



28 February 2020

Mr Michael Lennon
Chairman – State Planning Commission

By email: Dpti.planningreformsubmissions@sa.gov.au

Dear Michael

RE: PLANNING AND DESIGN CODE PHASE 3 SUBMISSION – PEET LIMITED

PEET Limited (PEET) is one of Australia's leading residential developers, creating master planned communities, [medium density housing](#) and [apartments](#) for homebuyers across the country.

In South Australia, we are establishing master planned communities at:

- Lightsvue (Joint Venture with Renewal SA);
- Mt Barker (Bluestone);
- Tonsley Village (Tonsley).

PEET remains committed to South Australia and is presently planning for new projects at Tonsley and Fort Largs. We also continue to identify potential new project sites in Greater Adelaide.

We have reviewed the draft Planning and Design Code (PDC) and have a number of issues arising. One of our key observations is that there is presently inadequate distinction in respect to the policy settings which we understand are intended to apply to small scale infill and to address impact on established character as compared to the policy setting that should apply to larger master planned sites (located within both an infill and greenfield context).

We generally consider that the proposed policies that would apply to a master planned site are too conservative from a density and height perspective. Further, several of the General Policies under the heading of 'Design in Urban Areas' are not considered relevant or appropriate in a master planned environment where matters such as soft landscaping and car parking can be planned through the master plan process.

In order to best demonstrate our issues of concern, we have presented the key issues as they relate to our current projects. We then also raise matters of a more general nature which can impact all projects.

1. Lightsview

Lightsview is a Joint Venture with Renewal SA. The Lightsview development commenced in 2007 with a clear objective to provide a diverse range of housing options at a density greater than the surrounding developments of Northgate and Oakden. The project is aligned to the aspirations of The 30-Year Plan for Greater Adelaide to significantly increase quality infill development within Adelaide.

1.1 Master Planned Suburban Neighbourhood Zone

The draft PDC proposes to apply the Master Planned Suburban Neighbourhood (MPSN) Zone to Lightsview.

Since its commencement, Lightsview has consistently been one of Adelaide's most successful and popular land development projects achieving on average over 175 sales a year and has provided many first homebuyers with an opportunity to purchase a home as result of the innovative new housing that have been developed. Lightsview has been the recipient of numerous national industry awards over the last decade and is an exemplar case study for delivering innovation and affordable housing for many government agencies and developers interstate.

The project has successfully achieved all of the following paramount objectives that were set for the project by government.

1. Develop a high-quality residential project, incorporating a wide diversity of housing, consistent with the Government's urban consolidation policy.
2. Achieve excellence in urban design and innovative built form through an integrated approach to land, housing, public space and other development.
3. Optimise the Government's commercial return on investment that is commensurate with the timing, risk, development mechanism and objectives of the project.
4. Achieve advanced sustainable development outcomes that are consistent with Government policies, the desired commercial performance of the project, and the constraints of the site.
5. Deliver a diversity of marketable housing products by providing a range of opportunities for builders to participate in the project.
6. Meet a target of 15% of new housing to be available for high needs and affordable housing.

If Lightsview was developed within the constraints of the proposed MPSN Zone, the project could not have achieved the Paramount Objectives set by government. This would have resulted in a significant reduction in the innovative, affordable built form housing that Lightsview has become nationally recognised for.

Lightsview is presently located in the Suburban Neighbourhood Zone. It is relevant to note that the current zoning has evolved through two Ministerial DPA's, which have been undertaken since the initiation of the project in 2007. The planning policy was established around a shared vision of innovation and affordability in both land and built form products which further enhanced the projects ability to deliver against the Paramount Objectives.

Lightsview is an outstanding example of a modern, urban infill master planned development. The complete integration of the urban design and built form has ensured all aspects of public open space, stormwater management, car parking, community wellbeing and built form massing are considered resulting in a far superior development outcome when compared to small scale urban infill development.

Whilst policies have been established to ensure an appropriate interface to the zone boundary, within the current zone itself, the planning policy has evolved to promote the innovation and to respond to the clear demands of the market.

The master plan set the scene, with the planning policy set to reflect the master plan.

To date, more than 2,000 allotments and approximately 1,600 dwellings have been created. All allotments, through the master planning, have been established to accommodate housing typologies which require relatively unique policies in respect to density, building height, setbacks, car parking and private open space.

A detailed review of this MPSN zone reveals that it is not in our opinion a 'like for like' zone as compared to the current, and in effect represents a 'down zoning' of Lightsview, with significant risk to obtaining approval for current and planned product

In particular, we note that different/more conservative policy settings are proposed to apply in respect to:

- Density;
- Building height;
- Car parking;
- Building design and interface management within designated centres;
- Public notification.

