

## Zuidland, Sara (DPTI)

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**From:** DPTI:PD DAC & Major Developments Panel  
**Sent:** Thursday, 6 October 2016 1:30 PM  
**To:** Kerber, Laura (DPTI)  
**Subject:** FW: Robert Kleeman, Submission re Peregrine Development

Sara Zuidland  
Para-Planner  
Development Division - Department of Planning, Transport and Infrastructure Tel 08 7109 7069 | Fax 08 8303 0753 | Email sara.zuidland@sa.gov.au

-----Original Message-----

From: Christel Mex [mailto:christelmex@gmail.com]  
Sent: Thursday, 6 October 2016 1:26 PM  
To: DPTI:PD DAC & Major Developments Panel <DPTI.PDDAC&MajorDevelopmentsPanel@sa.gov.au>  
Subject: ATT: Robert Kleeman, Submission re Peregrine Development

Dear Mr Kleeman

Thank you for the opportunity to provide comment on the Peregrine Mixed Use Development at 270 The Parade, Kensington.

Whilst I appreciate the economic value that the development will bring to the local area, I strongly appose the seven stories proposed in the design. This height will severely overwhelm the state heritage listed buildings located on that corner, especially the iconic Clayton Church.

The nature of the design is very out of character for the historic conservation zone of Kensington, and would be more appropriate on Greenhill or Fullarton Roads where other corporate headquarters are located.

As a local resident and ward councillor, I ask that the design be reconsidered that will complement the historic nature of the area, and to reduce the excessive height of the proposed building.

This development, as it currently designed, will have a very negative impact not just in Kensington, but for the atmosphere of The Parade in Norwood.

Thank you for your consideration,

Christel Lorraine Mex  
Kensington Ward Councillor  
City of Norwood, Payneham & St Peters

PS - the views expressed in this email are my own.

## Zuidland, Sara (DPTI)

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**From:** DPTI:PD DAC & Major Developments Panel  
**Sent:** Wednesday, 12 October 2016 9:40 AM  
**To:** Kerber, Laura (DPTI)  
**Subject:** FW: PEREGRINE DEVELOPMENT KENSINGTON

### Sara Zuidland

Para-Planner

Development Division - **Department of Planning, Transport and Infrastructure**

Tel 08 7109 7069 | Fax 08 8303 0753 | Email [sara.zuidland@sa.gov.au](mailto:sara.zuidland@sa.gov.au)

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**From:** vassos@internode.on.net [mailto:vassos@internode.on.net]  
**Sent:** Tuesday, 11 October 2016 10:16 PM  
**To:** DPTI:PD DAC & Major Developments Panel <DPTI.PDDAC&MajorDevelopmentsPanel@sa.gov.au>  
**Subject:** PEREGRINE DEVELOPMENT KENSINGTON

I object to the construction of the proposed monstrosity by the Shahin Group on the corner of Norwood Parade and Portrush Road.

1. That corner is a Major hassle at the best of times with cars congesting the roads around the corner, particularly during school opening and closing times. Often a line of cars can be seen lined up from that corner, up The Parade to Shipsters Road.
2. At the moment Shahin employees cars are parked on the Parade between Bowen Street and Portrush Road, reducing the Parade to one lane of traffic at the lights. This puts undue pressure on the intersection meaning long delays for traffic travelling to the city along The Parade.
3. Buses also use The Parade (Quite a few) and these add to the congestion.
4. Portrush Road traffic gets priority and delays are even longer on the Parade. The addition of additional traffic from the proposed development will exacerbate the already frustrating traffic conditions on that corner.

Kensington is essentially a residential suburb and one of the oldest in Adelaide. There is no structure remotely resembling the proposed monstrosity. It is out of kilter with anything remotely close in that area. Where else is there such a building in Kensington ?

I appreciate the the Shahin family want to provide suitable premises for their business needs, but that corner is not the place. It does not cope with current traffic amounts, and would be a disaster with any additional traffic.

There would be sustained anger and frustration levelled at the Shahin family if the construction were to go ahead. God help us during the building phase. It would be a mammoth disaster and the community would be incensed with he disruptions to what is already a very congested and frustrating corner already!

The design and size of the building is totally unsuitable for that part of Adelaide and a more suitable site should be found in an industrial area of Adelaide.

Leo Vasilunas  
 34A Regent St  
 Adelaide

15/10/16

Dear Sir/Madam,

I would like to some comments regarding the proposed development at 270 The Parade, Kensington by Shahin Enterprises Pty Ltd T/A Peregrine Corporation.

I drive past the proposed development site at least ten times a week, and I am opposed to this development for two reasons.

Firstly, I believe it will create significant traffic problems around this intersection. There are already traffic issues on The Parade between the current Peregrine Corporation building and the Clayton Wesley Uniting Church where the road narrows, and I believe the addition of extra traffic coming to and from a development such as the one that is proposed will exacerbate the problem. Also, High Street gets extremely congested, especially at school pick drop off and pick up times. It is already quite a narrow street and when cars are parked on both sides, you often have to pull over and wait for a car that is travelling in the opposite direction to pass. Again, this situation could only get worse with an increase in traffic from a large development. Furthermore, it is quite common in the morning peak hour that vehicles travelling south on Portrush Road queue right up to the intersection of The Parade and Portrush Road. This I feel is currently at manageable levels, but I fear this development would worsen this problem.

Secondly, I believe the height of the proposed building is not in character with the area. On Portrush Road, there are few buildings higher than 2 storeys, and many residential buildings. A building as high as the one proposed is significantly different to anything else on Portrush Road, and is also far beyond what the zoning is for the area. I believe it would detract from the appearance of the beautiful Clayton Wesley Uniting Church.

Thank you for taking to time to listen to my views,

Yours sincerely,

Charlotte Hutchesson  
Stepney

**Zuidland, Sara (DPTI)**

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**From:** DPTI:PD DAC & Major Developments Panel  
**Sent:** Monday, 17 October 2016 2:10 PM  
**To:** Kerber, Laura (DPTI)  
**Subject:** FW: 270 the Parade

Sara Zuidland  
Para-Planner  
Development Division - Department of Planning, Transport and Infrastructure Tel 08 7109 7069 | Fax 08 8303 0753 | Email sara.zuidland@sa.gov.au

-----Original Message-----

From: Queale [mailto:vivqueale@iprimus.com.au]  
Sent: Monday, 17 October 2016 1:46 PM  
To: DPTI:PD DAC & Major Developments Panel <DPTI.PDDAC&MajorDevelopmentsPanel@sa.gov.au>  
Subject: 270 the Parade

Hello ,

I am wondering what I can do to protest at the proposed development of the south-eastern corner of the Parade and Portrush Road.

I have lived near Beulah road for 36 years and am very disturbed about the proposed 7 storey building that I understand is to be built on this corner.

It is totally out of keeping with the local historical amenity of the area. It is ugly and too high.

I don't suppose they could be persuaded to put it somewhere else? I know they have owned that Peregrine office for many years, but to put a glass/concrete private apartments AND swimming pool AND carpark there is wrong.

I suppose they have offered a lot of money to the powers that be and local opinion doesn't count.

Is there any effort coming from the council to halt this project?

Are there any local residents' groups which may be trying to stop this project?

thank you,

Vivien Queale

18 Toowong Av, Kensington Park 0402987578

Mr. Robert Kleeman  
16<sup>th</sup> October 2016

15 Phillips Street  
Kensington SA 5068

RECEIVED

20 OCT 2016

DAC

Dear Robert

We would like to submit a submission in opposition to the proposed Peregrine development on the corner of Portrush Road and The Norwood Parade.

We oppose the development for the following;

- overshadowing of our home
- adversely <sup>impacted</sup> our quality of life
- increase traffic movements in our street
- restrict parking, moreso than at present
- increase in noise levels
- impact on heritage of local area
- negative impact on home values
- height of building too high for this location

Vincenzo Corbo Emiliano Corbo

## Zuidland, Sara (DPTI)

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**From:** Julie Brennan <juliebrennan@adam.com.au>  
**Sent:** Monday, 24 October 2016 1:19 AM  
**To:** DPTI:PD DAC & Major Developments Panel  
**Subject:** Peregrine Mixed Use Development – 270 The Parade, Kensington

Minister for Planning,  
Attention: Robert Kleeman, Unit Manager Strategic Development Assessment, Planning & Development,  
Development Division  
Department of Planning, Transport and Infrastructure,  
Adelaide, 5000

Re: Peregrine Mixed Use Development – 270 The Parade, Kensington

Dear Sir,

My family and I reside in High Street, Kensington.

Our home is a Contributory Item in a Historic Conservation Zone. We respect and value the protection this zoning provides our home and much of the built environment that surrounds us in the suburb of Kensington.

If we choose to make any changes to our home we are required to do so with council consent in accordance with the planning and heritage rules that apply to our land.

It is not equitable that Peregrine can apply to change the rules that apply to their land and those changes have the ability to so significantly impact homeowners in a residential suburb that is not zoned for buildings of the height and scale of the proposed development.

When assessing the Peregrine Mixed Use Development I respectfully ask that you consider the potential impact of -

1. The significant additional traffic that would use High St to enter and exit the proposed development. All traffic exiting the proposed development should be directed onto The Parade or Portrush Road to avoid significant impact on residential streets intended for local traffic.
2. The safety of pedestrians, particularly children around the two busy High Street school zones on what is essentially a narrow neighbourhood street.
3. Overshadowing, loss of privacy and increased noise on the local residents.
4. Inadequate onsite parking for the occupants including retail and hospitality staff and visitors to the proposed building. The suburb of Kensington already has many homes, schools and commercial premises that do not have access to adequate offstreet or visitor parking. Residents are already impacted by staff and visitors parking at commercial premises, the two schools on High Street and senior students parking at Mary MacKillop College.
5. The potential future request to change Bowen Street from a one way street to a two way street which would see many additional cars potentially using High Street as a means of cutting through local neighbourhood streets to avoid main roads and major intersections.

6. The bulk and scale of the building, particularly when looking to the west from many Kensington Streets. The heritage listed church steeple can currently be viewed from many streets including Phillips St, Bridge St and Maesbury St. If this development proceeds this valued heritage view would be lost.
7. Overlooking from upper floors of the proposed development over school grounds including Mary MacKillop College, St Ignatius Junior College and McKellar Stewart Kindergarten.
8. Overlooking from upper floors of the proposed development over the existing Norwood Outdoor pool.
9. Significantly higher future occupancy of the building, than that which is stated, given the likely future growth plans of Peregrine.

Subject to planning laws, in my opinion, a development of this scale would be better suited to a location such as the south eastern corner of the Greenhill Road and Fullarton Road intersection or the CBD.

Peregrine have invested a great deal of thought and planning in seeking to provide amenity for their staff. I respectfully ask that you provide a similar level of thought and consideration for the impact on my family, my neighbours and all residents of Kensington when considering this development application.

Yours faithfully

Julie Brennan

Sent from my iPad

**Zuidland, Sara (DPTI)**

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**From:** Louise Brennan <louise.brennan0@gmail.com>  
**Sent:** Sunday, 23 October 2016 9:07 PM  
**To:** DPTI:PD DAC & Major Developments Panel  
**Subject:** Fwd: Peregrine Developments Cnr Portrush Road & High Street, Kensington

Mr John Rau  
Minister for Planning

Dear Mr Rau

We strongly object to Peregrine's Mixed Use Development Proposal. As local residents who will be significantly affected by this proposal we are alarmed that we have not been consulted with regards to this proposal. We strongly object to the proposal. It is not in keeping with the strong historic nature of Kensington.

Please see previous email to Norwood, Payneham, St Peters Council.

Your sincerely

Tracy Brennan  
87 High Street  
Kensington SA 5068  
Mob: 0420 563 986

Date: Sun, Oct 23, 2016 at 3:46 PM  
Subject: Peregrine Developments Cnr Portrush Road & High Street, Kensington  
To: "[townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)" <[townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)>

To Whom it may concern,

I have been informed by a neighbour that a development plan has been submitted to Council for Peregrine site on the Corner of Portrush Road & High Street, Kensington.

Any developments increasing the volume of traffic on High Street and making traffic more congested around the corner of Norwood Parade and Portrush Road is of great concern and I would like an opportunity to lodge a objection to any such development. The development of high-rise apartments around High St is also not in keeping with the heritage nature of the area.

Assuming what I have been told is correct, is the Council going send out written notices to residents of High Street and surrounding areas to provide proper opportunity to provide input.

With thanks,

Simon Brennan

87 High St

Kensington SA 5068

Mob: 0406 384 133

**Zuidland, Sara (DPTI)**

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**From:** Jo March <jo\_spike@bigpond.com>  
**Sent:** Saturday, 22 October 2016 8:25 PM  
**To:** DPTI:PD DAC & Major Developments Panel  
**Cc:** Andrew Dyson GPS  
**Subject:** Peregrine Development Proposal - 270 The Parade, Kensington  
**Attachments:** Submission\_regarding\_Peregrine\_DA\_Oct\_2016.pdf

Attn: Robert Kleeman

Dear Sir,

I fully endorse the submission of the Kensington Residents Association (copy attached) urging the Development Assessment Commission to refuse the Peregrine development application.

The proposed development is clearly in contravention of the Norwood, Payneham and St Peters Development Plan and is not commensurate with the Kensington Historic Zone listing.

The proposed building is totally unsympathetic to the three State Heritage listed items on the other corners of the intersection.

It would exacerbate the existing traffic and parking problems in the area, with particular reference to the adjacent Mary MacKillop College.

And it's bloody ugly!

Yours sincerely,

Jo March  
36 Thornton Street  
Kensington SA 5068

Minister for Planning,  
Attention: Robert Kleeman, Unit Manager  
Strategic Development Assessment,  
Planning & Development, Development  
Division  
Department of Planning, Transport and  
Infrastructure,  
Adelaide, 5000

The Secretary,  
Kensington Residents' Association Inc.,  
Mr A Dyson,  
42, Regent Street,  
Kensington, 5068.  
20<sup>th</sup> October 2016.

**Re: Peregrine Mixed Use Development – 270 The Parade, Kensington**

Dear Sir,

Our Association is strongly opposed to the proposed development of the Peregrine site as it fails to comply with numerous provisions of the Norwood, Payneham & St Peters Development Plan 2016 (Development Plan). These include but are not limited to:

- the excessive bulk and scale of the proposed building that will dominate this important location with three State Heritage items on the other three corners; and
- a significant and adverse impact on the adjacent Kensington Historic Conservation Zone and Kensington residents living adjacent or near the site;

It will also:

- increase traffic congestion on The Parade, between Portrush Road and Phillips Street; and
- increase parking and traffic problems in neighbouring streets in Kensington, Beulah Park and Norwood.

The proposed development is not in accordance with the Development Plan as recently approved by the Minister of Planning. The declaration of “major project status” is an attempt to subvert the Development Plan and is an example of very poor planning. The Development Plan is supposed to provide certainty to the community and developers alike but such an abuse of the system takes away this certainty and provides benefit only for those that have the influence to achieve major project status.

This proposal would provide windfall profits for the owners as the property was purchased based on its zoning. At the time it restricted development to two storeys.

It is noted that at various places in the Development Report the site is referred to as being in Kensington Park and Kensington Gardens. The failure to consistently identify that it is in fact in Kensington begs the question “*how reliable the report is?*”.

With reference to the relevant general and zone specific provisions of the Development Plan, we offer the following comments and objections:

## **Centres, Shops & Business – (City Wide)**

### **PRINCIPLES OF DEVELOPMENT CONTROL**

**278** Provision for the movement of people and goods within business, centre and shopping zones or areas should comply with the following:

- (a) development should not cause inconvenient and unsafe traffic and pedestrian movements or be likely to result in the need for significant expenditure on transport and traffic works, or facilities within, or outside, the locality;*
- (d) access to car parking areas should be designed not to cause congestion or detract from the safety of traffic on abutting roads;*
- (h) on-site parking shall be determined having regard to:
  - (i) the amount, type and timing of movement generated by the use;**

**282** Centres should have a minimal adverse impact on traffic movements on primary, or primary arterial, roads.

**292** Development within business, centre and shopping zones should be located having regard to the following principles:

- (b) development should not generate pedestrian or vehicular traffic onto or across an arterial road in such a way as to materially impair the movement of traffic on that road or to cause safety hazards;*
- (c) development should not generate significant increases in traffic in adjacent residential areas;*

**293** Development within business, centre and shopping zones should conform to the following access and car parking principles:

- (a) development should provide safe and convenient access for private cars, cyclists, pedestrians, service vehicles, emergency vehicles and public utility vehicles;*
- (b) access points onto public roads should be located and designed in such a way as to minimise traffic hazards, queuing on public roads and intrusion into adjacent residential areas;*
- (c) the number, location and design of access points onto arterial roads shown on Map NPSP/1 (Overlay 1) Parts A & B should be such as to minimise traffic hazards, queuing on the roads, right turn movements and interference with the function of intersections, junctions and traffic control devices;*
- (d) development should provide sufficient off-street parking to accommodate customer, employee and service vehicles;*

There are already significant traffic problems on The Parade, with traffic backing up past Bowen Street from Portrush Road for much of the day. At school pickup and peak hours, traffic is often banked up past Phillips Street. An entry and exit onto The Parade would further exacerbate the traffic problems. The traffic situation on The Parade will inevitably lead to queuing across the footpath creating a dangerous situation for the many pedestrians who walk down The Parade to Norwood.

There is also the probability that reflections and overshadowing from the proposed building will affect visibility at this major intersection having an adverse on impact road safety.

The proposal acknowledges that it provides less parking than required by the Development Plan. In addition it suggests that in future there may well be a move to convert other than the basement parking floors to office space! The proposal would generate significant extra parking requirements, over and above that planned for within the development. At present "On the Run" vehicles are often parked in Kensington and Beulah Park, well away from the Peregrine site. Residents in Bowen Street, Phillips Street and Marchant Streets complain of parking problems from Peregrine vehicles and employees vehicles, taking their street parking and at times parking across driveways. Peregrine employees are also known to park as far away from the Peregrine site as Thornton Street.

The development will also generate significant additional traffic in both High and Bowen Streets.

The traffic studies appear to have been done outside of school pickup times. The number of schools in Kensington and nearby streets in Norwood create significant traffic problems at school pick up times and these will be exacerbated.

**280** *Landscaping should form an integral part of centre design, and be used to foster human scale, define spaces, reinforce paths and edges, screen utility areas, and generally enhance the visual amenity of the area. The use of locally indigenous plant species should be incorporated where it is practical to do so.*

The landscaping proposals are minimalistic at best and the landscaping along The Parade would be severely impacted by possible widening of the road as envisaged for introduction of trams. The applicant's track record in maintaining the very basic landscaping in the existing car park calls into question whether or not any proposed landscaping will be properly maintained.

**284** *Centres should have minimal adverse impacts on residential areas.*

**294** *Development within business, centre and shopping zones should conform to the following design principles:*

*(d) Development should not cause nuisance or hazard arising from:*

*(iv) overlooking;*

*(v) overshadowing; or*

*(vi) visual intrusion.*

**300** *Industrial and commercial development in proximity to residential zones should not impair the amenity of those residential zones and points of entrance and exit should be located so that the number of vehicles using nearby roads in residential zones is kept to a minimum.*

The proposed development will have an adverse impact upon the nearby residential areas. There will be overlooking, overshadowing and visual intrusion for residents in Bowen Street, High Street and Phillips Street. It will be particularly bad for those living in Bowen Street. We are aware that one owner has already sold a Bowen Street property because of concerns about the adverse impact and a family renting in Bowen Street intends moving away if the development goes ahead.

## **Heritage – (City Wide)**

### **OBJECTIVES**

**Objective 110:** *Development that retains the heritage value of State and Local Heritage Places such that the heritage value of the place, locality and the Council area is reinforced through:*

*(a) the conservation and complementary development of such places; and*

*(b) the complementary development of land and sites adjacent to such places.*

**Objective 111:** *Development which conserves and reinforces the historic integrity of the Council area and is compatible with the desired character of the appropriate zone and policy area.*

### **PRINCIPLES OF DEVELOPMENT CONTROL**

#### **General**

**333** *Development (including land division) should not compromise or detrimentally affect the heritage value, character, integrity, setting, siting or function of buildings or sites of architectural, historic or scientific interest, sites of natural beauty or places of heritage value identified in Tables NPSP/5 and 6 as State or Local Heritage Places.*

#### **Development on land adjacent to land containing a heritage place**

**345** *Development on land adjacent to land containing a State or Local Heritage Place as designated in Tables NPSP/5 and 6 should respect the heritage value, integrity and character of the heritage place and should clearly demonstrate design consideration of the relationships with the heritage place and its setting (without necessarily replicating its historic detailing) and the character of the locality by establishing compatible:*

*(a) scale and bulk;*

*(c) proportion and composition of design elements;*

*(d) form and visual interest (as determined by play of light and shade, treatment of openings and depths of reveals, roofline and pitch and silhouette, colour and texture of materials as well as detailing, landscaping and fencing);*

**346** *Development on land adjacent to land containing a heritage place and sited in strategic locations, such as corners or at the termination of vistas, should have a scale and visual interest in the streetscape at least equal to that of the adjoining heritage place, providing the heritage value of the place within its setting is not diminished.*

**347** *Development on land adjacent to land containing a State or Local Heritage Place should not be undertaken if it is likely to dominate or detract from the heritage value and integrity of the heritage place by way of design, appearance or standard of construction.*

The proposed development fails to meet the above objectives and principles with regard to its impact on adjacent State and Local Heritage places. At various places in the development report the building is claimed to be of seven storeys, including in the heritage impact assessment. With a ground floor, seven acknowledged levels and the roof level that is effectively two storeys in height, the building is in reality ten storeys high.

