway or adit.</p>
<u>Storage of material or equipment</u>	1. It does not include storage of material or equipment over a designated storage area that is larger than 100m² where located within the Tunnel Protection Overlay.
<u>Temporary stockpiling</u>	1. It does not include temporary stockpiling over a designated stockpile area that is larger than 100m² where located within the Tunnel Protection Overlay.

Table 5 – Procedural Matters (PM) – Notification

Class of Development (Column A)	Exceptions (Column B)
<u>Storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

Recreation Zone

Table 1 – Accepted Development Classification

Drafting Note: Classes of Development and associated Accepted Development Classification Criteria that are not proposed to be amended have been omitted from the table for clarity.

Amend table as outlined below (insert new classes of development in alphabetical order):

Class of Development	Accepted Development Classification Criteria
Building work on railway land Except where any of the following apply: <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulphate Soils) Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. Building work is associated with a railway 2. It is situated (or to be situated) on railway land (within the meaning of Schedule 4 clause 14 of the Planning, Development and Infrastructure (General) Regulations 2017) 3. It is required for the conduct or maintenance of railway activities 4. It does not involve the clearance of native vegetation 5. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas 6. It does not involve the construction of a building that exceeds 3 building levels above the regulated surface level where located within the Tunnel Protection Overlay 7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay 8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u>

Class of Development	Accepted Development Classification Criteria
	<p>9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u></p> <p>10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p>
<u>Excavation</u>	1. It does not involve excavation more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.
<u>Filling of land</u>	1. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay.
<u>Ground intruding activity</u>	<p>1. It does not involve ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p> <p>2. It does not involve ground intruding activity involving an underground drain, pipe, cable, conduit, tunnel, underground passageway or adit.</p>
<u>Storage of material or equipment</u>	1. It does not include storage of material or equipment over a designated storage area that is larger than 100m² where located within the Tunnel Protection Overlay.
<u>Temporary stockpiling</u>	1. It does not include temporary stockpiling over a designated stockpile area that is larger than 100m² where located within the Tunnel Protection Overlay.

Table 5 – Procedural Matters (PM) – Notification

Class of Development (Column A)	Exceptions (Column B)
<u>Storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

Strategic Employment Zone

Table 1 – Accepted Development Classification

Drafting Note: Classes of Development and associated Accepted Development Classification Criteria that are not proposed to be amended have been omitted from the table for clarity.

Amend table as outlined below (insert new classes of development in alphabetical order):

Class of Development	Accepted Development Classification Criteria
Building work on railway land Except where any of the following apply: <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulphate Soils) Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. Building work is associated with a railway 2. It is situated (or to be situated) on railway land (within the meaning of Schedule 4 clause 14 of the Planning, Development and Infrastructure (General) Regulations 2017) 3. It is required for the conduct or maintenance of railway activities 4. It does not involve the clearance of native vegetation 5. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas 6. It does not involve the construction of a building that exceeds 3 building levels above the regulated surface level where located within the Tunnel Protection Overlay 7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay 8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.
Excavation	1. It does not involve excavation more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.
Filling of land	1. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay.
Ground intruding activity	1. It does not involve ground intruding activity more than 2.5m below the regulated surface

Class of Development	Accepted Development Classification Criteria
	<p>level where located within the Tunnel Protection Overlay;</p> <p>2. It does not involve ground intruding activity involving an underground drain, pipe, cable, conduit, tunnel, underground passageway or adit;</p>
Storage of material or equipment	1. It does not include storage of material or equipment over a designated storage area that is larger than 100m² where located within the Tunnel Protection Overlay;
Temporary stockpiling	1. It does not include temporary stockpiling over a designated stockpile area that is larger than 100m² where located within the Tunnel Protection Overlay;

Table 5 – Procedural Matters (PM) – Notification

Class of Development (Column A)	Exceptions (Column B)
<u>Storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

Suburban Activity Centre Zone

Table 1 – Accepted Development Classification

Drafting Note: Classes of Development and associated Accepted Development Classification Criteria that are not proposed to be amended have been omitted from the table for clarity.

Amend table as outlined below (insert new classes of development in alphabetical order):

Class of Development	Accepted Development Classification Criteria
Building work on railway land Except where any of the following apply: <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulphate Soils) Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay 	1. Building work is associated with a railway 2. It is situated (or to be situated) on railway land (within the meaning of Schedule 4 clause 14 of the Planning, Development and Infrastructure (General) Regulations 2017)

Class of Development	Accepted Development Classification Criteria
<ul style="list-style-type: none"> • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 3. It is required for the conduct or maintenance of railway activities 4. It does not involve the clearance of native vegetation 5. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas 6. It does not involve building work that exceeds 3 building levels above the regulated surface level where located within the Tunnel Protection Overlay 7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay 8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u> 10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.
<u>Excavation</u>	1. It does not involve excavation more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.
<u>Filling of land</u>	1. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay.
<u>Ground intruding activity</u>	<ol style="list-style-type: none"> 1. It does not involve ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay. 2. It does not involve ground intruding activity involving an underground drain, pipe, cable, conduit, tunnel, underground passageway or adit.
<u>Storage of material or equipment</u>	1. It does not include storage of material or equipment over a designated storage area that is larger than 100m² where located within the Tunnel Protection Overlay.
<u>Temporary stockpiling</u>	1. It does not include temporary stockpiling over a designated stockpile area that is larger than

Class of Development	Accepted Development Classification Criteria
	100m² where located within the Tunnel Protection Overlay.

