

29 March 2019

Jason Bailey, Project Lead Planning and Design Code

Department of Planning, Transport and Infrastructure

Level 5, 50 Flinders Street, Adelaide 5000

GPO Box 1815, Adelaide SA 5001

Email: DPTI.PlanningEngagement@sa.gov.au

Dear Mr Bailey

RESPONSE TO PHASE ONE OF THE PLANNING AND DESIGN CODE

We write in response to the request for feedback on *Phase One of the Planning and Design Code* currently on public consultation until Friday, 29 March 2019.

In particular, we wish to advise of our perceived implications for PEET Pty Ltd, and development within South Australia generally, should the above document be adopted in its current form.

For context, PEET Pty Ltd is an Australian development company, specialising in the creation of master planned communities, including award winning medium density housing and apartments. Projects in South Australia include:

- Sunday at Aldinga (Complete)
- Lightsview (a Joint venture with Renewal SA)
- Bluestone (Mount Barker)
- Tonsley Village

The establishment of these innovative new communities has significant benefits for the South Australian economy and contributes to job creation within our State. To facilitate such developments, we require certainty surrounding the development assessment process and planning requirements.

Feedback on the Planning and Design Code (General Modules)

We understand that the structure of the new Planning and Development Code is that it will be a state-wide document and whilst the zones will apply to nominated areas, the General Modules will apply broadly across the state.

It is not clear if the General Modules in Phase One of the Planning and Design Code will differ from those that will follow in Phase Two and Three, however we have assumed that the intention for a single set of planning 'rules' will result in the General Modules being broadly applicable.

Whilst PEET has no current intention to undertake development on land not within a council area, a number of concerns have been identified with the General Modules as currently presented.

Our comments are discussed as follows.

Residential Liveability Table 1 – Private Open Space

This table nominates minimum rates for the provision of private open space for a range of dwelling types and site areas.

For apartments, we note that the sizes generally accord with those in the existing planning system however the introduction of a variable minimum dimension will likely add to confusion and does not result in a simplification of the planning system.

Moreover, this variable minimum dimension will reduce flexibility in apartment configuration and design and will lead to added complexity in designing new apartment buildings. A single minimum dimension of 2.0m should replace the proposed variable dimension to allow for increased certainty and flexibility in design.

This would enable dwelling configuration to be internally amended to change bedroom numbers and layouts without the additional complexity of also needing to amend balcony sizes during design development. For dwelling site areas below 300 square metres, a single minimum rate of 24 square metres is proposed.

In terms of product delivery, there is a significant variation in dwelling types for allotments below 300 square metres which this blanket minimum requirement fails to acknowledge. Whilst a 24 square metre minimum may be appropriate for a detached dwelling on a single allotment, this rate is well in excess of the private open space provided for a number of contemporary terrace housing products, established within master planned communities such as Lightsview and Tonsley.

For context, the following policies apply at Lightsview and Tonsley:

- Lightsview – 15 square metres for dwelling sites less than 250 square metres;
- Tonsley – 10 to 15 square metres depending on site area.

Application of this single minimum requirement will result in reduced dwelling yields, a less compact urban form and ultimately significantly increased costs to purchasers who are currently not seeking this level of private open space in many housing types. It will also diminish the delivery of housing diversity and choice.

The proposed minimum does not reflect current exemplar developments in greenfield and infill environments.

Whilst it might be the case that specific zones under the new Code may reduce these minimums, such an approach does not reflect our understanding of the intent of the Code, as it would result in quantitative requirements located in multiple locations, which would retain the current level of complexity to the planning system.

However, unless the minimum deemed to satisfy provisions are reduced to current levels experienced in Lightsview and Tonsley, it is our suggestion that the private open space requirements be moved to the zone level to better acknowledge that open space provision in an urban setting is different to a low density residential zone.

The proposed minimum provision must be amended to reflect contemporary medium-density housing products already being successfully delivered in South Australia.

Parking

Whilst it is acknowledged that *Transport, Access and Parking Table 1 – Off-Street Car Parking Requirements* relates to the application of a Deemed-to-Satisfy condition, the rate of 2 spaces for dwellings with two or more bedrooms does not appropriately recognise the parking and occupation variables that apply between dwelling types, household forms and urban settings.

For instance, a two bedroom apartment has a very different parking demand to a four bedroom suburban dwelling, however the table makes no distinction between these dwelling types.

In our experience, dwellings of two bedrooms in size are typically provided with 1 on site car park, with visitor parking provided on- street. Such is presently reflected by the Development Plan policies applicable to Tonsley and Lightsview.

Indeed, Tonsley and Lightsview presently deliver four bedroom product with 1 car park, which shows how significant current market delivery is compared to the rates contained in Table 1.

To increase on-site car parking will add significant cost and prejudice the viability of projects and/or housing affordability. Such is particularly unnecessary in the circumstances such as:

- Master planned communities where on-street car parking can be maximised;
- In locations which benefit from access to public transport.

In our submission, we suggest that planning policy needs to drive the new urban form and encourage a change in household behaviours. Mandating 2 car parks for two bedroom dwellings will not encourage a shift away from car ownership/usage, which will have a significant legacy in respect to the amenity of our urban environments.

Site Contamination

PEET does not dispute that land for sensitive land uses must be suitable for the intended purpose and will provide a safe environment.

PEET is concerned about the proposed Deemed-to-Satisfy conditions which will become a de-facto requirement for all sites to require a site audit report, including those which may be low risk.

The Draft Development (Site Contamination) Variation Regulations 2018 identifies potentially contaminating activities will be classified into three classes; Class 3 (Low risk), Class 2 (Medium risk) and Class 1 (High risk).

It is PEET's submission that Deemed-to-Satisfy condition represents a duplication of regulation and risks inconsistency with other legislation. PEET's preferred approach should simply default to the EPA framework. If this is not supported, the Deemed-to-Satisfy approach must be amended to introduce different risk categories and solutions rather than simply default to a site audit.

Evaluation of this engagement

DPTI has requested feedback on the engagement process and understanding of the Code. Whilst PEET has a sound understanding of the intent and planned implementation of the Code, there are a number of issues with the engagement process to date.

PEET notes that there has been little to no genuine opportunity to engage with the drafting of the proposed Planning and Design Code. As a leading developer of both greenfield and infill land and housing, PEET would welcome the opportunity to directly engage during the preparation of future phases of the Code to ensure that the new planning provisions recognise the challenges, market demands and best-practice delivery of housing for South Australians.

The staged implementation of the Code is such that it is difficult to understand the collective impacts of the changes. Ahead of the drafting of Phase 2 and 3, it is recommended that specific consultation occur with the major developers of master planned communities in order to discuss the specific policies which apply to land division and residential development.

Should this code be adopted in metro areas, projects like Lightsview and Tonsley Village, which are regarded as best practice around Australia, would not be supported under the current proposed policies.

Should you wish to discuss any of the matters raised in this letter please contact the writer on [REDACTED].

Yours sincerely
PEET LIMITED

A handwritten signature in black ink, appearing to be 'Alan Miller', written over a circular stamp or logo.

ALAN MILLER
DEVELOPMENT DIRECTOR SA