The bulk and scale are massive and the proposed building will dwarf the State Heritage listed buildings on the other three corners of the intersection and make them insignificant. On this basis alone the application should be rejected.

## **BUSINESS ZONE**

### **Introduction**

*The objectives and principles of development control that follow apply to the Business Zone shown on Maps NPSP/9, 10, 21 and 22. Further principles of development control also apply to policy areas that are relevant to the zone. The combined provisions for the zone and its related policy areas are additional to the City Wide provisions expressed for the whole of the council area.*

### **PRINCIPLES OF DEVELOPMENT CONTROL**

#### **Non-complying Development**

**12** *The following kinds of development are non-complying in the Business Zone:*

*The change in the use of land to, or the erection, construction, conversion, alteration of or addition to a building for the purposes of, the following:*

*Indoor Recreation Centre*

*Office with gross leasable area greater than 250 square metres, except in the West Norwood Policy Area*

*Shop or group of shops with a gross leasable area greater than 250 square metres*

### **DESIRED CHARACTER**

#### **Kensington Policy Area**

*Kensington Policy Area occupies a key location at the corner of The Parade and Portrush Road. Development should comprise high quality offices, consulting rooms and retail showrooms.*

*The corner of The Parade and Portrush Road is a visually prominent site within the city and any new building should be of massing and configuration which visually reinforces the corner, whilst respecting the scale of buildings in the adjacent Historic (Conservation) Zones and maintaining the prominence of the State Heritage listed buildings on the south-western, north-eastern and north-western corners of the intersection of Portrush Road and The Parade.*

*The Parade and Bowen Street should provide the primary points of access for delivery, service and visitors' vehicles. The creation of new vehicle access points onto either Portrush Road or the portion of The Parade close to the Portrush Road intersection should be avoided.*

### **PRINCIPLES OF DEVELOPMENT CONTROL**

**4** *Development adjacent to the Kensington 1 and Kensington 2 Policy Areas of the Residential Historic (Conservation) Zone should be compatible in design and scale with the character sought for that Zone and those Policy Areas.*

**7** *Development in the Business Zone should not exceed two storeys in height above mean natural ground level, except where identified in the West Norwood Policy Area and the Magill Road West Policy Area, where development incorporating a residential component above ground level non-residential land use/s, should not exceed three (3) storeys above natural ground level.*

Principle 12 lists non-complying developments in the zone. These include, an indoor recreation centre, offices with a leasable area greater than 250 square metres and shops with a leasable area greater than 250 square metres. The proposed development clearly contravenes these conditions of this principle.

Rather than reinforcing the corner with a building that respects the scale of the buildings in the adjacent Historic Conservation Zones and maintaining the prominence of the State Heritage listed buildings, the proposed building will completely dominate the intersection and neighbouring streets, dwarfing the three State Heritage items on the intersection and also detract from the State Heritage listed Benson Fountain on the corner of High Street and Portrush Road.

Contrary to the desired character statement that discourages the creation of new vehicle access points on the two major roads, the proposal has a major entry and exit point on The Parade. This would further exacerbate the existing traffic problems on The Parade as previously indicated.

It is not compatible in either design or scale with the character sought for the Kensington Historic Conservation Zone.

Principle 7 quite specifically states that development in the Kensington Policy Area of the Business Zone should not exceed two storeys in height above ground level. This proposal for a ten storey building is in such direct contravention of this principle that it should be rejected outright.

The Heritage Assessment Report is inconsistent. In some places it indicates there are two Contributory Items in Bowen Street, namely Nos 6 and 8 Bowen Street. In other places it only refers to No 8 Bowen Street as a Contributory Item.

**Other Comments:**

It is noted that the proposed swimming pool extends beyond the boundary of the site and overhangs The Parade.

**Conclusion:**

In conclusion we stress that this development application is at serious variance with the Norwood Payneham and St Peters Development Plan 2016 for the following reasons:

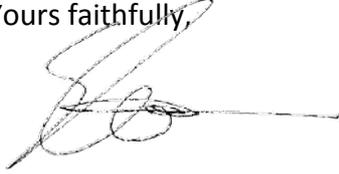
- the proposal is for a building that is the equivalent of ten storeys, whereas it is zoned for two storey development;
- it will dominate this important location and dwarf with three State Heritage items on the other three corners and the State Heritage listed Benson Memorial Fountain;
- it will have a significant and adverse impact on the adjacent Kensington Historic Conservation Zone and Kensington residents living adjacent or near the site;
- it will significantly increase traffic congestion on The Parade between Portrush Road and Phillips Street;
- it will increase parking problems in neighbouring streets in Kensington, Norwood and Beulah Park;
- the proposal includes three non complying uses within the Business Zone; and
- it is a gross overdevelopment of the site.

Accordingly, our Association requests that the Development Assessment Commission reject the development application, as to approve this development would be to throw away the existing planning rules that have been established by Council and Government to provide for orderly and

appropriate development. This development may be appropriate for the Central Business District or Greenhill Road, but is not appropriate on this site, the gateway to the Kensington Historic Zone and one of the key intersections in the Eastern suburbs with its three State Heritage items.

Our Association requests that we be given the opportunity to address the Commission when the matter is considered.

Yours faithfully,



Stewart Caldwell  
President (0402 044 118)



Andrew Dyson  
Secretary (8331 9654)

cc City of Norwood, Payneham & St Peters,  
City of Burnside,  
NPSP Mayor & Councillors,  
Mr Steven Marshall, Member for Dunstan,  
Mr Steven Griffiths, Shadow Minister for Planning,  
Local Government Association of South Australia,  
Norwood Residents' Association,  
St Peters Residents' Association,  
Community Alliance SA,  
National Trust of South Australia,  
Environmental Defenders Office.

Shirley Rowe  
3 Marchant Street, KENSINGTON

23/10/2016

Minister for Planning,  
Attention: Robert Kleeman, Unit Manager Strategic Development  
Assessment, Planning & Development, Development Division  
Department of Planning, Transport and Infrastructure

Dear Sir,

**COMMENTS ON THE PROPOSAL DOCUMENTS - PEREGRINE CORPORATION MIXED USE DEVELOPMENT – 270 THE PARADE, KENSINGTON**

Please refer to my comments (in bold) below about particular issues arising from the proposal documents and some inconsistencies about parking noted in the documents.

**1. Parking Issues**

*1.1 Fyfe Pty Ltd letter dated 16 August 2016*

*Page 4 first para – “Clarification in relation to the car parking arrangements: we note that the non-secured car park will be available for patrons of the retail, café, and other commercial facilities and services provided at Level 7, as described in the revised GHD report.”*

**1.1.1 There are currently 310 staff working daily at this site and only 41 car parks. There are currently 6 visitors’ car parks. There are no figures for the number of staff attending for training and no mention in the report of where all these people currently park. The local streets in Beulah Park and Kensington are taken up with the cars of the employees/trainees. The number of employees is expected to rise to 400 in the future. The training theatre seats 350 people. Due to the streets being used by the Peregrine employees currently, visitors of residents are not able to park adjacent to their homes. This is not satisfactory for the residents of Kensington and Beulah Park. From my own experience, visitors have had to park a block away if they visit on a week day due to parking in Marchant Street or Phillips Street being taken over by workers/trainees. It also affects parking for trades people attending to residents’ needs.**

**1.1.2 94% of 164 respondents to a survey conducted by GHD (Appendix L Para 2.7 Existing Staff Travel Patterns) use a motor vehicle to get to work. There are not enough existing car parks for the employees/trainees and there will still not be enough provided in the proposal. This development is more suited for a city address so that staff/trainees can use public transport.**

**1.1.3 Local councils should not have to be providing parking in local streets for a commercial development to the detriment of the residents. A major failure of the GHD investigation is the lack of information on where employees currently park. There are only 41 car parks now but currently 310 employees. Why has this point been missed in their report? The Norwood, Payneham & St Peters Council (NPSP) require the assessment of usage of on-street parking in development applications. This major development should also have to meet a similar requirement of a proper assessment, not just use the discount formula calculated from the NPSP Development Plan, ie GHD Report sub-para 7.4 Discount Factors pp. 35, 36 and 37.**

*1.2 Fyfe Development Report sub-para 3.1 Land Use and Key Features Pages 11, 12 - Total car parking spaces in Basement, Ground Floor, Levels 1 and 2 = 296 cars including 38 secure spaces) plus 12 motor bike parks.*

and

*Fyfe Development Report sub-para 3.6 Access and Parking*

*Page 18 - "The 51 secured car parking spaces within the basement are to be only available to vehicles owned and/or operated by Peregrine Corporation. All other parking spaces will be available for staff and customers of the retail, café, restaurant and other facilities of the integrated building design, as described in GHD's report."*

**1.2.1 This statement shows that there will be even less parking for employees. Secure parking has increased to 51 but GHD's assessments were calculated using 38 secure car parks.**

*1.3 Fyfe Development Report sub-para 3.1 Land Use and Key Features*

*Page 12 last para - "From a longer term perspective, the floor to floor heights of the above ground car parking levels have been designed so that ultimately such floors could be converted into further office space (subject to future required approvals)."*

**1.3.1 An increase in numbers of staff will lead to less car parking being available for staff and more on-street parking. There is 8440sqm of office space which allows an average of 27sqm (based on 310 staff) per person. The Building Code of Australia suggests 10sqm/person. I would suggest that some of the apparent excess office space could be used as extra car parking to meet the current conditions of no tram line and the use of on-street parks to make up their shortfall of parking spaces. As has been stated above, car parking can be converted in the future for offices but, I would add a condition of only after the tram line is built.**

*1.4 Fyfe Development Report sub-para 4.3.5 Employment Guideline 9*

*Page 40 - "Jobs at completion*

*The redevelopment of the site in South Australia will support the retention of 249 jobs, and allow for the expansion of the business with an additional 160*

*new jobs likely to be created at the head office over the next 10 years, together with 60 jobs associated with the retailing component. All up approximately 470 jobs are anticipated on an ongoing basis.”*

#### **1.4.1 The car parking numbers do not take into account the extra 60 people who will be working in the retail shops included in the proposal.**

#### **1.5 Appendix L Traffic Report prepared by GHD sub-para 7.9 Parking rate conclusion**

*Page 39 - “It is acknowledged that the proposed supply of 297 car parking spaces does not meet the discounted Council’s Development Plan requirements; however, the emphasis in this proposal is about the nexus with the Central Business District of Norwood and the community expectation for parking supply while supporting a shift toward active and sustainable transport modes.”*

**1.5.1 The community expectation for parking supply in the areas surrounding this proposed development would be to have no Peregrine employees/trainees parking in their streets. The survey of travelling routes of respondents show that the majority are arriving from north or south along Portrush Road, therefore, an east west tram line will not assist with decreasing the need for car parks. Only 13.5% of respondents travelling from the west along The Parade could possibly use the tram line. The survey should have asked staff why they don’t currently use public transport.**

## **2. Inconsistencies Noticed in Statements about Parking**

**2.1 Parking spaces** – in one document 38 secure parks are stated and also used in the Comparative Assessment of parking space numbers. Whereas in another document, it is stated that there will be 51 secure parks. This means even less parking spaces for general use. Refer to my comments above under Parking Issues generally and sub-para 1.2.

**2.2 Staff Survey** – Approximately 94% of 164 respondents to the survey out of 310 total employees drive to work and only 0.6% ride a bicycle. How do they justify the 120 bicycle space?

The Staff Survey results and the existing parking spaces should have raised the question of where the overflow currently park.

**2.3 Staff Numbers** – Calculation of the provision of parking spaces has not taken into account the extra 60 people working in the retail spaces of the development

#### **2.4 Trainees -**

*Appendix L Traffic Report Prepared by GHD sub-para 7.4 Discount Factors*

*Page 35 - “Namely, the parking supply should be available for;*

- 100% of the Office /Commercial use;

- 100% Retail;

- . 10% of the Café use as custom will generally be from the retail of commercial areas;

- 50% of the Restaurant use for the lunch trade with the shared use of other existing spaces in the evening and week end trade period;

- 90% Training demand with the majority of **off-site employees in attendance**;

- 10% of the Meeting Rooms demand as the majority of use will be internal commercial;

- 10% of Gymnasium demand due to the high use pre and post office hours;

- 20% for the Training Theatre due to the overlap with other internal training/ meeting supply and the **potential use after hours**;

As detailed in Table 12 based upon these parameters the recommended parking supply is **360** parking spaces.”

**2.4.1 The Training Theatre seats 350 people. The expectation is that the majority of attendees will be from other sites. Where are all of these extra people going to park?**

## **2.5 Change to the Number of Parking Spaces**

*Fyfe Development Report – Appendix A Development Report Guidelines*

*Page 3 – “2. Description of Proposal*

- *314 car parking spaces and 90 bicycle parks”*

**and**

*Fyfe Development Report – Table 6.1 – Development Plan Considerations  
Para 8. Movement, Transport and Car Parking*

*Page 52 – “In relation to car parking, GHD estimate that the proposed development would generate a theoretical demand for at least **447** spaces.*

*However Principle 122 identifies that lesser car parking rates can apply in certain situations, including:*

- *Sites located within 200 metres walking distance of public transport. This is likely to be relevant when the tram line is expanded; and*
- *Mixed use buildings where there is a potential for shared parking across a range of uses occurring at different times.*

*Having regard to the above, GHD consider that the theoretical car parking demand is 360 spaces. Whilst the proposed provision of car*

*parking supply does not achieve the 360 spaces sought, GHD consider that:*

*the emphasis in this proposal is about the nexus with the Central Business District of Norwood and the community expectation for parking supply while supporting a shift toward active and sustainable transport modes.*

*GHD further note that “the design creates stronger pedestrian and cycling facilities and improved amenity” and that “a number of other established Office/Commercial developments within the Norwood CBD similarly under subscribe in car parking provisions with an emphasis on the use of public transport”.*

**2.5.1 Why has there now been a decrease in the number of car parking spaces when compared to their original proposal and other calculations? It is very unlikely that the tram line will be constructed within the future time considerations used by GHD due to the cost of such a project. Discounting of the number of car parks should not be allowed due to the non-existence of the tram line. There is currently public transport close to this site and still 94% of the staff surveyed drive. This development is more suited to a city location which is the hub of public transport and can cater for the proposed number of staff and trainees.**

### **3. Vehicular Access**

#### **3.1 Fyfe Development Report sub-para 3.6 Access and Parking**

*Page 17 - “Access points for vehicles will be located off the following roads:*

- The Parade (left-in, left-out)*
- High Street (all movements); and*
- Bowen Street, with entry via High St and exit on The Parade– with access for service vehicles into the building. EOT facilities will also be accessible via Bowen Street.”*

**3.1.1 Access onto The Parade - This section of The Parade is very busy with cars forming 2 lanes leading to the Portrush Road intersection at peak times in the morning and afternoon. The afternoon peak time sees traffic building into 2 lanes past the proposed car park entrance/exit and to east of Bowen Street.**

**3.1.2 Currently only one lane can form along The Parade during unrestricted parking hours which restricts traffic flow through the intersection. Only a short 2 lane section can form as the existing locations of “No parking” times are not restrictive enough so traffic builds up at peak times of the morning and afternoon to form a queue past Phillips Street and also up to Thornton Street, Kensington, if not further east on The Parade. There are 2 peak times in the afternoon, ie from 3.30pm school pick up and then 5.00pm onwards. Delivery trucks will have difficulties at many times of the day when merging into The Parade.**

**3.1.3 How will vehicles egressing from the proposed car park entrance move into the PM traffic queue. Going by the Predicted Staff Traffic Distribution PM Peak diagram 5 at p.15 Appendix L GHD Traffic Report, 94 vehicles will exit from The Parade car park and 70 of the 94 vehicles will have to turn right at Portrush Road. How will they merge to the right lane? Will a queue form in the car park due to holdups caused by difficulty in moving into the 2 lanes of traffic at the Portrush Rd intersection? Has this been taken into account in their calculations?**

**3.1.4 As mentioned above in the comments about the current on-street parking, access into and egress from Phillips Street and other streets in Kensington and Beulah Park and possibly Norwood, have not been taken into account. There are currently 41 parking spaces and 310 employees plus the trainees. There does not appear to have been an investigation into where all these people currently park and where the overflow from the proposed car parks will park in the future. As there is not sufficient parking supplied in the proposed plans, an assessment of traffic in these streets should also be supplied.**

### **3.2 Appendix L – GHD Traffic Report sub-para 3.3 Traffic Circulation**

*Page 13 – “Traffic circulation at the site is projected to remain as a predominantly anticlockwise rotation based upon median restrictions affecting turning movements and the Bowen Street ‘one way’ orientation heading north. The existing driveway crossovers in Bowen Street and High Street will be closed with new facilities to be constructed to cater for the swept path of vehicles entering the car park areas. Access and egress will also be available via The Parade, which is restricted by **an existing median** that will mean access will be via left in and left out vehicle movements.”*

**3.2.1 The existing median strip would not restrict movement from the proposed car park as the existing median strip does not extend that far back from Portrush Road. The median strip ends a little east of the church spire. The plans show the entrance to the car park as being opposite the church hall where there is no median strip, only a solid white line. This could allow vehicles to turn right out of the car park.**

## **4. Built Form and Height**

### **4.1 Fyfe Development Report sub-para 3.2 Design Statement**

*Page 13 - “MPH state that the ambition of the design is to provide a “healthy and sustainable workplace for staff”, a “landmark for the locale as well as a gateway into The Parade” as well as a design that is respectful of the local context and public realm, including the potential future road widening of The Parade.”*

**4.1.1 I do not see how the design is at all respectful of the local context. It certainly is a landmark building but is definitely not in sympathy with the heritage of the area. It would look fabulous at Outer Harbour due to its cruise liner characteristics.**

### **4.2 Fyfe Development Report sub-para 3.3 Built Form and Height**

Page 13 – “3.3.1 Height and Verticality - The podium of the building is proposed to be of a height of approximately 15 metres. The podium levels include floor to floor heights ranging between 3.6 and 4.2 metres. The levels above the podium have a floor to floor height of 4.2 metres. As described by MPH, the “height of the podium is reflective of The Parade’s general streetscape” – where buildings are typically of a height of two storeys or equivalent – and “massing of the church”.”

