

Development approval requirements for tourist accommodation in Myponga Reservoir Reserve

Changes to South Australia's [Planning and Design Code](#) came into effect on 19 March 2021.

This factsheet aims to help you understand how certain elements of the Planning and Design Code apply to tourist accommodation development proposals at Myponga Reservoir Reserve as part of the Nature-based Tourism Co-investment Fund.

Note: The information provided in this factsheet is general advice. Requirements will vary depending on the proposal and where it is located, so it is recommended that you seek specific advice from the Yankalilla Council and/or a planning consultant.

Development approvals

Tourist accommodation (including eco cabins) proposed for Myponga Reservoir Reserve that entails 'development' (as defined by the *Planning, Development and Infrastructure Act 2016*, including 'building work' or a 'change in the use of land') must be approved by the relevant authority (likely the Yankalilla Council).

Zoning

The Productive Rural Landscape Zone applies to most of the Myponga Reservoir Reserve. This zone seeks, in part, to facilitate tourist development and accommodation that expands the economic base while also conserving the natural and rural character, identity, biodiversity and scenic qualities of the area.

Note: some parts of the Myponga Reservoir Reserve are zoned Rural, which has different requirements.

Assessment pathways

New tourist accommodation proposals in the Myponga Reservoir Reserve are likely to be categorised as 'performance assessed' development. This means that a development application is assessed on its merits against the applicable planning policies in the Code.

Overlays/state agency referrals

There are a number of environmental overlays that apply to the Myponga Reservoir Reserve land that override zone and general policies. In these cases,

the relevant authority will refer the development application to the relevant body with the power of *Direction*. The power of direction means that the relevant body can direct refusal or direct that conditions be attached to any approval.

The main ones to be aware of are:

Hazards (Bushfire – High Risk)

This overlay seeks to ensure that development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property; that activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk; and to facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

Tourist accommodation proposals must be referred to the Country Fire Service for *Direction*. This is to ensure any proposed development responds to the high level of bushfire risk by siting and designing buildings to mitigate threat and impact of bushfires on life and property, and facilitating access for emergency service vehicles.

Native Vegetation

This overlay seeks to ensure native vegetation is protected, retained and restored by avoiding or minimising the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance, and enhances biodiversity and habitat values through revegetation.

If a tourist accommodation development proposal requires the clearance of native vegetation a Data Report prepared by an Accredited Consultant needs to accompany the development application. This Data Report assigns a level of clearance. Where the proposal involves 'Level 3' or 'Level 4' native vegetation clearance the development must be referred to the Native Vegetation Council for *Direction*. See Native vegetation clearing – new dwelling or building.



Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay

This overlay seeks to safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from primary reservoirs or diversion weir catchments from the Mount Lofty Ranges.

Any development that generates human wastewater from a peak loading capacity of more than 40 persons (or more than 6,000 litres/day) must be referred to the Environment Protection Authority for *Direction*.

The Water Resources Overlay (to protect the quality of surface waters) and the Prescribed Water Resources Area Overlay (to protect the quantity of prescribed surface waters) also apply.

Public notification

The relevant authority will determine if public notification is required. If notification is required then neighbours of each piece of adjacent land will be notified and invited to make comment. A notice will also be placed on the land so that members of the general public are aware of the opportunity to make comment. People would have 15 business days to provide comment

Appeal rights

If a development application is refused, the applicant has the right to appeal.

If a development application is approved, but with a condition imposed, the applicant also has the right to appeal the condition.

Whether the development is approved or not those people who made comment on the development proposal (third parties) do not have the right to appeal.

Further information

For more detailed information, visit the [PlanSA](#) website.

Note:

The information provided on this factsheet is general advice about the development approval requirements for tourist accommodation development in the Myponga Reservoir Reserve under the new planning system.

We make no warranties or representations, expressed or implied, as to the completeness, accuracy or suitability of information provided. You should make your own

enquiries and satisfy yourself in respect of all matters in relation to the Nature Based Tourism Co-investment Fund and your proposal.

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