Table 5 – Procedural Matters (PM) – Notification

Class of Development (Column A)	Exceptions (Column B)
<u>Storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

Suburban Neighbourhood Zone

Table 1 – Accepted Development Classification

Drafting Note: Classes of Development and associated Accepted Development Classification Criteria that are not proposed to be amended have been omitted from the table for clarity.

Amend table as outlined below (insert new classes of development in alphabetical order):

Class of Development	Accepted Development Classification Criteria
Building work on railway land Except where any of the following apply: <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulphate Soils) Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. Building work is associated with a railway 2. It is situated (or to be situated) on railway land (within the meaning of Schedule 4 clause 14 of the Planning, Development and Infrastructure (General) Regulations 2017) 3. It is required for the conduct or maintenance of railway activities 4. It does not involve the clearance of native vegetation 5. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas 6. It does not involve the construction of a building that exceeds 3 building levels above the regulated surface level where located within the Tunnel Protection Overlay

Class of Development	Accepted Development Classification Criteria
	<p>7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay</p> <p>8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u></p> <p>9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u></p> <p>10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p>
<u>Excavation</u>	1. It does not involve excavation more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.
<u>Filling of land</u>	1. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay.
<u>Ground intruding activity</u>	1. It does not involve ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay. 2. It does not involve ground intruding activity involving an underground drain, pipe, cable, conduit, tunnel, underground passageway or adit.
<p>Private bushfire shelter</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Future Local Road Widening Overlay • Future Road Widening Overlay • Hazards (Acid Sulfate Soils) Overlay • Hazards (Flooding) Overlay • Local Heritage Place Overlay • River Murray Flood Plain Protection Area Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<p>1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i></p> <p>2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system</p> <p>3. Primary street setback - at least as far back as the building to which it is ancillary</p> <p>4. Secondary street setback - at least 900mm from the boundary of the allotment</p> <p>5. At least 6m from the corner of an allotment which abuts the intersection of two or more roads (other than where a 4m x 4m allotment cut-off is already in place)</p> <p>6. Does not involve the clearance of native vegetation</p>

Class of Development	Accepted Development Classification Criteria
	<p>7. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay</p> <p>8. <u>It does not include storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u></p> <p>9. <u>It does not include temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres where located within the Tunnel Protection Overlay</u></p> <p>10. It does not involve excavation or ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.</p>

Table 5 – Procedural Matters (PM) – Notification

Class of Development (Column A)	Exceptions (Column B)
<u>Storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

Urban Corridor (Main Street) Zone

Table 1 – Accepted Development Classification

Drafting Note: Classes of Development and associated Accepted Development Classification Criteria that are not proposed to be amended have been omitted from the table for clarity.

Amend table as outlined below (insert new classes of development in alphabetical order):

Class of Development	Accepted Development Classification Criteria
<u>Excavation</u>	1. It does not involve excavation more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.

Class of Development	Accepted Development Classification Criteria
Filling of land	1. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay.
Ground intruding activity	1. It does not involve ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay. 2. It does not involve ground intruding activity involving an underground drain, pipe, cable, conduit, tunnel, underground passageway or adit.

Urban Neighbourhood Zone

Table 1 – Accepted Development Classification

Drafting Note: Classes of Development and associated Accepted Development Classification Criteria that are not proposed to be amended have been omitted from the table for clarity.

Amend table as outlined below (insert new classes of development in alphabetical order):

Class of Development	Accepted Development Classification Criteria
Excavation	1. It does not involve excavation more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay.
Filling of land	1. It does not involve filling of land more than 1m above the regulated surface level where located within the Tunnel Protection Overlay.
Ground intruding activity	1. It does not involve ground intruding activity more than 2.5m below the regulated surface level where located within the Tunnel Protection Overlay. 2. It does not involve ground intruding activity involving an underground drain, pipe, cable, conduit, tunnel, underground passageway or adit.

Table 5 – Procedural Matters (PM) – Notification

Class of Development (Column A)	Exceptions (Column B)
<u>Storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

Class of Development (Column A)	Exceptions (Column B)
<u>Temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>
<u>Excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level on land within the Tunnel Protection Overlay</u>	<u>Where not undertaken by the Crown, a Council or an essential infrastructure provider</u>

ATTACHMENT D

Drafting Note: Changes proposed by the Code Amendment are outlined as follows:

Deletion shown by red text with strikethrough e.g., ~~remove text~~
 Addition shown by green text with underline e.g., add text

Part 8 - Administrative Terms and Definitions

Insert, in alphabetical order, the following definition for *Regulated Surface Level* into the Administrative Terms and Definitions Table in Part 8 – Administrative Terms and Definitions of the Code:

Term (Column A)	Definition (Column B)	Illustrations (Column C)
Regulated surface level	<p>Means the measured ground surface level within the boundaries of the Tunnel Protection Overlay as established at the time of commencement of operation of the Tunnel Corridor Code Amendment, as shown on the Planning Reference layer of the SA Property and Planning Atlas.</p> <p><u>Means the measured ground surface level within the boundaries of the Tunnel Protection Overlay as established at the time of commencement of operation of the Tunnel Protection Overlay Code Amendment, as shown on the Planning Reference layer of the SA Property and Planning Atlas.</u></p>	