**4.2.1** See the following are extracts from the NPSP Development Plan 2016:

**“DESIRED CHARACTER  
Kensington Policy Area**

*Kensington Policy Area occupies a key location at the corner of The Parade and Portrush Road. Development should comprise high quality offices, consulting rooms and retail showrooms.*

*The corner of The Parade and Portrush Road is a visually prominent site within the city and any new building should be of massing and configuration which visually reinforces the corner, whilst respecting the scale of buildings in the adjacent Historic (Conservation) Zones and maintaining the prominence of the State Heritage listed buildings on the south-western, north-eastern and north-western corners of the intersection of Portrush Road and The Parade.*

**PRINCIPLES OF DEVELOPMENT CONTROL**

*4 Development adjacent to the Kensington 1 and Kensington 2 Policy Areas of the Residential Historic (Conservation) Zone should be compatible in design and scale with the character sought for that Zone and those Policy Areas.*

*7 Development in the Business Zone should not exceed two storeys in height above mean natural ground level, except where identified in the West Norwood Policy Area and the Magill Road West Policy Area, where development incorporating a residential component above ground level non-residential land use/s, should not exceed three (3) storeys above natural ground level.*

*9 Development should incorporate architectural features and variations in set-back on street frontages so as to break-up facades and enhance the streetscape. Long, continuous facades of greater than 20 metres should not be developed.”*

**4.2.1 MPH states that buildings are typically of a height of two storeys or equivalent in this area. This area is zoned for business and should only be 2 storeys in height as per Principle 7 above.**

**4.2.2 I don’t consider this proposal respects the scale of the heritage buildings. The heritage buildings have a vertical height that is being matched by the proposal but the mass of the proposal far exceeds the mass of adjacent buildings. Aesthetically, I think, this proposal overshadows the heritage buildings. The benefits of the set backs to provide a less bulky appearance seem to be lost under the addition of the glass panels. The glass shields do not appear to lessen the bulk and mass.**

#### *4.3 Fyfe Development Report Appendix H – Design Statement Prepared by MPH - Schedule of materials, finishes and colours*

*“The podium element is constructed with an external façade comprising of sandstone cladding and expressed black metal trim and sun screening, and vertical clad stone fins to the ground floor carpark. The stone is used to reference the colour and texture of the historic fabric of the area, and in particular, the adjacent church.”*

**4.3.1 The sandstone may be a suitable choice for the podium to reference the heritage buildings but I don't understand the choice of the black metal trim. That colour doesn't have any relationship to the adjacent area and looks too dark and bold for the location.**

## **5. Noise**

### *5.1 Fyfe Development Report Para 3.6 Access and Parking*

*Page 17 - “Service vehicles will enter and exit the building via Bowen Street. A loading zone for deliveries will be located at ground level. A separate loading area will be located within the basement level car parking area.”*

and

*Fyfe Development Report Appendix T Sonus Noise Assessment – Para 5 Conclusion – Page 12 -*

- *“Restriction of loading activity to between 7am and 10pm in the designated area only;*
- *Ensuring engines and refrigeration units are turned off when in the designated loading area;*
- *Ensuring loading and unloading activity does not utilise a forklift;”*

**5.1.1 There are residents in Bowen Street who will be affected by the sound of the reversing trucks' warning signals. Are the earliest and latest times expected for the arrival and departure of the service vehicles really satisfactory for the residents in Bowen Street? Will the service vehicles be attending 7 days a week? I understand that there is already a problem caused by the sound of trucks which affects the amenity of the residents. Will trucks be reversing? What is the decibel rating of reversing warning signals on trucks?**

**5.1.2 The plans make note of the residential aspect of Bowen Street and have tried to improve the amenity by moving the loading area further away but there are other residences that have not been noted on Appendix A Site Locality in the Sonus report (Appendix T). People also live in townhouses on the SE corner of Bowen Street, at the units on the NE corner of The Parade and Bowen Street and at 6 Bowen Street.**

## **6. LANDSCAPING**

**The landscaping may look good for a while but the current state of their small amount of existing landscaping does not give me confidence**

about future maintenance and continued interest by the company in the landscaping on a long term basis.

## **7. PEDESTRIAN AND CYCLIST SAFETY**

### *7.1 Fyfe Development Report - 4.3.2 Traffic Impact Guideline 6*

*Page 34 "Adequacy of the existing pedestrian facilities*

*As noted by GHD, the proposed building includes an "extensive paved/landscaped forecourt of approximately twenty (20) metres in depth from the existing kerbing to the office building, retail and café entrances and approximately eight (8) metres on the Portrush Road boundary and approximately eleven (11) metres on The Parade boundary".*

*The proposal also improves amenity and safety for pedestrians and cyclists by removing the existing car parking area from the north-west quadrant of the site, and by providing greater clearance from the intersection.*

*For these reasons, GHD considers that the proposal "significantly improves pedestrian safety and amenity".*

**7.1.1 Will there be a bicycle lane along the The Parade continuing the full length east from the Portrush Road intersection? What will happen if the intersection is widened – how will the bicycle lane be retained?**

## **8. CONSEQUENCES OF PROPOSAL NOT PROCEEDING**

### *8.1 Fyfe Development Report - 5.4 Consequences of proposal not proceeding*

*Page 44 - "Should the proposal, not proceed, the following consequences are foreshadowed:*

- The existing constrained accommodation will continue to impact on the efficient administrative function of the Peregrine Corporation;*
- The amenity for both workers and visitors to Peregrine Corporation will remain challenged; and*
- External consequences arising from a lack of on street car parking will continue to impact on the amenity of the locality."*

**8.1.1 Finally a comment about the existing on-street parking problems! The best solution for Peregrine and the surrounding area is for them to move to a suitable location. The degree of economic boost to the traders on The Parade will be limited as the tenancies of the proposed development are Peregrine businesses except for two tenancies (I refer to the document about signage – Appendix K).**

## **SUMMARY**

The development should not proceed until the following problems are addressed:

1. Provision of the calculated number of car parks – 447 spaces.
2. Have an assessment of the impact of this proposal on residents due to the on-street parking issue that will continue if more car parking spaces are not provided in the proposed development.
3. Have a design that is respectful of the local context – the proposal appears to be a landmark building which will aesthetically and physically overshadow the State Heritage buildings. This design is not appropriate for this prominent location.
4. Unless there is quick egress at the car park entrance on The Parade during the peak times, there could be an unacceptable number of cars in the proposed car parks queuing to make their departure. Queuing within the car park when departing from the High Street car park could also be affected by the amount of south flowing peak hour traffic on Portrush Road. This proposal will cause even more congestion around this very busy intersection.
5. There are 2 letters from Office Design and Architecture SA (ODASA) dated 13 April 2016 and 24 May 2016 which suggest there are problems with the design. There is no final letter included in the Development Report by ODASA – did ODASA accept or reject the plan?

PHOTOGRAPHS TAKEN ON 21/10/16 AT 5.20PM TO SHOW TRAFFIC QUEUING AND MEDIAN STRIP LENGTH



5.20pm 21/10/16 - Queue east of Bowen Street on The Parade to Phillips Street



5.20pm 21/10/16 - Queue on The Parade – double lane forming.



5.20pm 21/10/16 - The Parade – only a white line at the position of the proposed car park entrance.



5.20pm 21/10/16 - The Parade median strip does not extend back to Bowen Street.



5.20pm 21/10/16 - The Parade queue extending east past Bowen Street. A legally parked car which restricts forming of 2 lanes.



5.20pm 21/10/16 – The Parade looking west, at Bowen Street showing build up of vehicles and formation of 2 lanes at the position of the proposed car park entrance.

Yours faithfully,

Shirley Rowe

Minister for Planning,  
Attention: Robert Kleeman, Unit Manager  
Strategic Development Assessment,  
Planning & Development, Development  
Division  
Department of Planning, Transport and  
Infrastructure,  
Adelaide, 5000

The Secretary,  
Kensington Residents' Association Inc.,  
Mr A Dyson,  
42, Regent Street,  
Kensington, 5068.  
20<sup>th</sup> October 2016.

**Re: Peregrine Mixed Use Development – 270 The Parade, Kensington**

Dear Sir,

Our Association is strongly opposed to the proposed development of the Peregrine site as it fails to comply with numerous provisions of the Norwood, Payneham & St Peters Development Plan 2016 (Development Plan). These include but are not limited to:

- the excessive bulk and scale of the proposed building that will dominate this important location with three State Heritage items on the other three corners; and
- a significant and adverse impact on the adjacent Kensington Historic Conservation Zone and Kensington residents living adjacent or near the site;

It will also:

- increase traffic congestion on The Parade, between Portrush Road and Phillips Street; and
- increase parking and traffic problems in neighbouring streets in Kensington, Beulah Park and Norwood.

The proposed development is not in accordance with the Development Plan as recently approved by the Minister of Planning. The declaration of “major project status” is an attempt to subvert the Development Plan and is an example of very poor planning. The Development Plan is supposed to provide certainty to the community and developers alike but such an abuse of the system takes away this certainty and provides benefit only for those that have the influence to achieve major project status.

This proposal would provide windfall profits for the owners as the property was purchased based on its zoning. At the time it restricted development to two storeys.

It is noted that at various places in the Development Report the site is referred to as being in Kensington Park and Kensington Gardens. The failure to consistently identify that it is in fact in Kensington begs the question “*how reliable the report is?*”.

With reference to the relevant general and zone specific provisions of the Development Plan, we offer the following comments and objections:

## **Centres, Shops & Business – (City Wide)**

### **PRINCIPLES OF DEVELOPMENT CONTROL**

**278** Provision for the movement of people and goods within business, centre and shopping zones or areas should comply with the following:

- (a) development should not cause inconvenient and unsafe traffic and pedestrian movements or be likely to result in the need for significant expenditure on transport and traffic works, or facilities within, or outside, the locality;*
- (d) access to car parking areas should be designed not to cause congestion or detract from the safety of traffic on abutting roads;*
- (h) on-site parking shall be determined having regard to:
  - (i) the amount, type and timing of movement generated by the use;**

**282** Centres should have a minimal adverse impact on traffic movements on primary, or primary arterial, roads.

**292** Development within business, centre and shopping zones should be located having regard to the following principles:

- (b) development should not generate pedestrian or vehicular traffic onto or across an arterial road in such a way as to materially impair the movement of traffic on that road or to cause safety hazards;*
- (c) development should not generate significant increases in traffic in adjacent residential areas;*

**293** Development within business, centre and shopping zones should conform to the following access and car parking principles:

- (a) development should provide safe and convenient access for private cars, cyclists, pedestrians, service vehicles, emergency vehicles and public utility vehicles;*
- (b) access points onto public roads should be located and designed in such a way as to minimise traffic hazards, queuing on public roads and intrusion into adjacent residential areas;*
- (c) the number, location and design of access points onto arterial roads shown on Map NPSP/1 (Overlay 1) Parts A & B should be such as to minimise traffic hazards, queuing on the roads, right turn movements and interference with the function of intersections, junctions and traffic control devices;*
- (d) development should provide sufficient off-street parking to accommodate customer, employee and service vehicles;*

There are already significant traffic problems on The Parade, with traffic backing up past Bowen Street from Portrush Road for much of the day. At school pickup and peak hours, traffic is often banked up past Phillips Street. An entry and exit onto The Parade would further exacerbate the traffic problems. The traffic situation on The Parade will inevitably lead to queuing across the footpath creating a dangerous situation for the many pedestrians who walk down The Parade to Norwood.

There is also the probability that reflections and overshadowing from the proposed building will affect visibility at this major intersection having an adverse on impact road safety.

The proposal acknowledges that it provides less parking than required by the Development Plan. In addition it suggests that in future there may well be a move to convert other than the basement parking floors to office space! The proposal would generate significant extra parking requirements, over and above that planned for within the development. At present "On the Run" vehicles are often parked in Kensington and Beulah Park, well away from the Peregrine site. Residents in Bowen Street, Phillips Street and Marchant Streets complain of parking problems from Peregrine vehicles and employees vehicles, taking their street parking and at times parking across driveways. Peregrine employees are also known to park as far away from the Peregrine site as Thornton Street.

The development will also generate significant additional traffic in both High and Bowen Streets.

The traffic studies appear to have been done outside of school pickup times. The number of schools in Kensington and nearby streets in Norwood create significant traffic problems at school pick up times and these will be exacerbated.

**280** *Landscaping should form an integral part of centre design, and be used to foster human scale, define spaces, reinforce paths and edges, screen utility areas, and generally enhance the visual amenity of the area. The use of locally indigenous plant species should be incorporated where it is practical to do so.*

The landscaping proposals are minimalistic at best and the landscaping along The Parade would be severely impacted by possible widening of the road as envisaged for introduction of trams. The applicant's track record in maintaining the very basic landscaping in the existing car park calls into question whether or not any proposed landscaping will be properly maintained.

**284** *Centres should have minimal adverse impacts on residential areas.*

**294** *Development within business, centre and shopping zones should conform to the following design principles:*

*(d) Development should not cause nuisance or hazard arising from:*

*(iv) overlooking;*

*(v) overshadowing; or*

*(vi) visual intrusion.*

**300** *Industrial and commercial development in proximity to residential zones should not impair the amenity of those residential zones and points of entrance and exit should be located so that the number of vehicles using nearby roads in residential zones is kept to a minimum.*

The proposed development will have an adverse impact upon the nearby residential areas. There will be overlooking, overshadowing and visual intrusion for residents in Bowen Street, High Street and Phillips Street. It will be particularly bad for those living in Bowen Street. We are aware that one owner has already sold a Bowen Street property because of concerns about the adverse impact and a family renting in Bowen Street intends moving away if the development goes ahead.

## **Heritage – (City Wide)**

### **OBJECTIVES**

**Objective 110:** *Development that retains the heritage value of State and Local Heritage Places such that the heritage value of the place, locality and the Council area is reinforced through:*

*(a) the conservation and complementary development of such places; and*

*(b) the complementary development of land and sites adjacent to such places.*

**Objective 111:** *Development which conserves and reinforces the historic integrity of the Council area and is compatible with the desired character of the appropriate zone and policy area.*

### **PRINCIPLES OF DEVELOPMENT CONTROL**

#### **General**

**333** *Development (including land division) should not compromise or detrimentally affect the heritage value, character, integrity, setting, siting or function of buildings or sites of architectural, historic or scientific interest, sites of natural beauty or places of heritage value identified in Tables NPSP/5 and 6 as State or Local Heritage Places.*

#### **Development on land adjacent to land containing a heritage place**

**345** *Development on land adjacent to land containing a State or Local Heritage Place as designated in Tables NPSP/5 and 6 should respect the heritage value, integrity and character of the heritage place and should clearly demonstrate design consideration of the relationships with the heritage place and its setting (without necessarily replicating its historic detailing) and the character of the locality by establishing compatible:*

*(a) scale and bulk;*

*(c) proportion and composition of design elements;*

*(d) form and visual interest (as determined by play of light and shade, treatment of openings and depths of reveals, roofline and pitch and silhouette, colour and texture of materials as well as detailing, landscaping and fencing);*

**346** *Development on land adjacent to land containing a heritage place and sited in strategic locations, such as corners or at the termination of vistas, should have a scale and visual interest in the streetscape at least equal to that of the adjoining heritage place, providing the heritage value of the place within its setting is not diminished.*

**347** *Development on land adjacent to land containing a State or Local Heritage Place should not be undertaken if it is likely to dominate or detract from the heritage value and integrity of the heritage place by way of design, appearance or standard of construction.*

The proposed development fails to meet the above objectives and principles with regard to its impact on adjacent State and Local Heritage places. At various places in the development report the building is claimed to be of seven storeys, including in the heritage impact assessment. With a ground floor, seven acknowledged levels and the roof level that is effectively two storeys in height, the building is in reality ten storeys high.

The bulk and scale are massive and the proposed building will dwarf the State Heritage listed buildings on the other three corners of the intersection and make them insignificant. On this basis alone the application should be rejected.

## **BUSINESS ZONE**

### **Introduction**

*The objectives and principles of development control that follow apply to the Business Zone shown on Maps NPSP/9, 10, 21 and 22. Further principles of development control also apply to policy areas that are relevant to the zone. The combined provisions for the zone and its related policy areas are additional to the City Wide provisions expressed for the whole of the council area.*

### **PRINCIPLES OF DEVELOPMENT CONTROL**

#### **Non-complying Development**

**12** *The following kinds of development are non-complying in the Business Zone:*

*The change in the use of land to, or the erection, construction, conversion, alteration of or addition to a building for the purposes of, the following:*

*Indoor Recreation Centre*

*Office with gross leasable area greater than 250 square metres, except in the West Norwood Policy Area*

*Shop or group of shops with a gross leasable area greater than 250 square metres*

### **DESIRED CHARACTER**

#### **Kensington Policy Area**

*Kensington Policy Area occupies a key location at the corner of The Parade and Portrush Road. Development should comprise high quality offices, consulting rooms and retail showrooms.*

*The corner of The Parade and Portrush Road is a visually prominent site within the city and any new building should be of massing and configuration which visually reinforces the corner, whilst respecting the scale of buildings in the adjacent Historic (Conservation) Zones and maintaining the prominence of the State Heritage listed buildings on the south-western, north-eastern and north-western corners of the intersection of Portrush Road and The Parade.*

*The Parade and Bowen Street should provide the primary points of access for delivery, service and visitors' vehicles. The creation of new vehicle access points onto either Portrush Road or the portion of The Parade close to the Portrush Road intersection should be avoided.*

### **PRINCIPLES OF DEVELOPMENT CONTROL**

**4** *Development adjacent to the Kensington 1 and Kensington 2 Policy Areas of the Residential Historic (Conservation) Zone should be compatible in design and scale with the character sought for that Zone and those Policy Areas.*

**7** *Development in the Business Zone should not exceed two storeys in height above mean natural ground level, except where identified in the West Norwood Policy Area and the Magill Road West Policy Area, where development incorporating a residential component above ground level non-residential land use/s, should not exceed three (3) storeys above natural ground level.*

Principle 12 lists non-complying developments in the zone. These include, an indoor recreation centre, offices with a leasable area greater than 250 square metres and shops with a leasable area greater than 250 square metres. The proposed development clearly contravenes these conditions of this principle.

Rather than reinforcing the corner with a building that respects the scale of the buildings in the adjacent Historic Conservation Zones and maintaining the prominence of the State Heritage listed buildings, the proposed building will completely dominate the intersection and neighbouring streets, dwarfing the three State Heritage items on the intersection and also detract from the State Heritage listed Benson Fountain on the corner of High Street and Portrush Road.

Contrary to the desired character statement that discourages the creation of new vehicle access points on the two major roads, the proposal has a major entry and exit point on The Parade. This would further exacerbate the existing traffic problems on The Parade as previously indicated.

It is not compatible in either design or scale with the character sought for the Kensington Historic Conservation Zone.

Principle 7 quite specifically states that development in the Kensington Policy Area of the Business Zone should not exceed two storeys in height above ground level. This proposal for a ten storey building is in such direct contravention of this principle that it should be rejected outright.

The Heritage Assessment Report is inconsistent. In some places it indicates there are two Contributory Items in Bowen Street, namely Nos 6 and 8 Bowen Street. In other places it only refers to No 8 Bowen Street as a Contributory Item.

**Other Comments:**

It is noted that the proposed swimming pool extends beyond the boundary of the site and overhangs The Parade.

**Conclusion:**

In conclusion we stress that this development application is at serious variance with the Norwood Payneham and St Peters Development Plan 2016 for the following reasons:

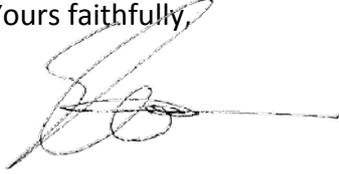
- the proposal is for a building that is the equivalent of ten storeys, whereas it is zoned for two storey development;
- it will dominate this important location and dwarf with three State Heritage items on the other three corners and the State Heritage listed Benson Memorial Fountain;
- it will have a significant and adverse impact on the adjacent Kensington Historic Conservation Zone and Kensington residents living adjacent or near the site;
- it will significantly increase traffic congestion on The Parade between Portrush Road and Phillips Street;
- it will increase parking problems in neighbouring streets in Kensington, Norwood and Beulah Park;
- the proposal includes three non complying uses within the Business Zone; and
- it is a gross overdevelopment of the site.

Accordingly, our Association requests that the Development Assessment Commission reject the development application, as to approve this development would be to throw away the existing planning rules that have been established by Council and Government to provide for orderly and

appropriate development. This development may be appropriate for the Central Business District or Greenhill Road, but is not appropriate on this site, the gateway to the Kensington Historic Zone and one of the key intersections in the Eastern suburbs with its three State Heritage items.

Our Association requests that we be given the opportunity to address the Commission when the matter is considered.

Yours faithfully,



Stewart Caldwell  
President (0402 044 118)



Andrew Dyson  
Secretary (8331 9654)

cc City of Norwood, Payneham & St Peters,  
City of Burnside,  
NPSP Mayor & Councillors,  
Mr Steven Marshall, Member for Dunstan,  
Mr Steven Griffiths, Shadow Minister for Planning,  
Local Government Association of South Australia,  
Norwood Residents' Association,  
St Peters Residents' Association,  
Community Alliance SA,  
National Trust of South Australia,  
Environmental Defenders Office.

NORWOOD RESIDENTS ASSOCIATION INC.

PH 8362 6409  
Email mukata @voice.net.au

Minister for Planning  
Attention Robert Kleeman, Unit Manager  
Strategic development Assessment  
Planning & development division  
Department of Planning, Transport and Infrastructure  
Adelaide, 5000

Subject: Peregrine Mixed Use Development – 270 The Parade Kensington

Dear Sir

The proposal is listed as being in Kensington Gardens which is inaccurate as the location is in Kensington, additionally reference is made elsewhere in the document to The Parade west when the reference is to the west of The Parade.

Our association is not concerned as to why Peregrine seeks this approval but rather the impact of the proposal on the local community, heritage, traffic and parking both now and in the future. We are also concerned that by granting Major Project Status to the proposal, it effectively sidesteps the local community and The NPSP Council Development Plan recently approved by The Planning Minister.