The unsuitability of the proposed policy is highlighted by the fact that the Lightsview project has for the last decade or more delivered medium to high density development in the form of terraces, apartments (at 180 dw/ha net) and medium rise (4 storey) product.

The MPSN Zone anticipates low-medium density and low-medium rise outcome, limited to 3 storeys outside of Activity Centres. Whilst the gross density is intended to apply across the whole of the zone, there are stages of Lightsview which are medium to high density, which presents challenges in applying the proposed policy.

Overall, there is a mismatch in terms of anticipated density and more particularly building height.

As a consequence, some of the areas with 'terrace' housing and apartment product will exceed a net density of 40dw/ha and won't achieve setback and building height 'Deemed to Satisfy' (DTS) requirements. As such commonly established product will therefore be subject to public notification.

Similarly, the four storey apartment product won't achieve the DTS in respect to building height and car parking and therefore would also be subject to public notification. At the present time, all development within Lightsview is Category 1 (unless at the boundary of the zone or if non-complying).

Development which is subject to public notification creates delay and uncertainty in respect to the planning process, with development applications on land owned by PEET likely to be considered by the City of Port Adelaide Council Assessment Panel should there be any representations arising from the notification process. This would completely change the manner in which applications have been assessed since the initiation of the project.

In our reading, the extent of the variation between the existing and proposed policies is such that the PDC will not necessarily support current housing product on existing approved allotments.

It is important to note that these allotments have and continue to be sold by the State Government (Renewal SA) with purchasers having expectation of replicating the key elements of the terrace housing product already established.

In our view private purchases, many of which will be first homebuyers, will be significantly disadvantaged by the proposed MPSN Zone if they are not able to construct a dwelling in line with the current planning policies.

Recommendation 1.1

The incorrect zone from the PDC has been selected for Lightsview. An alternate zone is required in order to accommodate the built form presently developed within Lightsview.

Having reviewed alternative zones, the Urban Neighbourhood Zone is the closest match to the current zone. Adoption of this zone is requested to address the key density and in particular, building height matters raised to allow the approved masterplan and paramount objectives of the project be delivered.

1.2 Car Parking

Despite the recent commentary by some stakeholders that Lightsview provides a lack of private vehicle parking, a recently completed parking assessment identified that across the Lightsview project over 5,500 off street parks (average 2 per dwelling) and 2,000 on street parks will be provided which is far in excess of the current parking requirements. This has been achieved through the masterplan approach to the design of both the streets and built form which has allowed a far more efficient street network to be designed and constructed.

In summary the scale of the project and the master planned approach resulted in innovation and an integrated development which addresses the challenges that many Councils are experiencing with minor infill development.

In order to retain the current policy settings at Lightsview, which enable 1 car park for a 3-bedroom dwelling, we require that an exemption be provided which retains the current car park policy settings for Lightsview.

Recommendation 1.2

Whilst there may be various options available to address this matter, we suggest that the exemption to be provided which retains the current car park policy settings for Lightsview is best included in Table 2 under the Transportation, Access and Parking section of the General Policies.

Under the heading residential development, the following car parking rates should apply for Lightsview, noting the designated area may need to be identified spatially:

- *Dwellings (other than residential flat building) = 1 space per dwelling; and*
- *Residential flat building = 1 space per dwelling, plus 0.25 spaces per dwelling for visitor parking*

1.3 Public Notification

Further amendments (within any alternate zone) would be needed to address the broadened public notification proposed by the PDC. We understand that this issue has already been generally raised with DPTI and is being considered by the State Planning Commission.

2. Tonsley

2.1 Tonsley Retail

In 2019, PEET purchased from Renewal SA a property identified as Lot 34 at Tonsley. This was sold as a designated retail site, which was created as a critical part of the overall master plan for Tonsley.

The land is presently located within the Regional Activity Centre Zone which not only envisages retail development, but also places very little restriction in respect to floor space due its position on the current centre hierarchy.

The draft PDC proposes to apply the Innovation Zone to Tonsley.

A shop exceeding 500 square metres in area is a Restricted Development. This listing as a Restricted Development severely impedes the prospect of accommodating anything other than a modest retail offer on this site.

Recommendation 2.1

An exemption must be incorporated into Table 4 of the zone which removes the retail constraint which applies to the Innovation Zone. We understand that Renewal SA will be making a similar request. The proposed exemption is outlined below.

