



18 December 2020

Mr Michael Lennon
Chairman – State Planning Commission

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

Dear Michael

RE: PEET SUBMISSION TO REVISED PHASE 3 PLANNING AND DESIGN CODE

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.

We write in relation to the request for feedback for the revised draft of the Planning and Design Code (the Code). This feedback specifically responds to criteria and assessment pathways relating to zones affecting Peet land interests at Lightsview, Tonsley, Fort Largs and Mount Barker.

1. Assessment pathways within the Master Planned Neighbourhood Zone

The MPN Zone provides an Accepted, Deemed-to-Satisfy and a Performance Assessed assessment pathway for detached dwellings. We note that the Deemed-to-satisfy pathway is not applicable where the site is within the Emerging Activity Centre (EAC) Subzone.

In our observation, it is common for this Subzone to apply to entire areas within the MPN Zone. For example, the entire MPN Zone at Lightsview and Fort Largs is also subject to the EAC Subzone.

In this circumstance it will be possible for a dwelling to be Accepted and yet not Deemed to Satisfy. Such becomes problematic in areas where a building envelope plan (BEP) has not been approved, resulting in all detached dwellings within that area required to follow the Performance Assessed assessment pathway. We understand that this may well be an unintentional consequence and trust that it would be a relatively simple issue to rectify.

For this purpose, we recommend that Table 2 – Deemed-to-Satisfy Development of the MPN Zone be updated to:

- remove reference to the Emerging Activity Centre Subzone in the exceptions listed for detached dwellings within the 'Class of Development' Subzone; and
- add Emerging Activity Centre Subzone DTS/DPF 1.1 to the Subzone column.

2. Balconies

Criteria 7 of the Accepted pathway for detached dwellings in the Master Planned Neighbourhood (MPN) Zone states:

One of the following is satisfied:

- a) *the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace*
or
- b) *all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of:*
 - i. *1.5m above finished floor level there the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land*
or
 - ii. *1.7m above finished floor level in all other cases.*

The above policy is not relevant to single storey detached dwellings and could result in single storey dwellings being subjected to the 'Performance Assessed' assessment pathway if the relevant authority decide that the above criteria is not adequately satisfied. We again assume that this is an unintended consequence of recent drafting and suggest that it could be resolved if criteria 7 is updated to read 'if the dwelling exceeds one storey, any balconies satisfy one of the following'.

We anticipate further issues may arise once the Code becomes operational and we trust an appropriate review forum will be established in order to register and rectify issues, many of which may be unintentional yet significant consequences.

If you have any questions relating to the matters raised in this letter, please contact me on (08) 8100 2300.

Yours sincerely
PEET LIMITED



MARK DEVINE
STATE MANAGER - SA