In laying out our concerns we have examined the NPSP Development Plan and its requirements that would apply and the suitability of the project for the site.

Changing to Zoning

The current NPSP DPA has this as two storeys whilst the proposal is effectively 8 plus storeys, with a height of 38 plus metres.

Heritage Issues

This site is adjacent to, and effectively includes part of The Kensington Policy area. It is also part of an intersection with three heritage buildings on the other corners, two being part of NPSP Council and the other Burnside Council area. All three are 19<sup>th</sup> Century buildings and give The Parade a significant heritage character. Of Clayton (Wesley) a State Heritage building, the Register 10/1/1883 reported of it

“Will form a very pleasant object viewed from every part of Norwood.” This is still true today but the dominance of the proposed Peregrine development will reduce the view.

The other two building on the corners are also part of the character of the intersection. This proposal regardless of the documents comment, makes no attempt to be complementary to the other building either in height, mass or appearance.

### Overshadowing

Appendix R shows that during Autumn and Summer overshadowing could be tolerated in High St. But this not the case for Bowen St, in the Summer and Autumn Solstice the street is fully shaded from at least 3pm whilst in Winter shading is from Noon onwards and in Spring from 3pm on wards. Bowen St is not included in the development but it is strongly affected by it.

The Kensington Policy area will be swamped and become ancillary to the development and property owners will experience a loss of amenity with higher traffic flows and extensive over shadowing.

### Traffic Issues-

#### Trams

We have not taken this into account, neither does Peregrine as no decision has been made as to what the details are. But we do note the regular bus service is not referred to, and this during weekdays is at least one or more buses each quarter hour

#### School traffic

The other issue ignored in the proposal is the high level of traffic caused by the schools in the area, we understand 3000 thousand children attend school daily quite close to this site and numbers are growing. As is common many of the children are taken by car to school and the 5<sup>th</sup> form student often drive to school. What is also omitted are traffic flow figures relating to the period 3-4pm, the end of the school day. NPS Council has done considerable work on a Schools DPA related to the impact of these numbers and possible action to reduce difficulties caused by this situation.

### Tables

Having examined the tables in section 5 dealing with projected traffic generation, we find these doubtful. We question the ups and downs of The Parade traffic flow as the pressure on Councils to increase urban infill means more not less cars. The absence of figures for Portrush Rd in the projections seems strange as this is a very major Road in the Eastern Suburbs with its links to Murray Bridge and it high carriage of trucks. Of other concern is the increase of staff numbers on the site and therefore increased traffic movements as a result.

From our observations the queuing on The Parade going west in the mornings is longer than stated.

Access and egress is understated as entry into the site from The Parade would be a problem at busy times and exiting from Bowen St could also be slow during busy times.

### Parking

The proposal to allow a discounted parking requirement will place more stress onto Kensington Residents, as is the case at the moment. Noted in the proposal is the possibility of later on reducing car parks and turning the space into offices. To do this would just increase the parking problem.

### Summing Up

The Principles 278, 282,292 and 293 of The NPSP Development Plan which deal with traffic, on site parking, access, and safety seem to be ignored. For council, residents, ratepayers, vehicular and pedestrian user, these omissions create a safety problem as well as an inconvenience.

The residential amenity of the residents of Bowen St is not considered. Heritage is pretended to be taken into account with City Wide objectives of The NPSP Council Development Plan being are ignored, these deal with the heritage issues and the effect of new developments close to, or adjacent to Heritage areas and buildings.

The traffic and access and parking problems are glossed over.

### Final comment

Effectively the development site is not suitable for all the reasons stated, as it ignores all the factors listed as well as its mass and dominance and its location on a busy road and intersection.

Our Association is strongly opposed to this development for the reasons set out.

Jim Dunk  
President  
21/10/16

Submission RE - proposed developer  
the Peregrine building at 270 the  
arcade, Kensington.

1. The monstrous height of the  
building will serve to dwarf/diminish  
the historic buildings on the other th  
corners of the intersection. In particu  
the spine of the Gostrell/Wesley Church  
& highly significant aspect of that  
building for its founders, will  
become merely a shadowy reminder  
Kewwood's past. The present Peregrine  
building was an early step in under  
mining the historical value of the  
precinct and, obviously, has set a  
precedent for future deterioration.

. Property owners in Bowen Street will  
have their quality of life — and the  
value of their homes — destroyed. Live  
in the shadow of a 38 meter, commerc  
building with its concomitant traf  
hazards and wind-tunnel effect ne  
never suggested by council regulatio

's projected Nuova apartments on Trade Mill, it appears, have been 'selling their hills' views on false pretences. Will WiFi reception from the Water Tower be blocked to Kensington, Culah Park residents?

I have lived in Richmond Street, Kensington for the last 8 years. I have regularly used, and been very aware of the traffic problems of turning from Portrush Road into High Street and from Owen Street into the Parade — problems which will be markedly exacerbated by the extra volume of traffic generated by the proposed new building.

The right turning lane into High Street from Portrush Road is very narrow and the major right turn into the Parade from the High Street turn regularly blocks access to the right turn into the Parade — causing frustration and incipient road rage. This occurs when there are only a few cars on Portrush Road — in peak times.

To exit from Bowen Street at present here is only one route. Cars must turn left into the Parade or Right, cross the traffic flow, into the Parade driving towards the hills. Because his street is the closest to the traffic lights at the intersection of Portrush Road and the Parade, during peak hours, drivers are loath to let others enter the stream of traffic (this manoeuvre is possible from streets further east when cars are waiting the lights to change)

Even the turn Right from the Parade into Portrush Road and then directly Left into High Street is a potential problem. It is necessary to move immediately into the Left lane after the turn or be in danger of cutting across from the Right to the Left lane (ie disobeying the road rule re remaining in the turning lane)

Progress is inevitable, but is an excessively tall building on the edge

legitimately be called progress? A  
lower building, empathetic to a  
position might add to the ambience  
of the intersection and not loom  
darkly as the precursor of a bleak  
future.

B. N. Steed  
3 Richmond Street,  
Kensington. 5068

8333 1902

Unit 9, 71 Queen St  
Norwood SA 5067  
23<sup>rd</sup> October 2016

Hon. John Rau MP  
Minister for Planning  
c/- Mr Robert Kleeman  
Unit Manager, Strategic Development Assessment  
Department of Planning, Transport and Infrastructure  
GPO Box 1815  
Adelaide SA 5000

Dear Minister

**Re: Peregrine Mixed Use Development, 270 The Parade, Kensington**

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The view eastwards along The Parade is quite unique in Adelaide as it features the towers or spires of three buildings – Norwood Town Hall, Norwood Wesley Church and Clayton Congregational Church (to give them their original names) - viewed against the sky and the Hills Face Zone of the Adelaide Hills. This view is illustrated in the Heritage Assessment Report. As the report states, this is ‘a historic visual character’ of the area. The current views of the church from both the west and north will be destroyed by the size (and height) of the proposed development.

The report correctly states that ‘of the State Heritage places, Clayton Wesley Church is most likely to be materially impacted by the proposed development, due to its proximity to the site, and current visual dominance.’ Clayton Wesley is one of Adelaide’s finest church buildings, a highly significant example of Gothic Revival architecture and is one of less than half a dozen churches in Adelaide with a tall spire. We disagree with the Heritage Assessment Report’s summary that the proposed building will be ‘a building that reinforces the intersection, while nonetheless sitting compatibly with the adjacent State Heritage place’. The architectural impact of the church will be seriously compromised by the proposed development,

It is of concern that the proposed building will exceed the maximum height envisaged for the Kensington area. If this development is approved at seven floors it will open the way for other such developments in this largely residential suburb.

In summary, we consider that the proposed development is inappropriate for this site, a significant intersection which has four State Heritage places and various Local Heritage places nearby and is the focal point of the impressive vista eastward along The Parade. We consider that the full impact on the architectural stance of Clayton Wesley Uniting Church property has not been properly assessed.

Yours faithfully,

*[Handwritten signatures]*  
S. Kellie  
B. Stan  
A. Hadziak  
E. H. Kumega  
Merya Hillywhite

Eileen Sinclair  
285 Portrush Road  
NORWOOD SA 5067

Hon. John Rau MP  
Minister for Planning  
c/- Mr Robert Kleeman  
Unit Manager, Strategic Development Assessment  
Department of Planning, Transport and Infrastructure  
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*E. Sinclair*

2/70 Barnes Ave  
Magill 5072  
Adelaide  
8th Aust.

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Susanne Fitzgner  
Susanne Fitzgner

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c/- Mr Robert Kleeman  
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*M. J. Leung*  
*H. Australe*  
*Magill. 5042*

Hon. John Rau MP  
Minister for Planning  
c/- Mr Robert Kleeman  
Unit Manager, Strategic Development Assessment  
Department of Planning, Transport and Infrastructure  
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Adelaide SA 5000

\* Unit 7,  
6 Pungla Court,  
Perangie, Sd. 5072

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\* *Doris Smith*  
*Barbara Hume*  
*Ken Hume*  
*David Greig*

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Mr H. Kirk

UB. 24/26 Queen St.

Norwood 5067

6/122 Reid Ave  
MAGILL 5072

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 . 23 Jun 2016

11 PERCIVAL ST 17h

NORWOOD SA 5067

23rd October 2016

Hon. John Rau MP  
Minister for Planning  
c/- Mr Robert Kleeman  
Unit Manager, Strategic Development Assessment  
Department of Planning, Transport and Infrastructure  
GPO Box 1815  
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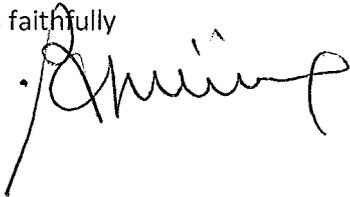
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John Whittam  
12 Bolingbroke Grove  
TOORAK GARDENS 5065

Hon. John Rau MP  
Minister for Planning  
c/- Mr Robert Kleeman  
Unit Manager, Strategic Development Assessment  
Department of Planning, Transport and Infrastructure  
GPO Box 1815  
Adelaide SA 5000

Dear Minister  
**Re: Peregrine Mixed Use Development, 270 The Parade, Kensington**

As members of the Clayton Wesley Uniting Church community, we wish to convey our concerns regarding the proposed development by Perergine Corporation/Shahin Brothers Pty Ltd at 270 The Parade, Kensington.

Our concerns relate to the size and location of the proposal. The imposing size of the proposed building will have a large visual and physical impact at this significant road intersection and will adversely affect at least three State Heritage places at this location, especially the Clayton Wesley Uniting Church Complex.

The view eastwards along The Parade is quite unique in Adelaide as it features the towers or spires of three buildings – Norwood Town Hall, Norwood Wesley Church and Clayton Congregational Church (to give them their original names) - viewed against the sky and the Hills Face Zone of the Adelaide Hills. This view is illustrated in the Heritage Assessment Report. As the report states, this is 'a historic visual character' of the area. The current views of the church from both the west and north will be destroyed by the size (and height) of the proposed development.

The report correctly states that '*of the State Heritage places, Clayton Wesley Church is most likely to be materially impacted by the proposed development, due to its proximity to the site, and current visual dominance.*' Clayton Wesley is one of Adelaide's finest church buildings, a highly significant example of Gothic Revival architecture and is one of less than half a dozen churches in Adelaide with a tall spire. We disagree with the Heritage Assessment Report's summary that the proposed building will be '*a building that reinforces the intersection, while nonetheless sitting compatibly with the adjacent State Heritage place*'. The architectural impact of the church will be seriously compromised by the proposed development.

It is of concern that the proposed building will exceed the maximum height envisaged for the Kensington area. If this development is approved at seven floors it will open the way for other such developments in this largely residential suburb.

In summary, we consider that the proposed development is inappropriate for this site, a significant intersection which has four State Heritage places and various Local Heritage places nearby and is the focal point of the impressive vista eastward along The Parade. We consider that the full impact on the architectural stance of Clayton Wesley Uniting Church property has not been properly assessed.

Yours faithfully  


Hon. John Rau MP  
Minister for Planning  
c/- Mr Robert Kleeman  
Unit Manager, Strategic Development Assessment  
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Yours faithfully

*Binclair* 285 Portrush Road Norwood SA 5067

Hon. John Rau MP  
Minister for Planning  
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Yours faithfully

*Allan Shephard*

*8/43 Fisher St.  
MAGILL SA 5072*

**Zuidland, Sara (DPTI)**

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**From:** lesleybchm@gmail.com  
**Sent:** Monday, 24 October 2016 12:43 PM  
**To:** DPTI:PD DAC & Major Developments Panel  
**Subject:** Peregrine mixed use development

I wish to to object to this proposed development at 270 The Parade, Kensington on two grounds - (1) The height and scale of the proposed development at 8 stories is inappropriate for this corner with 3 low scale heritage buildings on the other 3 corners.  
(2) Any traffic turning into High St from Portrush Rd may find it difficult to manoeuvre past cars emerging from the Peregrine car park.

Regards,  
Lesley Beacham  
17/69 MaesburySt, Kensington 5068

Sent from my iPad

Minister for Planning  
 Attention: Robert Kleeman, Unit Manager Strategic Development Assessment  
 Planning & Development, Development Division  
 Department of Planning, Transport and Infrastructure (DPTI)  
 GPO Box 1815 ADELAIDE SA 5000

**RE: PEREGRINE DEVELOPMENT AT 270 THE PARADE KENSINGTON**

Dear Mr Kleeman

My wife and I have lived at 6 Philips St, Kensington, for 5 years and we love the area. We have a young family and are looking to stay long term. We are keen to see development in the area, and in principle support the proposed development. However, we have the following concerns, and wish to see them addressed:

1. On a site of limited area, we question the necessity of a 50m lap pool, and question whether the pool can size can be decreased, providing more efficient use of building space. This could translate into a global decrease in building size (particularly on the upper levels where building bulk has more of a visual impact).
2. Again, limited land size leads us to question the size of the void/atrium, which is essentially unused space. We understand the atrium contributes to natural light and cooling othe building, but ask whether it may be reduced in size, providing more efficient use of building space?
3. Whilst visually striking, the cantilevered swimming pool design onto the Parade (western elevation) imposes visually on The Parade and Clayton Uniting Church.
4. Fritted glass façade rakes out over Portrush Rd near High St corner (High St elevation), visually imposing onto the road. Suggest raking angles away from intersection or increasing setback of facade.
5. Fritted glass facades cantilever towards north western property corner – again, imposing into the intersection. Suggest raking angles away from intersection or increasing setback of upper levels from intersection.
6. Has the carparking analysis undertaken by GHD considered Peregrine business growth and subsequent increased employee numbers?
7. There is significant overshadowing on neighbouring properties on both Bowen St and Phillips St (see Appendix R, particularly Winter Solstice 3pm). What will be done to minimise this? Certainly a drop in height and lateral bulk would improve this.
8. Overlooking analysis seems brief and inconclusive (see Appendix S). Section A suggests overlooking into Bowen St and Phillips St could be an issue. Particularly for residents on western side of Phillips St whose backyards will be on show to those in the new development.
9. 4.5m tram allowance does not seem to allow sufficient space for future pedestrian footpath or verge area on southern side of The Parade, should the 4.5m road widening become a reality. Section 4.4.4 of the report states that an additional shared track of width 3.7m was considered as a reasonable possibility. With the current road configuration, the swimming pool and the upper levels of the building facing The Parade overhang and impose over the road. If the road was widened further, the swimming pool and upper levels of the building would almost hang over the actual road. The street trees would also need to go. If there is to be a genuine attempt at accommodating the future tram, a setback of more than 4.5m should be implemented.

10. We believe that some assumptions in Sonus' (acoustic consultant) report are not valid. It is extremely unlikely that loading activity will be limited to between 7am and 10pm. It is equally unlikely that engines and refrigeration units will be turned off whilst deliveries are happening. Whilst we are far away not to be directly impacted by these noise issues, we have lived across the road from Peregrine's service station on Phillips St for 5 years and can confirm that deliveries occur well before 7am and that engines and refrigeration units remain on the entire time. Considering the new development includes a restaurant, and potential retail / café accommodation, I would not expect behaviours to be any different. The acoustic performance of the development should not be dependent on these assumptions.
11. We disagree with DASH Architect's opinion that the development has an acceptable level of impact on the surrounding State Heritage places. The architect states that "the context and setting of bold, strong, high quality architecture (in this case the State Heritage places) is often improved through the provision of surrounding development of similarly bold and high quality nature, rather than the employment of a 'submissive' or 'apologetic' design response." In this case, the grandeur of the Clayton Wesley Church is primarily due to the height and design of its tower. Similarly the building on the north western corner of the intersection gains its beauty and prominence from its tower. The height of the proposed development detracts significantly from these existing towers, and draws the eye away from what are currently the focuses of the intersection. We disagree that the developer should be seeking to develop an iconic building in this location. The iconic buildings already exist at this intersection, and have existed for longer than either you, me or the developer have. The new development should not even seek to *complement* the existing heritage buildings. We believe the new development should take a back seat to the grand architecture at this intersection, and not seek to become the focus. This cannot be achieved with the scale of this development. Whilst we are in favour of the various developments in the area (this proposal, the Bath Apartments, the Nuova Apartments), we feel strongly that the existing grand architecture at the intersection should not be stripped of its significance by surrounding architecture competing for attention.

The points above summarise our concerns with this proposed development. We feel that the development has significant architectural merit, but if it's setbacks from the main roads were increased and its height decreased slightly, the visual impact would be significantly decreased and the architectural balance at the intersection maintained. We look forward to a considered response from the DAC and/or the Developer, and hope that our (and other stakeholders') opinions and concerns are addressed accordingly.

Please feel free to contact us directly if more information is required.

Kind regards,

Victor and Courtney Pisaniello  
6 Phillips St, Kensington SA 5068  
0409 677 092

**Zuidland, Sara (DPTI)**

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**From:** judycarman@ozemail.com.au  
**Sent:** Monday, 24 October 2016 4:42 PM  
**To:** DPTI:PD DAC & Major Developments Panel  
**Subject:** Peregrine Mixed Use Development - 270 The Parade Kensington

Dear Robert Kleeman

I am writing to you about the Peregrine mixed use development proposed for 270 The Parade, Kensington.

I wish to support the Kensington Residents Association submission to you regarding the proposed development. In addition, I wish to add the following comments.

The development is in an Historic Conservation Zone and is starkly different to anything permitted in the Zone and hence dramatically detracts from the Zone. The development is also sited on one corner of a major intersection where the other three corners contain State Heritage items, being a rare confluence of Heritage buildings in the State. The proposed development makes no attempt to blend in to those items, but rather is designed to be starkly different to them, dramatically detracting from the Heritage value of the State.

The proposed building is absurdly high, wide and deep for the area. It constitutes a dramatic over-development of the site and it will be the dominant building for kilometres around. At an effective 10 storeys high in an area where other buildings are one to two storeys high, it will also create overlooking problems for hundreds of residents, including those residing several streets away, such as myself. As a result of having previously worked in an eight-storey building, I am aware that people can see from that building into people’s windows and backyard for several kilometres. The building will therefore affect the privacy of hundreds of people who live and work nearby.

It will also greatly worsen the already considerable parking congestion in the area from the existing Peregrine site. The existing site is in an area of shopping and largely medium-density housing where many residents park on the street and travel to the CBD for work via public transport, so that their cars remain on the street all day. This combines with the lack of on-site parking for the existing Peregrine site, so that I have repeatedly seen Peregrine cars (with clear OTG markings) parked on the street up to a kilometre away from the existing building.

The development will also greatly worsen the already awful traffic congestion around the area. The development will be sited on an arterial road (The Parade) on a section of that road where there is a squeeze point – where two lanes narrow to one lane before again widening to two lanes. This occurs in both directions of traffic flow on that section of The Parade. During peak hour traffic, it currently takes approx. 15 minutes (and several changes of traffic lights) to travel 200m in a westerly direction along that section of road. I have frequently seen traffic backed-up to Bridge St and sometimes beyond to Shipsters Road, almost a kilometre away. Furthermore, “peak hour” starts at approx. 3pm during school term for the area. There are seven (7) schools with a combined student body of thousands of children within an approx. 1.5 km radius of the development, and many of their parents drive through that intersection to drop-off and pick-up their children from school. Many drive through the squeeze point on The Parade when they do so. If the development proceeds, it could reasonably be expected to “blow out” the travel time along that section of road from 15 mins to over 20 minutes, leading to considerable frustration in the thousands of people who use that road. This is likely to worsen the already existing knock-on effect in surrounding streets. On numerous occasions, I have seen people travelling west on that section of The Parade get frustrated at the existing delays and do U-turns into on-coming traffic or make left-hand turns down local residential side streets to travel north to get to Magill Road in order to avoid the current delays on The Parade. I have seen four or five cars in the queue do that at the same time. Yet the development intends to add hundreds more cars to the squeeze point in peak hours.