Table 4 – Restricted Development Classification

Class of Development	Exclusions
The following Classes of Development are classified as Restricted subject to any 'Exclusions'	
Shop	Restaurant
	A shop (other than a bulky goods outlet) within the suburb of Tonsley
	Any other shop with a gross leasable floor area less than 500m ²

2.2 Tonsley Village

More than 1,100 new residential dwellings are anticipated within Tonsley Village, with an initial land division application already approved to enable the establishment of this number of dwellings.

The proposed Innovation Zone has a different context and purpose as compared to the current Regional Activity Centre Zone. The current zone was supported by detailed desired character statements and a Concept Plan which helped distinguish particular precincts within the substantive zone. The Innovation Zone does not have the benefit of these policy tools.

Notwithstanding the broad nature of the zone, it does incorporate residential policies of similar nature to the current Regional Activity Centre Zone.

Under any scenario, it is important that the policy settings be made clear to facilitate medium to high rise and medium density residential outcomes in Tonsley Village. Whilst this can be accommodated in the proposed Innovation Zone, if a more focussed zone is to be applied over the Tonsley Village the Urban Neighbourhood Zone is the best alternate fit, as it would support the density, height and general configuration of development approved and currently anticipated in the area. As outlined above, a zone such as the Master Planned Suburban Neighbourhood Zone only anticipates low-medium density and low-medium rise outcomes and would be too restrictive for the precinct.

Recommendation 2.2

The policy settings need to clearly facilitate medium to high rise and medium density residential outcomes in Tonsley Village. Whilst this can be accommodated in the proposed Innovation Zone, if a more focussed zone is to be applied over the Tonsley Village the Urban Neighbourhood Zone is required.

PEET support the retention of the current Concept Plan for Tonsley.

2.3 Car Parking

The City of Marion Development Plan currently lists the Regional Activity Zone as a 'designated area' for car parking where concessions apply.

The scale of the Tonsley project and the master planned approach has resulted in an integrated development which addresses the challenges that may be experienced with minor infill development. In order to retain the current policy settings at Tonsley, we require an exemption be provided.

The current Development Plan 'designated area' for car parking provides similar concessions to those in 'Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas' under the General Development Policies in the Code.

Recommendation 2.3

The current policy settings at Tonsley with regard to car parking should be retained by adding the Innovation Zone to list of Designated Areas in 'Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas'

3. Fort Largs

PEET is the preferred tenderer for the purchase of Government owned land at Fort Largs. The PEET vision is for the creation of a residential focussed master planned development, with built form similar in nature to Lightsview.

The draft PDC proposes to include the Fort Largs site in the MPSN Zone.

For the same issues as raised in respect to Lightsview, PEET consider that the Urban Neighbourhood Zone would better represent the density, height and general form of residential development anticipated for the site by PEET and as conveyed to the City of Port Adelaide Enfield in several preliminary briefings.

Recommendation 3.1

The incorrect zone from the PDC has been selected for Fort Largs. An alternate zone is required in order to accommodate the built form presently proposed.

Having reviewed alternative zones, the Urban Neighbourhood Zone is most appropriate to support the vision for the site. Adoption of this zone is requested.

4. General Items

Master planned Development

4.1 Overlays

Whilst PEET recognises the need for policies to protect state interests, one of the implications of the Overlays is that dwellings which might otherwise be deemed to satisfy, fall into the 'performance assessed' pathway.

A key example is the Noise and Air Emissions Overlay. The policies contained within have no DTS provisions, therefore providing no certainty. We suggest that DTS provisions be formulated (potentially referencing a relevant Australian Standard or Minister's Code) in order to optimise the number of dwellings which can achieve DTS. This is just one example, and we understand that DPTI is reviewing the draft Overlay policies in order to avoid such issues.

4.2 Residential Flat Buildings

We submit that within zones where medium density and medium rise development is envisaged, residential flat buildings up to five storeys in height should be DTS. This is particularly relevant in master planned sites (for instance over 1ha in area) where there is potential for height and density to be established whilst managing the established character at the interface.

Whilst this may be a matter for future iterations of the PDC, we do not think it would be difficult to establish DTS criteria based on the 4-storey residential flat building product developed by PEET at Lightsview and Tonsley.

In conclusion, we consider that some important amendments to the draft PDC are required in order to ensure key development rights established under the current relevant Development Plans relating to Lightsview and Tonsley are retained.

We would be pleased to meet with DPTI in order to further discuss the matters raised and to consider options for satisfactory resolution.

Yours sincerely
PEET LIMITED

A handwritten signature in blue ink, appearing to read 'Mark Devine', written in a cursive style.

MARK DEVINE
STATE MANAGER - SA