I therefore echo and add to the concerns of the Kensington Residents Association that the traffic studies appear to have been done outside of school pick-up times. The traffic studies should therefore be repeated during school drop-off and pick-up times during school term. Furthermore, the traffic study should be sufficiently thorough that it picks-up people travelling west on The Parade who wanted to go through the intersection of The Parade with Portrush Road but did not, due to congestion near the intersection, and instead turned left onto Union Street, Amery Lane, Dimboola Street, Howard Street, Duke Street or Salop Street to travel on Magill Road.

In conclusion, I consider that the proposed development is absurd for the site.

Yours sincerely

Dr Judy Carman

*Dr Judy Carman BSc (Hons) PhD MPH MPHAA  
Epidemiologist and Biochemist  
Director  
Institute of Health and Environmental Research  
PO Box 155  
Kensington Park, South Australia, 5068  
Phone within Australia: 0408 480 944  
Phone outside of Australia: +61 408 480 944  
Email: judycarman@ozemail.com.au*

## Zuidland, Sara (DPTI)

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**From:** Allison Stokes <allioverseas@hotmail.com>  
**Sent:** Monday, 24 October 2016 4:39 PM  
**To:** DPTI:PD DAC & Major Developments Panel  
**Subject:** PEREGRINE MIXED USE DEVELOPMENT – 270 The Parade Kensington

*Minister for Planning  
 Attention: Robert Kleeman, Unit Manager Strategic Development Assessment  
 Planning & Development, Development Division  
 Department of Planning, Transport and Infrastructure (DPTI)  
 GPO Box 1815 ADELAIDE SA 5000*

### **PEREGRINE MIXED USE DEVELOPMENT – 270 The Parade Kensington**

*Dear Sir*

I wish to convey my **strongest possible objection** to the development application for a multi-storey mixed use development at 270 The Parade, on the corner of Portrush Road and The Parade.

I live in the small, historic and mainly residential suburb of Kensington. Most of our suburb is zoned Residential Historic (Conservation). The proposed development sits on a small pocket of land zoned Business. Indeed our little suburb's history has long been a mix of business and residential. But it was always small business and the residential and business parts co-existed in a complementary way. This development is big business and it does not belong in any way in any part of Kensington. Rather, it should be built in the Adelaide CBD or perhaps somewhere along Greenhill Road or Fullarton Road.

To summarise, I object to the proposed development for the following reasons:

#### **SIZE**

- The current Norwood Payneham and St Peters Development Plan states that developments should be no higher than two storeys. This development is of at least eight levels and to include the additional glass at roof level would increase the height to possibly 10 storeys. This will have the following impacts:
  - Devaluing the historic feel of this important intersection and gateway to the eastern suburbs and destroying the view to the hills. While parked at the traffic lights the other day and trying to imagine the proposed development I concluded that I would no longer be able to see the beautiful vista to the hills, or be able to focus on anything except the proposed building.

- Diminishing the visual significance of the Clayton church and overpowering the presence of the other three historic buildings on the other three corners.
  - Nowhere have I seen a proper image (drawing, photo) of the proposed development in relation to the church or the buildings on the other three corners. The church is always somehow left out, or only the merest edge of the picture. Where is a full 'before and after' image with the proposed building superimposed over a photo of the current scene? The context is so important here, but nowhere have I seen this fully laid out.
- Overlooking and overshadowing nearby housing.
- Being so tall and massive, it will be an eyesore on the horizon that most people in Kensington and many people in nearby Norwood will see, many of them seeing it from the front gate of their own property.
- Destroying the historic nature of the suburb of Kensington.

## TRAFFIC

- The intersection of Portrush Road and The Parade is already a major bottleneck, particularly in peak morning and afternoon traffic. School pickup times from about 3-4pm are also bad. Catching the bus down the Parade into the city in the mornings, we are often banked up all the way to Thornton Street, sometimes further. The additional traffic will magnify this problem many times over.
- This additional traffic will be particularly bad for residents living nearby. The proposal has provision for many car spaces but with eight storeys including retail, café, restaurant, gym and accommodation, I doubt very much whether it will meet the needs of this massive building, and so car parking will spill over into the adjacent local streets.
- Café and restaurant trade will probably mean early morning traffic delivering fresh food and further impact residents with noise.

## COMPLIANCE

- The proposal is non-compliant with many aspects of the Norwood Payneham and St Peters Development Plan 2016. This is a recent document. If this proposed development is approved, it will eliminate all of my faith in public policy and planning. I will not be the only person thinking this way. While the proposed development may create jobs this is not a reason for the development to be approved. Jobs created in the short term when constructing the building are just that; short term jobs. Additional new, ongoing jobs may well be at the expense of people in retail and cafe/restaurant trade nearby.

Once built this massive building will be there forever, negatively impacting residents and passing traffic, and detracting from the historic status of Kensington.

I urge the State government to carefully consider the short and long term benefits and drawbacks of this development proposal **and reject it unless it is modified to be compliant in all aspects with the existing NPSP Development Plan (2016)** and in particular no higher than two storeys.

Yours faithfully

Allison Stokes

Resident of Kensington.

To The Minister for Planning. c/o Robert Kleeman,  
Unit Manager, Strategic Development Assessment,  
Department of Planning and infrastructure

From Elaine Dyson  
42, Regent Street,  
Kensington, 5068.

I wish to object to the proposal for 270, The Parade, Kensington for the following reasons:

The scale of the proposed building does not respect either the present development policy of the area or the historic buildings on the other three corners of the intersection. Clayton Church would be dwarfed by the new building and would no longer stand out as an historic feature giving character to this area. This Historic Conservation Zone has attracted many people so that house and land values in this area have gone up in relation to other areas. If the company wishes to build a multi-storey office, then it should purchase land in an area where that sort of building is permitted.

Parking in the area is already a problem as traffic caused by the development does not fit into the car park and so vehicles are parked on Regent Street, Thornton Street and The Parade. This last causes problem with traffic approaching the intersection and parking on the smaller streets unfairly blocks spaces for visitors to households in the area as well as making them more difficult for drivers to navigate. It is noted that the proposal does not fulfill the development policy recommendations for parking spaces and also that some of the parking spaces are being specifically designed so that they can be converted to office space in the future. This would create a further imbalance with more people needing parking spaces, but less car parks.

There are various comments on the greening of the area by judicious plantings. Over the last ten years we have seen how little this company cares about such things as even they comment that the site "contains no vegetation of note." Whose fault is that? And how can we trust this same company to follow through with plans in this proposal?

It is already a problem keeping commercial properties in the Parade operating and viable so more of these are not needed. There are already plenty of cafés along The Parade. The shops and cafés may be useful for those working in or attending training on site, but this would cause further lack of business in the main commercial area of The Parade.

One wonders about the accuracy of information in this proposal as the address of the site in question is incorrect in several places.

Finally, it is most unethical to take all planning rights from the local authorities when there is a large development. It is exactly in these cases that more care needs to be taken in deciding what should be built, not some person totally unconnected with the area who is just looking at short term money generating proposals. The people who live in an area should be consulted and their arguments listened to as they are the ones who have to live with whatever is built.

Yours faithfully,

Elaine Dyson.

Statement of Representation

Proposed Development: Peregrine Mixed Use Development

Location of Proposed Development: 270 The Parade, Kensington

Name and Address of Person making representation

Andrew Chelmers 5/24 Bridge St Kensington

My interests are those of an occupier of land in the vicinity.

I am opposed to the proposed development in its current form.

Specific aspects of the Application to which I make representation are:

Excessive height (35.3m) and bulk of the proposed development.

It dominates the other 3 (State Heritage Listed) buildings surrounding the intersection of The Parade and Portrush Rd.

Not enough onsite car parks for all the multi-uses.

The above ground level carparking lessens the proposed buildings contribution to the public realm.

Desired action which would overcome my concerns

Execution of the proposed development to what the Government Architect Kirsteen Mackay

calls an exemplary quality appropriate to the location. This is in her letter to

Tony Materne of MPH Architects on 24 May after the second Design Review session.

Again from the letter of 24 May exemplary quality would presumably include following a number of the Government Architects recommendations

"I recommend that the proposed built form be informed by further contextual analysis to reduce the height and massing of the building"

"I recommend further consideration of the upper level cantilevered geometry and its visual impact on the sites landmark corner location."

"I strongly encourage relocation of a greater proportion of the above-ground car parking to the basement levels"

"I recommend further design development of the material palette" ... (Bowen and High St)

"I recommend the design review team undertake further design development of the hierarchy of outdoor spaces with a view to reducing the scale and apparent bulk of the building."

"I recommend further design development and analysis of the retail and cafe functions to ensure the design intent for visual permeability is realised and the proposal offers a generous and positive contribution to the public realm."

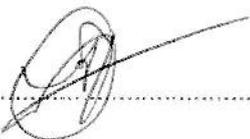
Conclusion

I am not sure any of these recommendations from the Government Architect have been followed.

Plans in appendix G are dated 17 August but no earlier plans to compare with.

I do not have the technical knowledge to assess the plans in terms of following the Government Architect's recommendations (ie exemplary quality appropriate to the location) in her letter of 24 May.

There are no further letters in the Final Development Report from the Government Architect after 24 May to MPH or evidence that any further Design Review sessions have occurred.

Signed..........Date..... 24 OCTOBER 2016 .....

Andrew Chelmers

[andtc@senet.com.au](mailto:andtc@senet.com.au)

PO Box 3170 Norwood SA 5067

**Zuidland, Sara (DPTI)**

---

**From:** Margaret Cleary <Margaret.Cleary@sosj.org.au>  
**Sent:** Wednesday, 19 October 2016 12:09 PM  
**To:** DPTI:PD DAC & Major Developments Panel  
**Subject:** FW: Letter to Robert Kleeman re Peregrine  
**Attachments:** Re Peregrine. Mr. Robert Kleeman - dept of Planning.pdf

Dear Mr Kleeman

Thank you for the opportunity to make a response with regard to the Peregrine Mixed Use Development. Most projects present both opportunity and challenge and while we commend the opportunities this would provide in employment and other aligned benefits, we present the attached summary of our concerns which we believe deserve a critical analysis for the well-being and safety of all in the immediate area particularly during the time of construction.

We thank you for taking the time to be investigate the implications and ask that you or your delegate respond to our detailed reply as soon as possible.

Should you have any questions for clarification, please contact in the first instance, my Councillor, Sr. Mary Cresp email – [mary.cresp@sosj.org.au](mailto:mary.cresp@sosj.org.au)

With appreciation

Yours sincerely

M. Cleary

Margaret Cleary rsj  
CentreWest Regional Leader  
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Minister for Planning C/-  
Robert Kleeman  
Unit Manager, Strategic Development Assessment  
Department of Planning, Transport and Infrastructure  
[majordevadmin@sa.gov.au](mailto:majordevadmin@sa.gov.au)

Dear Mr Kleeman

Thank you for the invitation to respond to proposals for the Peregrine Mixed Use Development at 270 The Parade, Kensington, SA.

We, the Sisters of St Joseph, have significant concerns about the proposal, summarised as follows:

1. **Parking during construction:** As you know, Mary MacKillop College, the Mary MacKillop Centre, the Regional Offices of the Sisters of St Joseph and Tappeiner Court Nursing Home all adjoin High Street, where parking availability is already stressed due in no small account to the large number of OTR vans and cars taking up the spaces previously accessible to staff, students and visitors to these facilities. We hate to think of what it will be like when builders and other labourers begin work in this confined space.
2. **Eventual traffic flow on High Street:** High Street is narrow, and the entrance to it from Portrush Road, especially for traffic coming from the south, is complicated. As it is, our staff find it dangerous to venture on to High Street from our property because of the visual obstructions caused by parked vehicles and oncoming traffic. Your Development Proposal mentions traffic effects on to The Parade but does not give statistics or detailed effect for High Street. It refers to Appendix L, but the package only provides appendices up to Appendix G, so detailed findings on anticipated traffic in High Street are not available to us.
3. **Dangerous conditions:** The entrance to the proposed car park in the building is quite close to Portrush Road on High Street. It takes little imagination to see in that short distance the propensity for bottlenecks and dangerous conditions as people try to do right hand turns into High Street or when cars exit from the car park, especially at times when Portrush Road traffic is heavy.
4. **Shadow:** Page 27 of the Development Report acknowledges shadow cast over portion of Bowen St and High St at midday at the time of the solstices. What about during the other seasons? With seven bulky storeys looming over us here, shadow effect and the sensation of being hemmed in will be real.
5. **Overlooking:** The views to each direction except the south (ours) are described on page 28 of the Report. Our Sisters deserve their privacy too.
6. **Incorrect designation Appendix D:** We note that you have labelled the Residential Historic convent building as “Nursing Home” on this diagram. This

Regional Administration Centre Adelaide, PO Box 57, Kent Town SA 5071 (4 High Street, Kensington SA 5068)  
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Regional Administration Centre Perth, PO Box 593, South Perth WA 6951 (16 York Street, South Perth WA 6151)  
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is NOT the Tappeiner Court Nursing Home. The Nursing Home is the building that is outlined in pale blue within Policy Area 12.9 immediately adjoining High Street and Portrush Rod. The impact on this building regarding shadow and traffic will be substantial.

7. **Contextual Incongruity**: On page 24 of the Report you claim that 'while the proposal is of a notable scale, its design has been developed in response to the context of its surrounds, to reduce its visual bulk and scale and limit any material impacts on the context of surrounding state and local heritage places'. We emphatically disagree with this opinion. Given the character of this area, this tall, bulky building on such a small area of land is quite unsuitable and should, instead, be located in an area closer to the CBD where other such buildings exist, e.g. Greenhill Road.
8. **Development Incompatibility**: We can see that the interface issues connected with the range of activities proposed for this building will have severe and adverse impact on retreat programs and other religious and spiritual events that are a feature of the Chapel, Museum and other facilities offered at the Mary MacKillop Centre. Unless specific parking and traffic management provisions are put in place it will become just too difficult for members of the public to visit the Centre.

We would appreciate you giving serious consideration to the points we have raised and look forward to your detailed reply.

Yours sincerely

Sister Margaret Cleary rsj  
Regional Leader, Sisters of St Joseph

Daniel Thornalley  
18 Blight Street  
RIDLEYTON SA 5008

Ref: ASDAN - Nuova

24 October 2016

Minister for Planning  
Department of Planning Transport and Infrastructure  
GPO Box 1815,  
ADELAIDE SA 5001

Attention: Robert Kleeman,  
Unit Manager Strategic Development Assessment  
Planning and Development, Development Division

By email: [majordevadmin@sa.gov.au](mailto:majordevadmin@sa.gov.au)

Dear Mr Kleeman,

**Peregrine Mixed Use Development – 270 The Parade, Kensington**

I write on my own behalf and on behalf of Ms Abigail Steed, the co-purchaser of Strata Lot 507 in the Nuova Apartments development at 245 the Parade, Norwood (*our Property*).

Our Property is located directly to the west of the proposed development site at 270 The Parade, Kensington (the *Development*).

We will be significantly impacted if the Development is approved and proceeds.

We object both to the Development proposal and to the decision of the Development Assessment Commission (*DAC*) to assess this Development under s46B of the Development Act 1993 (the *Act*).

This letter sets out our objections to the DAC's decision and to the Development generally. Our specific objections are set out in the **attached** Submission.

We obtained a USB copy of the Development Report (*DR*) prepared on behalf of the Peregrine Corporation (the *Proponent*) on Monday 17 October. When access was sought to a copy of the DR at the Norwood Council chambers, we were advised that they had “run out of hard copies” and could only provide me with an electronic copy on USB.

The DR is in excess of 350 pages in length; and much of its content is of a technical nature.

**DAC Determination of DR Process**

A consultation period of 15 business days has been allowed for submissions. This truncated consultation period is due to the DAC decision to assess the Development at the lowest level of scrutiny under s46D of the Act.

This period complies with the *minimum* statutory requirements of s46D(5)(b) of the Act.

We submit however that a minimum assessment level of a PER under s46C of the Act should be required for the Development given,:

1. the extent to which the Development deviates from the development plan (**DP**) for the Norwood, Kensington and St Peters Council (the **Council**) and, presumably also the DP for the Burnside Council area;
2. the extent of the materials contained in the DR and their technical nature;
3. the size and scale of the Development; and
4. its location immediately adjacent to
  - (a) long established residential areas;
  - (b) a Residential Historic (Conservation) zoned area;
  - (c) State Heritage listed buildings;
  - (d) The recently approved development of the Nuova Apartments; and
5. the permanent and irreversible effects which the Development will have on its surrounds if approved and constructed.

In the alternative, and at the least, we submit that discretion should have been exercised by the Minister to extend the minimum notice requirements under s46D(5)(b) to a reasonable period similar to that provided for a PER or EIS process under the Act.

In light of the above matters (and all other relevant matters which the DAC is required under the Development Regulations to take into consideration), we query the basis on which the DAC could reasonably have determined the level of assessment to be a DR Process.

A specific response is requested advising what materials and further justifications were submitted by the Proponent which led to this determination and information regarding the deliberations of the DAC in assessing the request for Major Project Status under the Act.

### **Major Development Status**

Section 46 of the Act is specifically designed to limit and/or cut off avenues of complaint, objection or appeal by individuals in respect of developments which are assessed as having a broader community and/or economic value to the State.

The power of this section to place “the good of the many, above the good of the few” comes with a heavy onus on both the Proponent and the State to weigh up competing interests and establish, with reasonable certainty, that the benefits will indeed outweigh the costs.

There is little in the DR in the way of objective assessment of the broader economic or social benefits of the Development, as against the cost in both monetary terms and more ephemeral, (but equally valuable), concepts of loss of character, history and amenity to the Norwood and Kensington area and surrounding suburbs.

To what extent has DAC or the Minister made investigations into the public standing and corporate background of the Proponents?

Other than the obvious and direct economic benefit of a construction project of this size including, the temporary employment opportunities during the construction phase, to what extent has DAC or the Minister assessed the economic or social benefits **at a State level** of the proposed Development?

To what extent has the Proponent substantiated that there would be **detriment to the State** if the Development is not approved? There is little substantiation of this nature in the DR itself.

### **Objection to Development**

The length and complexity of the DR and the limited time period within which to consider its content have hampered our ability to assess the likely impacts and to prepare this submission.

We foreshadow that we may **seek additional time** to provide further information or submissions.

We believe that other purchasers of apartments within the Nuova Apartments will be affected in similar ways and may wish to lodge objections and/or submissions but, due to the truncated consultation period, may now be precluded from doing so in any effective manner.

The principal areas of concern, which we address in the attached Submission, are:

1. Loss of amenity through:
  - (a) overshadowing;
  - (b) visual impact;
  - (c) increased noise and light disturbance;
  - (d) loss of privacy through overlooking and the proposed security measures;
2. Effects on the residential character of Kensington, Norwood and Beulah Park more generally;
3. Traffic increases and traffic management issues; and
4. Devaluation of our Property.

We address each of these matters in the attached Submission document.

Except as highlighted below, we have no objection to information contained in the Submission being made public but only for the specific purpose of the Response Document which is to be prepared by the Proponent.

- ❖ **We do not give consent for comments in the Submission which are highlighted in the manner of this paragraph to be made public.**

We seek an undertaking from the Proponent that we will be provided a full copy of the Response Document, concurrently with its publication.

Yours sincerely,

Daniel Thornalley

Email: [dthorn@live.com.au](mailto:dthorn@live.com.au)

## ***1 Loss of amenity***

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### ***1.1 Background***

- (a) Background
  - o We entered into a contract to purchase our Property “off-plan” on 12 January 2016.
  - o The primary attraction of the Property to us was its location within the Norwood Parade precinct adjacent to attractive historical buildings in Norwood, Kensington and Beulah Park together with the uninhibited eastern views of the Adelaide Hills.
  - o The property is east facing and on top floor of the development
  - o While we have purchased the property partly for investment purposes, it has been my intention to reside in and look after the property once constructed.
  
- (b) Investment
  
  
- (c) Consideration of Future Development
  - o At the time of entering into the contract it was our understanding that the area immediately to the east was zoned Residential Historic (Conservation) and we believe that is still the case.
  - o We were aware that 270 The Parade was a commercial building and that there was some possibility that the site could be re-developed in the future.
  - o We specifically discussed this possibility with the Nuova representative in light of the recent changes to Council policy which had allowed the Nuova development to exceed previous height limitations for the area.
  - o We were advised that the lifting of height restrictions related to the central Parade business precinct and that, the Peregrine site, being outside that area and immediately abutting a residential area could only be developed up to 3 storeys under existing regulations.
  - o Our decision to purchase the property relied entirely on these protective restrictions in existing planning regulation and the belief that any development on the Peregrine site could cause little or no impact to the amenity of our Property.

### ***1.2 Overshadowing – Loss of direct sunlight***

- (a) I note that the overshadowing projections in the DR have been prepared only from 9am in the morning until 3pm in each seasonal period. No consideration is given to loss of direct sunshine and light before or after these times.
  
- (b) We are concerned that:
  - o the overshadowing projections show shadowing of our Property in Autumn and Spring will commence well before 9am and continue through mid-morning. As the

property is east facing, it relies on morning exposure to sunshine for its amenity. This will be almost entirely lost for up to 6 months of the year due to overshadowing effects of the proposed Development.

- o **Contrary to the requirements of the Guidelines** at page 6 that “*Shadow diagrams demonstrating the extent of overshadowing (pre and post development) on adjoining properties...*” be provided, information regarding **pre-development** shadowing is not included in the DR.
- o In the absence of this required information we can only estimate that extent of the overshadowing effects on our Property

### ***1.3 Overshadowing – Loss of indirect light***

The effects of overshadowing are, of course broader than the loss of *direct* sunlight.

#### **Personal effects of Overshadowing**

***In summary, we perceive that the overshadowing effects of the Development will have the following adverse impacts on us as owners of the Property and directly on me as the proposed occupier:***

### ***1.4 Visual Amenity***

- (a) The height and bulk of the Development are both unprecedented.
- (b) Having read the DR, I find statements to my business partner, Abigail Steed who attended a resident’s briefing given by the Proponent **that the Development will be only 7 storeys tall to be misleading and entirely disingenuous.**
  - o Firstly, there are 7 storeys above the ground floor (making 8 effective storeys) **plus** 6m of plant to be located on the roof.
  - o A standard, mixed-use building is usually 3.5m per floor (with car parking and residential buildings usually being less than this per floor- perhaps 3.1m).
  - o In contrast, the DR reveals that each of the **first 3 levels** of this Development (being Ground floor and Levels 1 and 2) are **each 3.6m** in height with subsequent floors

(Levels 3 to 7) **each being 4.2m**. The rooftop plant adds a further 6.3 m or **2 further storeys** to the building.

**The plans indicate that the building tops out at 38.15m which is the equivalent of an 11 storey mixed use building or a 12 storey hotel building.**

- (c) The overshadowing effects which are directly related to the unprecedented height of the proposed structure will be significant for us as well as those to the east of the Development.
- (d) The DR suggests that the *visual* amenity of those in close proximity will not be unduly affected. These comments seem preposterous, given the size and bulk of the Development proposal.
- (e) This is a building of enormous proportions and the plan to locate it directly adjacent to a long established residential area such as Kensington and directly to the east of Norwood and the existing, approved Nuova development will dramatically affect the amenity of Nuova residents and owner.

**I would urge the decision makers to consider exactly what kind of statement is being made. The grandiose nature of the proposal appears to afford no consideration to the aesthetic of the neighboring historic buildings or the essentially residential character of the surrounding suburbs.**

#### **1.5 Residential Historic (Conservation) Zone interface**

- (a) Much of the DR deals with the effects on the Kensington area as well as historic buildings located at the 3 corners of the Portrush Road/ Parade intersection.
- (b) It is reasonable that these locations are considered in depth as the effects on these established areas is dramatic, unprecedented and extremely difficult (if not impossible) to justify.
- (c) In concentrating on these areas of concern however, it appears that little or no consideration has been given to the adverse effects on other “neighbours” of which the Nuova Apartments is one.
- (d) In my view the “residential character” of much of the suburbs of Kensington, Norwood and Beulah Park will be affected to one degree or another.
- (e) The above anticipated detrimental effects on our Property alone mean that I will need to re consider whether or not I now wish to reside in this building.
- (f) We are concerned that the equity in the property will be dramatically reduced by the Development. Purchase of the property was to be funded partly from rental incomes

which we anticipated could be generated by the property in future. With the significantly decreased desirability of the location, this will become more difficult

## 1.6 Comparison with other Developments

- (a) The DR comments at page 23 that:

*“Thorough consideration has been given to the surrounding environments by the design team...the following elements have been taken into consideration during the design process:*

- *The residential uses adjoining the subject land, particularly along Bowen Street; and*
- *Previous and proposed Development Plan policy changes within the broader locality which may lead to future high rise development being established along the Parade”*

- (b) We presume this reference to policy changes and high-rise development relates specifically to the Nuova Apartments development (and potentially the Bath Apartments further down the Parade. There are other references to the Nuova development scattered throughout the DR.

- (c) It is of concern that a number of these references seem to suggest a correlation between that development and the Peregrine proposal including as to:

- o height equivalency;
- o location of a high-rise development within an historical/residential context.
- o wrapping<sup>1</sup> around an existing historical building

- (d) This correlation, if intended, is **misleading in the extreme**.

- o The approved Nuova building is: 1 Ground floor commercial level with 5 floors of apartments with residential height ceilings.
- o I do not have exact height measurements to hand but believe that the total height of the building could not exceed 21m (roughly **half the height** of the Peregrine Development).
- o While the building is higher than its neighbours on the Parade, it by no means dwarfs them either in height or in bulk.
- o The building does not “wrap around” the State Heritage Place. It is located entirely to the west of that building. The additional red shaded area behind the 252-258 the Parade highlighted in the DR in fact consists of an existing portion of the land title for the project on which an *existing* access “road” is located behind the heritage structure and on which no building, associated with the Nuova Apartments, is to be located.

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<sup>1</sup> “In March 2015 the IMDAC approved a redevelopment proposal 254-256 The Parade (DA 155/M053/14). This proposal effective ‘wraps’ around the State Heritage place located at 258-262 The Parade (Ref 2, Image 1), to accommodate a mixed use multi-storey residential and retail development. .... I understand the development to be 6 storeys in height”

- o The Apartments are wholly located within the business precinct of the Norwood Parade and do not abut existing, established residences or interface with an existing residential zone.

**Any implication that the 2 developments are equivalent in size or impact or suggestion that the prior approval of the one justifies the automatic approval of the other, is fatuous.**

### **1.7 Noise and Light Disturbance**

#### **(a) Noise**

- o We have not had a chance to properly assess the technical noise report contained in the DR.
- o It would be reasonable to assume however that, even if noise levels will be designed to be “within guidelines”, there will be an overall increase in noise levels (including from increased vehicular traffic in the daytime, the concentration of cars entering and exiting the parking structure and from the building plant to be located on the roof level, presumably running both night and day).
- o In any event, we do not believe there is any suggestion in the DR that noise will be reduced so the new noise effects will only add to the cumulative adverse effects on our Property.

#### **(b) Light**

- o I read with concern the statement at page 16 that:  
  
*“The building will be **externally illuminated** in order to ensure a safe external environment.....”*
- o There is no information as to where this lighting will be located, its relative brightness, whether it will be directional, movement activated etc,
- o Nighttime illumination of the building will have a direct and adverse effect on residents of the Nuova Apartments. This does not appear to have been addressed in the DR

### **1.8 Privacy – Overlooking and Security cameras**

- (a) I understand that guidelines suggest that if a building is further than 15m away, even a direct sightline into a dwelling will not constitute “overlooking”. We are nevertheless concerned that the 5<sup>th</sup> floor apartment with windows and balcony facing directly towards the Development will lose privacy as a result of the Development. Again this has not been addressed in any way in the DR.

- (b) At page 16 the DR states that:

*“In addition, [that is, in addition to the external illumination to provide a safe external environment], CCTV surveillance will operate both internal and external to the building” and “the decks and balconies provided on upper levels will enable surveillance over public spaces”*

- (c) Presumably, such cameras will be angled in such a way as to specifically avoid recording sightlines which include any part of the Nuova Apartments

**We seek confirmation from the Proponent that at least this level of privacy will be afforded.**

### **1.9 Wind Turbulence**

- (a) We are disadvantaged by the time available to consider the available information and the technical nature of the information relating to this aspect of the Development.
- (b) The ARUP report appears to address concerns at a pedestrian level. No statement has been provided regarding wind-tunneling effects on nearby buildings such as the Nuova Apartments..

## **2 Property Devaluation**

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### **3 Traffic Management Issues**

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#### **3.1 Concerns**

- (a) Our concerns include the following:
  - o Concentration of all traffic to the site at a single bottleneck point (the entrance to the car park); and
  - o along with the increased staffing levels in the new building, an increase in traffic to and from the site of some 25-35%;
  - o location of convenient, plentiful car-parking within the site encouraging existing and future employees (who may otherwise have chosen public transport when parking was in short supply), to drive to the site, again increasing total traffic flows.
- (b) The likely access routes will be:
  - o South along Portrush road and left into High St<sup>2</sup>
  - o North along Portrush Road and right into High St.
- (c) Traffic studies in the proposal have attempted to assess existing traffic flows. While figures are provided early in the report for the 8am-9am peak period which corresponds

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<sup>2</sup> Coming (a) west down the Parade and left onto Portrush; (b) east up the Parade and right onto Portrush; (c) south along Portrush Road from the north and crossing the Parade.

with the school drop off period at Mary Mackillop College, later assessments seem to largely ignore these figures.

- (d) The risk of traffic queuing across the Parade / Portrush intersection seems, at least anecdotally, to be higher than disclosed in the proposal.
- (e) Almost all employee traffic will be concentrated at the High Street entrance (either turning left from Portrush or right across Portrush Road into High Street) rather than being dispersed more generally in the surrounding streets and access points.
- (f) This, together with the increased number of employees (and tenant employees) and the potential increased number of employees choosing to travel by single vehicle, does not appear to have been taken into account in the projections.
- (g) The notion that employees will choose to cycle or take public transport when convenient, free and plentiful car parking is being made available on site seems naïve at best. We expect that there will be a dramatic increase in vehicular traffic to the site and that the single point car park entrance will become a bottleneck causing dangerous queuing of traffic back along High Street and onto Portrush Road.

### **3.2 Telecommunications**

- (a) We are concerned that no information seems to have been provided as to whether mobile and wi-fi connectivity will be affected in areas to the east and north east (eg Beulah Park) of the development site.
- (b) We believe that this area is mainly serviced by the mobile tower facilities located on the Water Tower at 275 Portrush Road<sup>3</sup>. Unless it is planned to move these facilities, it is hard to see that the access to mobile and wi-fi services of those residences located *behind* the Development site will not be adversely affected, (to a smaller or larger degree depending on their proximity to the Development).
- (c) Please advise whether the developer will be responsible for relocating these facilities, and if so, to where. While this issue is unlikely to affect our Property, a relocation of services elsewhere may do so.

## **4 Non-Compliance of DR with DAC approved Guidelines**

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The DR, as prepared, is deficient in at least the following aspects:

### **4.1 Pre and Post Development Overshadowing**

The approved Guidelines specifically require the Proponent to identify pre-development shadowing effects of the site as well as projected post development shadowing. This information has not been provided.

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<sup>3</sup> Ref: OzTowers website map

#### **4.2 Development Plan and matters prescribed by Regulations under the Act**

- (a) The guidelines state that: *“The DR should detail any expected environmental, social and economic effects of the development, and the extent to which the development is consistent with the provisions of the Council’s Development Plan, the Planning Strategy and any matter prescribed by the Regulations under the Act.”*
- (b) The expression of consistency with the Development Plan necessitate an identification of those areas in which the proposed development is inconsistent with those requirements.
- (c) I note that the current proposal is, arguably inconsistent with some or all of the below quoted “objectives” and “principals” under the Development Plan and that a statement to that effect must be contained in the DR.

#### **“CITY WIDE**

##### **Orderly and Sustainable Development**

*The future development of the City of Norwood Payneham & St Peters will in part be influenced by the development of the Metropolitan area....*

*It is essential that the future development of the City addresses issues such as increased housing demand, efficient use of infrastructure and population change, while at the same time retaining the City’s built heritage and valued elements of its historic character that play a major role in defining the City’s character. ....*

##### **OBJECTIVES**

**Objective 1:** *Orderly and economic development that creates a safe, convenient and pleasant environment in which to live.*

**Objective 2:** *A proper distribution of living, working and recreational activities by the allocation of suitable areas of land for those purposes.*

**Objective 3:** *The provision of such facilities as are required for accommodation, employment, recreation, health and welfare.*

**Objective 6:** *Co-ordination of the City’s development with that in the abutting council areas, and other council areas which may be affected.*

**Objective 7:** *Rational distribution of land uses to avoid incompatibility between them.*

**Objective 8:** *Compatibility of new buildings with the desired environment around them.*

**Objective 10:** *Development that does not jeopardise the continuance of adjoining authorised land uses.*

**Objective 11:** *Provision of a choice of lifestyles within the law and custom of the community.*

##### **PRINCIPLES OF DEVELOPMENT CONTROL**

1 *Development should be orderly and economic.*

2 *Development should:*

(c) *create a safe, convenient and pleasant place to live.*

3 *Development should take place on land which is suitable for the intended use of that land, having regard to the location and condition of that land and the provisions for the relevant Zone and Policy Area.*

4 *Development should take place in a manner which will not:*

(a) *interfere with the effective and proper use of any other land; and*

(b) *prevent the attainment of the objectives for that other land.*

5 Development should be undertaken in accordance with the Norwood Payneham and St Peters (City) Structure Plan, Map NPSP/1 (Overlay 1) Parts A & B.

6 Development should not take place excessively in advance of a demonstrated need for the use for which it provides.

10 Building development should not take place where it would require substantial excavation or earthworks.

11 Buildings should be designed so as not to unreasonably overlook or overshadow indoor or outdoor living areas of adjacent dwellings.

12 Development should take place in a manner which is not liable to cause an unreasonable nuisance to neighbours or the community or significantly detrimentally affect the amenity, use or enjoyment of nearby properties by:

(a) the emission beyond the site boundaries of noise, vibration, odour, atmospheric liquid or other pollutants, waste water, waste products, electrical interference, light overspill or loss of privacy;

18 Where development is expected to impact upon the existing infrastructure network (including the transport network), development should demonstrate how the undue effect will be addressed.

### **Design and Appearance of Land and Buildings**

#### **OBJECTIVES**

**Objective 18:** The amenity of localities not impaired by the appearance of land, buildings and objects.

**Objective 19:** Development of a high architectural standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

**Objective 21:** The continued visual dominance of key reference buildings, such as the Norwood Town Hall, St Peters Town Hall, the Maid and Magpie Hotel, Norwood Hotel, Bon Marche Building, the Payneham Uniting Church and the former Kent Town Brewery Site.

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

28 The appearance of land and buildings should not impair the amenity of the locality in which they are situated.

(b) should complement the urban context of existing buildings on adjoining and nearby land in terms of:

(i) maintenance of existing vertical and horizontal building alignments

(c) should not visually dominate the surrounding locality.

31 The design and location of buildings should ensure that adequate natural light is available to adjacent dwellings, with particular consideration given to:

(a) windows of habitable rooms, particularly the living areas of adjacent buildings;

(b) ground-level private open space of adjacent dwellings;

(c) upper level private balconies that provide the primary open space area for any dwelling; and

(d) access to solar energy.

32 The height of buildings, structures and associated component parts should not exceed the number of storeys or height in metres above the natural ground level prescribed in the relevant Zone and/or Policy Area.

For the purposes of this Principle, 'storey' refers to the space between a floor and the next floor above, or if there is no floor above, the ceiling above. A mezzanine floor level shall be regarded as a floor. A space with a floor located below natural ground level shall be regarded as a storey if greater than one metre of the height between the floor level and the floor level above is above natural ground level.

34 Development on corner allotments should:

- (a) reinforce the primary and secondary street frontages of the subject site with highly articulated building forms; and
- (b) be sited to complement the siting of buildings on the adjacent corner sites.

35 Unless otherwise specified in the relevant Zone and/or Policy Area, where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:

- (a) the visual impact of the building as viewed from adjoining properties;
- (b) overshadowing of adjoining properties and allow adequate sunlight to neighbouring buildings, private open space and solar collectors (such as solar hot water systems and photovoltaic cells); and
- (c) the risk of damage to mature/regulated vegetation on adjoining properties taking into consideration potential damage to the root system.

37 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in excessive glare.

38 Structures located on the roofs of buildings to house plant and equipment, should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.

45 Development in non-residential zones abutting the Residential Zones or the Residential (Historic) Conservation Zones, should not prejudice the attainment of the Objectives relating to the residential zones.

46 Development adjacent to the boundary of a Residential Historic (Conservation) Zone, should provide a transition down in scale and mass to complement the built form within the Residential Historic (Conservation) Zone.

47 Development should not, in respect to its appearance, interfere with the attainment of the Objectives for the relevant Zone or Policy Area or otherwise impact upon the existing character of scenic or environmentally important areas.

48 Outdoor lighting should not result in light spillage on adjacent land

#### **Interface Between Land Uses**

##### **OBJECTIVES**

**Objective 26:** Development located and designed to minimise adverse impact and conflict between land uses.

**Objective 27:** Protect community health and amenity from the adverse impacts of development and support the continued operation of all desired land uses.

##### **PRINCIPLES OF DEVELOPMENT CONTROL**

80 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (b) noise;
- (d) electrical interference;
- (e) light spill;
- (f) glare;
- (h) traffic impacts.

81 Residential development adjacent to a non-residential land use or zone or within a non-residential zone should be located, designed and sited in a manner which:

- (a) protects residents from any adverse effects of non-residential activities; and

(b) *minimises negative impact on existing and potential future land uses considered appropriate in the locality.*

82 *Non-residential development in residential zones should:*

(a) *not detrimentally impact on the amenity of nearby residents;*

(b) *provide adequate protection for residents of adjoining sites from air and noise pollution, traffic disturbance and other harmful effects on health or amenity; and*

(c) *not negatively impact on adjoining open space, mature trees or vegetation.*

83 *Non-residential development adjacent to a residential zone or within a residential zone should be located, designed and sited to minimise overlooking and overshadowing of nearby residential properties.*

84 *Non-residential development on land abutting a residential zone or within a residential zone should be designed to minimise noise impacts and achieve adequate levels of compatibility between existing and proposed uses.*

85 *Sensitive land uses which are likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed.*

#### **Air Quality**

90 *Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality*

#### **Movement, Transport and Car Parking**

**Objective 31:** *A compatible arrangement between land uses and the transport system which will:*

(a) *ensure minimal noise and air pollution;*

(b) *protect amenity of existing and future land uses;*

(c) *provide adequate access; and*

(d) *ensure maximum safety.*

**Objective 32:** *A form of development adjoining main roads which will:*

(a) *ensure traffic can move efficiently and safely;*

(b) *discourage commercial ribbon development;*

(c) *prevent large traffic-generating uses outside designated shopping/centre zones*

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

##### **Access**

113 *Development should be provided with safe and convenient access which:*

(a) *avoids unreasonable interference with the flow of traffic on adjoining roads;*

(b) *provides appropriate separation distances from existing roads or level crossings;*

(c) *accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision; and*

(d) *is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.*

124 *Vehicle parking areas should be sited and designed to:*

(c) *not inhibit safe and convenient traffic circulation;*

(i) *not dominate the character and appearance of the development when viewed from public roads or spaces.*

126 Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.

132 Vehicle parking spaces and multi-level vehicle parking structures within buildings should:

(b) complement the surrounding built form in terms of height, massing and scale;

Medium and High Rise Development (3 or More Storeys)

### **Environmental**

268 Multi-storey buildings should:

(a) minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow; and

270 Development of five or more storeys, or 18.5 metres or more in building height (excluding the rooftop location of mechanical plant and equipment), should be designed to minimise the risk of wind tunnelling effects on adjacent streets by adopting one or more of the following.

294 Development within business, centre and shopping zones should conform to the following design principles:

(b) Development should:

(i) comply with the objectives for the Zone or otherwise be compatible with the predominant character of other buildings in the locality; and

(ii) preserve buildings of historical or architectural significance.

(c) Development should provide:

(i) off-street loading, service areas and service vehicle manoeuvring areas;

(ii) lighting for buildings and ancillary areas, with no light spill causing nuisance or hazard; and

(d) Development should not cause nuisance or hazard arising from:

(i) microclimatic conditions;

(iv) overlooking;

(v) overshadowing; or

(vi) visual intrusion.

### **Heritage**

The City of Norwood, Payneham & St Peters derives many benefits from its large number of intact State and local heritage buildings which define a certain character and ambience throughout many parts of the City, setting it apart from other metropolitan areas. It is desired that these places be conserved for the benefit of present and future generations, and to maintain a historic and cultural record of the settlement of the State and the Council area. The conservation of these places also enhances the attractiveness of the Council area to tourists and visitors.

For the purpose of interpreting the Objectives and Principles of Development Control a heritage place in the City of Norwood, Payneham & St Peters is:

- a State Heritage Place entered in the State Heritage Register or a place that is a provisional entry in the Register; or
- a Local Heritage Place.

### **OBJECTIVES**

**Objective 110:** Development that retains the heritage value of State and Local Heritage Places such that the heritage value of the place, locality and the Council area is reinforced through:

(a) the conservation and complementary development of such places; and

(b) the complementary development of land and sites adjacent to such places.

**Objective 111:** Development which conserves and reinforces the historic integrity of the Council area and is compatible with the desired character of the appropriate zone and policy area.

**Objective 113:** Public awareness of heritage areas and places within the Council area that are of cultural, environmental, social, historic or architectural significance.

333 Development (including land division) should not compromise or detrimentally affect the heritage value, character, integrity, setting, siting or function of buildings or sites of architectural, historic or scientific interest, sites of natural beauty or places of heritage value identified in Tables NPSP/5 and 6 as State or Local Heritage Places.

*Development on land adjacent to land containing a heritage place*

345 Development on land adjacent to land containing a State or Local Heritage Place as designated in Tables NPSP/5 and 6 should respect the heritage value, integrity and character of the heritage place and should clearly demonstrate design consideration of the relationships with the heritage place and its setting (without necessarily replicating its historic detailing) and the character of the locality by establishing compatible:

- (a) scale and bulk;
- (b) width of frontage and boundary setback patterns;
- (c) proportion and composition of design elements;

346 Development on land adjacent to land containing a heritage place and sited in strategic locations, such as corners or at the termination of vistas, should have a scale and visual interest in the streetscape at least equal to that of the adjoining heritage place, providing the heritage value of the place within its setting is not diminished.

347 Development on land adjacent to land containing a State or Local Heritage Place should not be undertaken if it is likely to dominate or detract from the heritage value and integrity of the heritage place by way of design, appearance or standard of construction.

#### **Telecommunications Facilities**

##### **OBJECTIVES**

**Objective 120:** Telecommunications facilities provided to meet the needs of the community.

Telecommunications facilities are an essential infrastructure required to meet the rapidly increasing community demand for communications technologies. To meet this demand there will be a need for new telecommunications facilities to be constructed.

403 Telecommunications facilities should:

- (a) be located and designed to meet the communication needs of the community;

407 Telecommunications facilities should not detrimentally affect the character or amenity of Historic Conservation Zones or Policy Areas, Local Heritage Places, State Heritage Places, or State Heritage Areas.

#### **RESIDENTIAL HISTORIC (CONSERVATION) ZONE**

##### **Introduction**

The objectives and principles of development control that follow apply in the Residential Historic (Conservation) Zone shown on Maps NPSP/3, 4, 6, 7, 9, 10, 11, 21 and 22. Further objectives and principles of development control also apply to policy areas that are relevant to the zone. The provisions for the zone and its policy areas are additional to the City Wide provisions expressed for the whole of the council area.

*Development will preserve and enhance the historic character and ambience of localities by providing for a range of high-quality residential accommodation which reinforces the historic character and residential amenity of the relevant policy area.*

*New buildings and additions to buildings within this zone will reinforce the existing streetscape and historic building stock. New dwellings will be of a complementary nature which do not compete or stand out against the historic elements for streetscape prominence. They will take into careful consideration the scale of the surrounding dwellings.*

#### **OBJECTIVES**

**Objective 1:** *Development that conserves the heritage value and historic character of the Residential Historic (Conservation) Zone and reinforces the desired character of the zone and the relevant policy area.*

**Objective 2:** *The preservation of areas of historical significance primarily in residential use.*

**Objective 3:** *The retention, enhancement and conservation of land, buildings and their settings, structures and landscape elements within the Residential Historic (Conservation) Zone that contribute significantly to its heritage value and historic character.*

**Objective 4:** *Continued residential use in a variety of housing types and at dwelling densities consistent with the historic character for each of the relevant policy areas within the zone.*

**Objective 5:** *Development that is sympathetic and compatible with the heritage value and historic character of the zone, but is also subordinate to the local historic character in terms of streetscape impact.*

**Objective 6:** *Development that maintains the established allotment sizes and patterns, siting and orientation of buildings and incorporates high standards of design, building materials and landscaping.*

**Objective 7:** *The continuance or reintroduction of non-residential use only where there is a historic basis for such a use, or where non-residential use will significantly contribute to the retention of historic character and not impact on residential amenity.*

**Objective 8:** *Maintenance of a pleasant and functional living environment broadly meeting the needs and expectations of local residents.*

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

##### **General**

*1 Development should not be undertaken unless it is consistent with the desired character of the zone and the relevant policy area.*

*2 Development should preserve, enhance and reinforce the existing streetscape appeal of the relevant policy area.*

##### **Form and Character**

*13 Development should conform to the City Wide provisions of the Development Plan applicable to that type of development, unless conformance with those provisions significantly diminishes the heritage value or historic character of a place.*

*14 The detail and general character of development should complement the identified heritage values of the zone and the policy area in which it is located, as well as the specifically identified heritage places and contributory items listed in Tables NPSP/5, 6 and 7.*

*15 Development should predominantly be for residential purposes and should reflect the historical built form and visual character of the relevant policy area.*

*16 Development of a new building or building addition should demonstrate a compatible visual relationship with the buildings that contribute to the historic character of the relevant policy area through consideration of the following:*

*(a) bulk and scale;*

(b) width of site frontage, front and side boundary setback patterns, wall height and window placement;

(c) the proportions (vertical and horizontal) of additions visible from the street that complement the existing building façade and other elevations facing a public road.

19 Development should not exceed the maximum building height prescribed for each policy area. The height of new buildings, should be consistent with the prevailing building heights with particular reference to adjacent State and Local Heritage Places and contributory items.

21 Redevelopment of corner sites comprising buildings that are not identified heritage places or Contributory Items should provide facades to each street frontage and should complement the siting of heritage places and/or contributory items on the adjacent corner sites.

26 Development within the Residential Historic (Conservation) Zone should be carried out, where applicable, in accordance with the Design Guidelines for Heritage Places and Development in Historic (Conservation) Zones contained in Table NPSP/4.

### Interface Height Provisions

14 To minimise building massing at the interface with residential development outside of the zone, buildings should be constructed within a building envelope provided by a 30 degree plane, measured from a height of 3 metres above natural ground level at the zone boundary (except where this boundary is a primary road frontage), as illustrated in Figure 1:

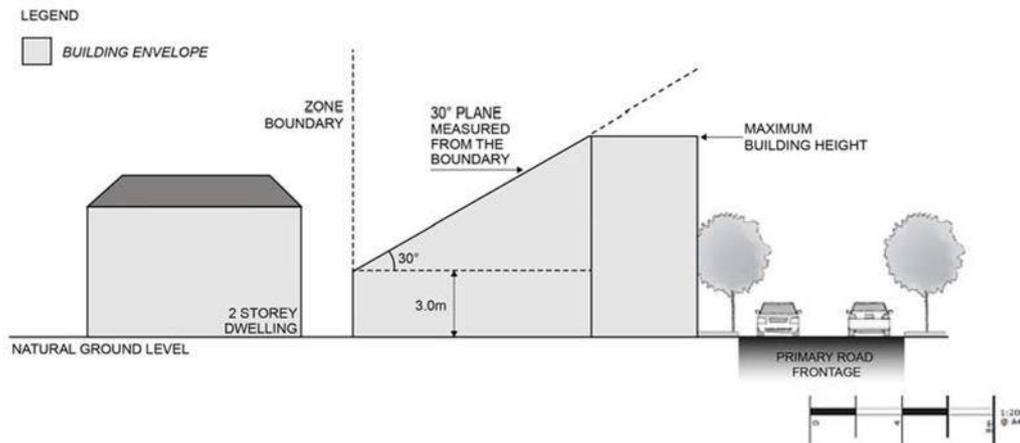


Figure 1”

Ruth Sinclair  
Unit 1  
112 Beulah Road  
NORWOOD SA 5067

24 October 2016

Hon. John Rau MP  
Minister for Planning  
C/- Mr Robert Kleenman  
Unit Manager, Strategic Development Assessment  
Department of Planning, Transport and Infrastructure  
GPO Box 1815  
ADELAIDE SA 5001

Dear Minister,

Re: PEREGRINE MIXED USE DEVELOPMENT  
270 THE PARADE, KENSINGTON

I write in connection with the above planned development. Whilst the application is lengthy and very comprehensive, I have examined the application to the best of my abilities and feel that I understand the majority of the planned development.

I have lived in the area all my life and know the site well.

I wish to object most strongly to the planned development. The intersection of The Parade and Portrush Road has three heritage listed buildings on it. As a member of Clayton Wesley Uniting Church and its community, my major concern relates to the size, visual and physical impact this proposal will have on what is a very significant intersection and heritage location.

I am not against progress and the development of sites, but developments should be in harmony with its surrounds, and I can not see how the depicted building could be considered an enhancement to the surrounding buildings. The proposed building, in my opinion, would be an 'eye sore' amongst such beautiful architecture. Clayton Wesley Church is renowned as one of Adelaide's finest church buildings, an exceptional example of Gothic Revival architecture, and is a well known landmark on The Parade.

The view eastwards along The Parade is quite unique in Adelaide, as it features the towers of three buildings, the Norwood Town Hall, Norwood Wesley Church and Clayton Wesley Church. As the submitted report states, this is 'a historic visual character' of the area, and yet they are quite prepared to destroy this character. The proposed development would destroy the views of Clayton Wesley both from the west and north through its intended size alone.

The proposed building will also exceed the maximum height envisaged for the Kensington area, and would set a precedent for other such buildings in the future, in such a historic area.

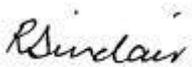
Of further concern is the inadequate car parking allowance. There is limited parking on The Parade and no parking whatsoever on Portrush Road, along with very limited parking in Bowen Street and High Street.

The development quotes that 110 jobs are expected to be generated by this development. This would be in addition to the existing 249 employees at the present site. Whilst 296 spaces are allocated in the development, this appears to be extremely inadequate to cover the number of employees of Peregrine at this site, along with café, retail outlets, restaurant and public gymnasium facilities. Patrons of these additional facilities will also want parking. Many of the properties in Bowen Street are already struggling to find adequate parking now.

This area of The Parade is currently congested, especially during morning and afternoon peak times. This development will no doubt hinder the flow of traffic even further especially during the construction period, and the construction period for such a large development will take quite some time.

In closing, I consider the proposed development inappropriate for this site.

Yours faithfully

A handwritten signature in black ink that reads "R. Sinclair". The signature is written in a cursive, slightly slanted style.

Ruth Sinclair

Our Ref: ALS:ALSPersonal

19 October 2016

Minister for Planning  
DPTI  
GPO Box 1815,  
ADELAIDE SA 5001

Attention: Robert Kleeman,  
Unit Manager Strategic Development Assessment  
Planning and Development, Development Division

By email: [majordevadmin@sa.gov.au](mailto:majordevadmin@sa.gov.au)

Dear Sir/Madam,

### **Peregrine Mixed Use Development – 270 The Parade, Kensington**

I write to you as the freehold owner (see **attached** Certificate of Title) and occupier of 13 High Street, Kensington (**my Property**) which is immediately adjacent to the proposed development site at 207 The Parade, Kensington (the **Development**).

The impact on me will be significant if the Development is approved and proceeds. I object both to the Development proposal and to the decision of the Development Assessment Commission (**DAC**) to assess this Development under s46B of the Development Act 1993 (the **Act**).

I set out in this letter my objections to the DAC's decision and to the Development generally. I set out in the **attached** Submission my specific objections to the Development.

I obtained a USB copy of the Development Report (**DR**) prepared on behalf of the Peregrine Corporation (the **Proponent**) on Monday 17 October. When I sought access to a copy of the DR at the Norwood Council chambers, I was advised that they had "run out of hard copies" and could only provide me with an electronic copy on USB.

I note that the DR is in excess of 350 pages in length; and much of its content is of a technical nature.

### **DAC Determination of DR Process**

A consultation period of 15 business days has been allowed for submissions. This truncated consultation period is due to the DAC decision to assess the Development at the lowest level of scrutiny under s46D of the Act.

This period complies to the letter with the *minimum* statutory requirements of s46D(5)(b) of the Act.

I submit that a minimum assessment level of a PER under s46C of the Act should be required for the Development given,:

1. the extent to which the Development deviates from the development plan (**DP**) for the Norwood, Kensington and St Peters Council (the **Council**) and, presumably also the DP for the Burnside Council area;
2. the extent of the materials contained in the DR and their technical nature;
3. the size and scale of the Development; and
4. its location immediately adjacent to
  - (a) long established residential areas;
  - (b) a Residential Historic (Conservation) zoned area;
  - (c) State Heritage listed buildings; and
5. the permanent and irreversible effects which the Development will have on its surrounds if approved and constructed.

In the alternative, and at the least, I submit that discretion should have been exercised by the Minister to extend the minimum notice requirements under s46D(5)(b) to a reasonable period similar to that provided for a PER or EIS process under the Act.

In light of the above matters (and all other relevant matters which the DAC is required under the Development Regulations to take into consideration), I query the basis on which the DAC could reasonably have determined the level of assessment to be a DR Process.

I request a specific response to this letter advising what materials and further justifications were submitted by the Proponent which led to this determination and information regarding the deliberations of the DAC in assessing the request for Major Project Status under the Act.

If this information cannot be provided pursuant to this request then it is my intention to seek access to this information under the *Freedom of Information Act (FOI)*.

### **Major Development Status**

I am aware that s46 of the Act is specifically designed to limit and/or cut off avenues of complaint, objection or appeal by individuals in respect of developments which are assessed as having a broader community and/or economic value to the State.

The power of this section to place “the good of the many, above the good of the few” comes with a heavy onus on both the Proponent and the State to weigh up competing interests and establish, with reasonable certainty, that the benefits will indeed outweigh the costs.

I have seen little in the DR in the way of objective assessment of the broader economic or social benefits of the Development as against the cost in both monetary terms and more ephemeral, (but equally valuable), concepts of loss of character, history and amenity to the Kensington area and surrounding suburbs.

The Peregrine Corporation and its owners the Shahin family are well known as entrepreneurs and one of, if not the largest private employers in the State. One could however say that the organization is not only known for but also *notorious* for its employment practices. No doubt the company takes care to ensure that its practices fall within the letter of the law, but their public reputation is hardly that of good corporate citizens.

To what extent has DAC or the Minister made investigations into the public standing and corporate background of the Proponents?

Other than the obvious and direct economic benefit of a construction project of this size including, the temporary employment opportunities during the construction phase, to what extent has DAC or the Minister assessed the economic or social benefits **at a State level** of the proposed Development?

To what extent has the Proponent addressed the **detriment to the State** if the Development is not approved? There is little substantiation of this nature in the DR itself.

### **Objection to Development**

The length and complexity of the DR and the limited time period within which to consider its content have hampered my ability to assess the likely impacts and to prepare a submission which addresses the issues in a meaningful way.

Where substantiation for any of my submissions is lacking, it is mainly due to these factors and I foreshadow that I may **seek additional time** to provide further information or submissions.

I am also aware that the owners of my neighbouring property at 15 High Street have been overseas and have only just been made aware, by their tenant, of the existence and extent of this proposal. I am aware that **they wish to lodge an objection** and/or submissions but, due to the truncated consultation period, may now be precluded from doing so in any effective manner.

The principal areas of concern, which I address in the attached Submission, are:

1. Loss of amenity through:
  - (a) overshadowing;
  - (b) visual impact;
  - (c) increased noise and light disturbance;
  - (d) loss of privacy through overlooking and the proposed security measures;
  - (e) wind turbulence effects
2. Effects on the residential character of Kensington, Norwood and Beulah Park more generally;
3. Traffic increases and traffic management issues; and
4. Devaluation of my Property.

I address each of these matters in the attached Submission document.

Except as highlighted below, I have no objection to information contained in the Submission being made public but only for the specific purpose of the Response Document which is to be prepared by the Proponent.

**❖ I do not give consent for comments in the Submission which are highlighted in the manner of this paragraph to be made public.**

I seek an undertaking from the Proponent that I will be provided a full copy of the Response Document, concurrently with its publication.

Yours sincerely,



Abigail Steed

Email: [as@msmlegal.com.au](mailto:as@msmlegal.com.au)

## 1 *Loss of amenity*

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### 1.1 *Background*

#### (a) Background

- I purchased the property at 13 High Street, Kensington, as my principal place of residence in 2001 (see **attached** Certificate of Title).
- The primary attraction of the Property to me was the large areas of glass at the rear overlooking a sunny, but manageable size, rear courtyard together with the additional sun drenched area at the side of the property abutting Bowen Street.
- I had previously lived in an older row-style cottage which had little or no natural light and while living there suffered from symptoms commonly associated with “SAD” (Seasonal Affective Disorder).

#### (b) Investment

- In 2014 /15 I invested approximately \$30,000 in redesigning the outside areas of my Property to improve the amenity of the rear courtyard and, more particularly the western side of the property, specifically to take better advantage of the western sun which can be enjoyed in this area until late afternoon even in winter months. (See **attached** planning approval and photographs of the improvements made)
- I had the area planted with largely drought tolerant native species which thrive in full sunshine.
- This area is totally shaded in the mornings but enjoys full sun from midday until late afternoon and the planting was specifically selected to take advantage of these full sun conditions.

#### (c) Consideration of Future Development

- At the time of purchasing my Property it was my understanding that the area was zoned Residential Historic (Conservation) and I believe that is still the case.
- I was aware that 270 The Parade was a commercial building (at that time occupied by a government department) and that there was some possibility that the site could be developed in the future.
- I thought it likely that an additional storey may be added at some point, particularly as a large part of the building is single storey.
- Nevertheless, due to the zoning restrictions on my property, I believed that restrictions in the Development Plan against developments in a Business

Zone abutting a residential zone, would prevent any such development from unduly having a negative impact on the amenity of neighbouring areas and would provide me with protection against any multi story building (at least one in excess of 3 storeys) being constructed in that location.

- My decision to purchase the property was influenced by existing planning conditions in the area.

***The size and scale of the current Development proposal has therefore come as a complete shock.***

## **1.2 Overshadowing – Loss of direct sunlight**

- (a) I note that the overshadowing projections in the DR have been prepared only up until 3pm in each seasonal period. No consideration is given to loss of direct sunshine and light after that time.

- (b) At page 14 of the DR a discussion of setbacks of the upper floors of the Development states that

*“the effect is that the neighbouring properties are only be [sic] overshadowed by the built form from 3pm on the autumn equinox through winter solstice’s [sic] to the spring equinox”*

- (c) I have concerns with this statement as follows:

- the overshadowing projections show shadowing of my Property in winter will commence well before 3pm so the statement is not, on its face, factual. I am not an expert in this area but suggest that shadowing of the western façade and rear courtyard of my Property would occur from around 12.30pm (to 1pm at the latest).
- the projections show full shade extending over my entire property and well beyond by 3pm at both the Spring equinox and Autumn equinox which suggests that overshadowing of my Property starts well before the stated 3pm.
- At the summer solstice, the 3pm diagram shows overshadowing about to occur. I currently enjoy full afternoon sunshine in my rear courtyard (and particularly on the western side area) until as late as an hour before sunset (although this obviously varies seasonally).

- (d) At page 27 the DR states *“Importantly, it is evident that the proposal will maintain at least 3 hours of sunlight to the adjacent residential properties to the east.”*

- **This statement is patently untrue as far as it relates to my Property.**

- Unlike other properties on Bowen Street, my Property is positioned in the north-east / south-west orientation – in that it faces onto High Street not Bowen Street.
  - Except in the summer months I receive **virtually no morning sunlight** to any part of my Property. The rear of my Property is shadowed by existing residential buildings in Bowen Street lying to the north east of my property. The western side and front yard are obviously in shadow cast from my own house at these times.
  - Therefore, if the Development proceeds,
    - in **winter** months I will be overshadowed by existing properties to the north-east until shortly before noon and then overshadowed by the Development to the west from shortly after 12 noon – being an hour at best of access to sunlight.
    - **Spring** and **autumn** light will also be substantially diminished as I receive extremely minimal morning sunlight and will be cut off from sunlight well before the 3pm overshadowing stated in the DR.
    - As no data has been provided for the overshadowing effects for periods shorter than 3 hourly intervals, and none is provided for periods after 3pm at all, I am not able to calculate the exact effects but estimate that I would receive less than 2 ½ hours of total sunlight in **spring** and **autumn** and less than 1 ½ hours in **winter**. This is well below the stated minimum of 3 hours in all season in the Development Plan and under guidelines elsewhere.
  - **Contrary to the requirements of the Guidelines** at page 6 that “*Shadow diagrams demonstrating the extent of overshadowing (pre and post development) on adjoining properties...” be provided, information regarding **pre-development** shadowing is not included in the DR.*
  - In the absence of this required information I can only estimate that existing access to daylight at my Property is in the order of:
    - **at least** 4 hours in winter; and
    - **at least** 6 hours in spring and autumn
- (e) I note that the “*uninterrupted views and access to daylight, .... providing a flexible and pleasant working environment for the contemporary office accommodation*”, referenced at page 15 of the DR, therefore come largely at my expense.

### **1.3 Overshadowing – Loss of indirect light**

- (a) The effects of overshadowing are, of course broader than the loss of *direct* sunlight to outside areas of my Property.
- (b) These areas are of course already shaded from direct sunlight at various times of the day - by neighbouring dwellings, street trees and the shadow of my own house and plantings. These existing, surrounding elements cast shadows but do not “overshadow” in the same sense that the Development proposes to do. That is, to the extent of blocking out all daylight and/or views of the sky from either the outside areas or the internal rooms of my Property.

#### **1.4 Overshadowing – loss of solar amenity**

- (a) Currently, direct sunlight reaching the external, ground level of my Property in the winter months, is around 4 hours. In addition however, the western wall of my 2 storey dwelling receives direct solar heating for substantially longer than that period. The overshadowing diagram provided in the DR shows that no direct sunlight will reach that part of my Property from 3pm, at the latest (and I suggest that it is more likely from 12.30pm).
- (b) In around 2012, I invested in double glazing of the large picture windows at the rear of my property in an attempt to reduce heating costs and the carbon footprint of my home. I anticipate that the loss of winter sunlight on the western wall of my Property will significantly increase the need for electricity use in compensating for the lost solar heating effects which this afforded to internal living spaces.
- (c) A number of years ago when replacing my hot water service, I also investigated the possibility of installing solar panels on my roof. I have revisited that thought on a number of occasions, including in response to recent Government subsidies which have been available in different forms, from time to time. I have been advised that my Property is not ideally oriented for the use of solar infrastructure but if I were to install panels they would need to go on the north- western roof slope (ie facing onto Bowen Street). Obviously if the development proceeds, any option for converting to solar power will be entirely precluded.

#### **Personal effects of Overshadowing**

***In summary, I perceive that the overshadowing effects of the Development will have the following adverse impacts on me as both the owner and occupier of my Property:***

## 1.5 Visual Amenity

- (a) The height and bulk of the Development are both unprecedented.
- (b) In the briefing which I, (and residents of Bowen Street) received directly from the Proponent, (**Residents' Briefing**) it was stressed that the building would be *only* 7 storeys in height – (that being enough cause for concern at the time).
- (c) Having subsequently read the DR, **I find these statements by the Proponent to be misleading and entirely disingenuous.**
  - Firstly, there are 7 storeys above the ground floor (making 8 effective storeys) **plus** 6m of plant to be located on the roof.
  - The internet<sup>1</sup> tells me that, a standard, mixed-use building is usually 3.5m per floor (with car parking and residential buildings usually being less than this per floor- perhaps 3.1m).
  - In contrast, the DR reveals that each of the **first 3 levels** of this Development (being Ground floor and Levels 1 and 2) are **each 3.6m** in height with subsequent floors (Levels 3 to 7) **each being 4.2m**. The rooftop plant adds a further 6.3 m or **2 further storeys** to the building.

***The plans indicate that the building tops out at 38.15m which is the equivalent of an 11 storey mixed use building or a 12 storey hotel building.***

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<sup>1</sup> I have had no time for more investigation of building standards in South Australia.

- (d) In addition to the overshadowing effects which are directly related to the unprecedented height of the proposed structure, the DR suggests that the visual amenity of Bowen Street residents (which I take as including me) will not be affected because they are already looking onto a blank brick wall of a commercial building. I submit that there is a significant difference between looking at 1 storey of blank wall<sup>2</sup> and being faced with 11-12 storeys of a structure which blots out the skyline entirely.
- (e) Currently I am able to clearly see the spire and steeple of the Clayton Wesley Church from my back yard and much of its roofline as well from the upstairs windows of my Property.

**The suggestion by the Proponents that my visual amenity will not be adversely impacted is, quite frankly, offensive.**

- (f) This is a building of enormous proportions and the plan to locate it directly adjacent to a long established residential area on which it will have both a physical and metaphorical overshadowing effect is distressing.
- (g) A standard 5 storey building in this location would be noticed and cause comment (and be less than desirable from my personal perspective) but this proposed monolith, which will tower over even the tallest of surrounding buildings, would be a blight on the character of not just the Kensington area but 5 suburbs in every direction.
- (h) During the Residents' Briefing it was highlighted that the owners of the site wish to create a building which would make a lasting statement and, to that end, were sparing no expense.

**I would urge the decision makers to consider exactly what kind of statement is being made. The grandiose nature of the proposal appears to be hubris in the extreme, with no consideration given to the aesthetic of the neighbouring historic buildings or the essentially residential character of the suburb in which it is located.**

## **1.6 Residential Historic (Conservation) Zone interface**

- (a) In addressing issues of "interface" with its neighbours the DR states variously:
- at page 21: "...Bowen Street and High Street (at the interface with The Subject Site have very limited historic character".
- at page 22: "While the proposed development is notably taller than that across High Street, I consider it to have negligible impacts on the amenity and character of this interface as:....the current residential and historic character of High Street along this frontage is low/poor"

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<sup>2</sup> which is in fact hardly visible above the fence line of my Property



tenanted property in Bowen Street has lost its tenant as a direct consequence of concerns about the Development.

- (h) If I were renting at this time, I would certainly not choose my Property if made aware of the imminent threat of future overshadowing and the disruption which will inevitably come with a construction phase of at least 12 months.

### 1.7 Comparison with other Developments

- (a) I note comments at page 23 that:

*“Thorough consideration has been given to the surrounding environments by the design team...the following elements have been taken into consideration during the design process:*

- ...
- *The residential uses adjoining the subject land, particularly along Bowen Street; and*
- *Previous and proposed Development Plan policy changes within the broader locality which may lead to future high rise development being established along the Parade”*

- (b) I presume this reference to policy changes and high-rise development relates specifically to the Nuova Apartments development on the Parade (and potentially the Bath Apartments further down the Parade. There are other references to the Nuova development scattered throughout the DR.

- (c) It is of concern to me that a number of these references seem to suggest a correlation between that development and the Peregrine proposal including as to:

- height equivalency;
- location of a high-rise development within an historical/residential context.
- wrapping<sup>4</sup> around an existing historical building

- (d) This correlation, if intended, **is misleading in the extreme.**

- (e) I am familiar with the Nuova development<sup>5</sup>.

- The approved Nuova building is: 1 Ground floor commercial level with 5 floors of apartments with residential height ceilings.

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<sup>4</sup> “In March 2015 the IMDAC approved a redevelopment proposal 254-256 The Parade (DA 155/M053/14). This proposal effectively ‘wraps’ around the State Heritage place located at 258-262 The Parade (Ref 2, Image 1), to accommodate a mixed use multi-storey residential and retail development. .... I understand the development to be 6 storeys in height”

- I do not have exact height measurements to hand but believe that the total height of the building could not exceed 21m (roughly **half the height** of the Peregrine Development).
- While the building is higher than its neighbours on the Parade, it by no means dwarfs them either in height or in bulk.
- The building does not “wrap around” the State Heritage Place. It is located entirely to the west of that building. The additional red shaded area behind the 252-258 the Parade highlighted in the DR in fact consists of an existing portion of the land title for the project on which an *existing* access “road” is located behind the heritage structure and on which no building, associated with the Nuova Apartments, is to be located.
- The Apartments are wholly located within the business precinct of the Norwood Parade and do not abut existing, established residences or interface with an existing residential zone.

**Any implication that the 2 developments are equivalent in size or impact or suggestion that the prior approval of the one justifies the automatic approval of the other, is fatuous.**

## **1.8 Noise and Light Disturbance**

### (a) Noise

- I have not had a chance to properly assess the technical noise report contained in the DR.
- It would be reasonable to assume however that, even if noise levels will be designed to be “within guidelines”, there will be an overall increase in noise levels (including from increased vehicular traffic in the daytime, the concentration of cars entering and exiting the parking structure and from the building plant to be located on the roof level, presumably running both night and day).
- In any event, I do not believe there is any suggestion in the DR that noise will be reduced so the new noise effects will only add to the cumulative adverse effects on my Property.

### (b) Light

- I read with concern the statement at page 16 that:  
  
*“The building will be **externally illuminated** in order to ensure a safe external environment.....”*
- There is no information as to where this lighting will be located, its relative brightness, whether it will be directional, movement activated etc,

- Presumably “the safety of the external environment”, will take precedence over any disturbance which may be caused to the “limited number of residences” on Bowen/ High street whose residents may be kept awake by lights either constant or flashing.

### **1.9 Privacy – Overlooking and Security cameras**

- (a) I was assured by the Proponents at the Residents’ Briefing that there was no possibility of overlooking my Property due to the step-back nature of the building design. Presumably this was based on the “guidelines” that if the view of someone nude sunbathing in their back yard is from a distance of 15m or more, the observer is deemed to be blind. Of course, as there will be no sun in which to nude bath, there is really no problem!
- (b) My reading of the diagrammatic visualizations provided in the DR is that there is a direct line of sight into my Property from the deck around the first level of office buildings above the car park. Ostensibly however, the distance from, that angle is something between 15 and 20m technically my Property is not overlooked, notwithstanding that all privacy in the outside areas of my Property will be lost.
- (c) Presumably other Bowen Street residents whose bedroom windows and front entrances are directly overlooked will have similar concerns.
- (d) At page 16 the DR states that:

*“In addition, [that is, in addition to the external illumination to provide a safe external environment], CCTV surveillance will operate both internal and external to the building” and “the decks and balconies provided on upper levels will enable surveillance over public spaces”*
- (e) Presumably, such cameras will be angled in such a way as to specifically avoid recording sightlines which include any part of my Property. I assume that other residents of Bowen Street would also take exception to their front driveways being subject to CCTV surveillance

**If the Development proceeds, I seek confirmation from the Proponent that at least this level of privacy will be afforded.**

### **1.10 Wind Turbulence**

- (a) Again I am disadvantaged by the time available to consider the available information and the technical nature of the information relating to this aspect of the Development.
- (b) On my lay reading of the ARUP report, the only area which will be specifically, adversely affected by wind-tunneling is **“High Street near the corner of Bowen Street”** ie my Property.

- (c) The report appears to look mainly at the impact of wind on pedestrians (and to some extent those who may be enjoying the sunshine at the café on the south western corner of the Development). The summary at page 9 of the Report notably states:

*“South-westerlies incident the Portrush Road façade may result in accelerations around the corner to Bowen Street. However, given that this space is likely only to be used as a transitional area, this is considered likely acceptable”.*

Figure 7 identifies that the level 4 wind occurrences (ie those causing discomfort except for 8-10m/s for “fast or business walking”) directly affect my Property and in particular the western side outdoor area that is at present most conducive to outdoor enjoyment.

## **2 Property Devaluation**

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## **3 Traffic Management Issues**

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### **3.1 General**

- (a) As indicated above, I do not suffer from the current issues experienced by residents of Bowen Street regarding day time commercial delivery vehicles using that street to access warehouse facilities but understand that this is one of the traffic management issues which the development is designed to address.

- (b) That is welcome and the second stage proposal to allow two way access to the street at the northern end seems sensible.

### **3.2 Concerns**

- (a) My concern lies with the 3 levels of parking (including one underground level) and the single entry point off High Street in close proximity to Portrush Road.
- (b) The Proponent argues that this will alleviate the issue of employee cars:
- parking on High and surrounding side streets during the day;
  - driving through surrounding streets at peak times looking for street parking.
- (c) This may be true but the downsides are that it will instead:
- concentrate all of this traffic at a single bottleneck point (the entrance to the car park; and
  - along with the increased staffing levels in the new building, actually increase traffic to and from the site by 25-35%;
  - encourage existing and future employees who may have chosen public transport when parking was in short supply, to drive to the site, again increasing total traffic flows.
- (d) The likely access routes will be:
- South along Portrush road and left into High St<sup>6</sup>
  - North along Portrush Road and right into High St.
- (e) Presumably there will also be some who wish to access the car park by travelling west down High St (entering High St from some point further up the Parade or Kensington Road), thus needing to turn right into the car park (unless this method of access is intended to be precluded). The DR is not clear on this point.
- (f) Traffic studies in the proposal have attempted to assess existing traffic flows. While figures are provided early in the report for the 8am-9am peak period which corresponds with the school drop off period at Mary Mackillop College, later assessments seem to largely ignore these figures.
- (g) The risk of traffic queuing across the Parade / Portrush intersection seems, at least anecdotally, to be higher than disclosed in the proposal.

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<sup>6</sup> Coming (a) west down the Parade and left onto Portrush; (b) east up the Parade and right onto Portrush; (c) south along Portrush Road from the north and crossing the Parade.

- (h) Almost all employee traffic will be concentrated at the High Street entrance (either turning left from Portrush or right across Portrush Road into High Street) rather than being dispersed more generally in the surrounding streets and access points.
- (i) This, together with the increased number of employees (and tenant employees) and the potential increased number of employees choosing to travel by single vehicle, does not appear to have been taken into account in the projections.
- (j) The notion that employees will choose to cycle or take public transport when convenient, free and plentiful car parking is being made available on site seems naïve at best. I expect that there will be a dramatic increase in vehicular traffic to the site and that the single point car park entrance will become a bottleneck causing dangerous queuing of traffic back along High Street and onto Portrush Road.

### **3.3 Car park fumes**

- (a) At the Residents' Briefing, much was made of the planned treatment of the ground level car park façade and the intention to apply vertical sandstone fins to the external wall to improve aesthetics while still complying with building code requirements for ventilation of the structure.
- (b) I understood this to mean that, the concentration of vehicular fumes from some 290 cars within the structure are acknowledged to be a health hazard for users unless the fumes are dispersed away from the structure.
- (c) My query as to the effects of that concentration of exhaust fumes being dispersed directly towards the neighbouring properties was dismissed out of hand. I was told that the fumes simply dissipate into the surrounding atmosphere with no more harmful effects than those emitted by cars on neighbouring streets.
- (d) The argument was made that these vehicles already travel to the area and therefore the effects can be no greater than already exist.
- (e) With respect, I believe it has long been established that there are health consequences associated with living next to busy roads so my question was not an idle one.

- (f) I have chosen to live near to Portrush Road and the Parade; both busy thoroughfares. **I did not choose to live next to a multi-storey parking structure** designed to accommodate some 290 vehicles.
- (g) I submit that:
- Existing vehicle movements are currently dispersed throughout the neighbouring streets;
  - The parking structure will capture and concentrate emissions in one centralised location;
  - The volume of traffic will be increased significantly (as noted above) and this new traffic will also be concentrated in and around the parking structure.

**Please advise whether any studies are available or will be undertaken regarding the health effects of living in close proximity to such a structure where exhaust fumes are ventilated directly to the adjoining air spaces. It seems reasonable to expect that there would be some adverse effects.**

**Please also advise whether consideration has been given to requiring the extraction and exhausting of emissions away from habitations.**

### **3.4 Telecommunications**

- (a) I am concerned that no information seems to have been provided as to whether mobile and wi-fi connectivity will be affected in areas to the east and north east (eg Beulah Park) of the development site.
- (b) I believe that this area is mainly serviced by the mobile tower facilities located on the Water Tower at 275 Portrush Road<sup>7</sup>. Unless it is planned to move these facilities, it is hard to see that the access to mobile and wi-fi services of those residences located *behind* the Development site will not be adversely affected, (to a smaller or larger degree depending on their proximity to the Development).

**Please advise whether the developer will be responsible for relocating these facilities, and if so, to where.**

## **4 Non-Compliance of DR with DAC approved Guidelines**

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I submit that the DR, as prepared, is deficient in at least the following aspects:

### **4.1 Pre and Post Development Overshadowing**

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<sup>7</sup> Ref: OzTowers website map

The approved Guidelines specifically require the Proponent to identify pre-development shadowing effects of the site as well as projected post development shadowing. This information has not been provided.

#### **4.2 Development Plan and matters prescribed by Regulations under the Act**

- (a) The guidelines state that: *“The DR should detail any expected environmental, social and economic effects of the development, and the extent to which the development is **consistent with the provisions of the Council’s Development Plan**, the Planning Strategy and any matter prescribed by the Regulations under the Act.”*
- (b) The expression of consistency with the Development Plan necessitate an identification of those areas in which the proposed development is inconsistent with those requirements.
- (c) I note that the current proposal is, arguably inconsistent with some or all of the “objectives” and “principals” under the Development Plan quoted in the annexure over page. I have identified more than 70 items in the Development Plan with which the Development is party, or wholly, inconsistent. On my reading of the Guidelines, a statement identifying these inconsistencies must be contained in the DR.

## **Development Plan for the Norwood Payneham and St Peters (City) (extracts)**

### **"CITY WIDE**

#### **Orderly and Sustainable Development**

*The future development of the City of Norwood Payneham & St Peters will in part be influenced by the development of the Metropolitan area....*

*It is essential that the future development of the City addresses issues such as increased housing demand, efficient use of infrastructure and population change, while at the same time retaining the City's built heritage and valued elements of its historic character that play a major role in defining the City's character. ....*

#### **OBJECTIVES**

**Objective 1:** *Orderly and economic development that creates a safe, convenient and pleasant environment in which to live.*

**Objective 2:** *A proper distribution of living, working and recreational activities by the allocation of suitable areas of land for those purposes.*

**Objective 3:** *The provision of such facilities as are required for accommodation, employment, recreation, health and welfare.*

**Objective 6:** *Co-ordination of the City's development with that in the abutting council areas, and other council areas which may be affected.*

**Objective 7:** *Rational distribution of land uses to avoid incompatibility between them.*

**Objective 8:** *Compatibility of new buildings with the desired environment around them.*

**Objective 10:** *Development that does not jeopardise the continuance of adjoining authorised land uses.*

**Objective 11:** *Provision of a choice of lifestyles within the law and custom of the community.*

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

1 *Development should be orderly and economic.*

2 *Development should:*

(c) *create a safe, convenient and pleasant place to live.*

3 *Development should take place on land which is suitable for the intended use of that land, having regard to the location and condition of that land and the provisions for the relevant Zone and Policy Area.*

4 *Development should take place in a manner which will not:*

(a) *interfere with the effective and proper use of any other land; and*

(b) *prevent the attainment of the objectives for that other land.*

5 *Development should be undertaken in accordance with the Norwood Payneham and St Peters (City) Structure Plan, Map NPSP/1 (Overlay 1) Parts A & B.*

6 *Development should not take place excessively in advance of a demonstrated need for the use for which it provides.*

10 *Building development should not take place where it would require substantial excavation or earthworks.*

11 *Buildings should be designed so as not to unreasonably overlook or overshadow indoor or outdoor living areas of adjacent dwellings.*

12 *Development should take place in a manner which is not liable to cause an unreasonable nuisance to neighbours or the community or significantly detrimentally affect the amenity, use or enjoyment of nearby properties by:*

(a) the emission beyond the site boundaries of noise, vibration, odour, atmospheric liquid or other pollutants, waste water, waste products, electrical interference, light overspill or loss of privacy;

18 Where development is expected to impact upon the existing infrastructure network (including the transport network), development should demonstrate how the undue effect will be addressed.

### **Design and Appearance of Land and Buildings**

#### **OBJECTIVES**

**Objective 18:** The amenity of localities not impaired by the appearance of land, buildings and objects.

**Objective 19:** Development of a high architectural standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

**Objective 21:** The continued visual dominance of key reference buildings, such as the Norwood Town Hall, St Peters Town Hall, the Maid and Magpie Hotel, Norwood Hotel, Bon Marche Building, the Payneham Uniting Church and the former Kent Town Brewery Site.

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

28 The appearance of land and buildings should not impair the amenity of the locality in which they are situated.

(b) should complement the urban context of existing buildings on adjoining and nearby land in terms of:

(i) maintenance of existing vertical and horizontal building alignments

(c) should not visually dominate the surrounding locality.

31 The design and location of buildings should ensure that adequate natural light is available to adjacent dwellings, with particular consideration given to:

(a) windows of habitable rooms, particularly the living areas of adjacent buildings;

(b) ground-level private open space of adjacent dwellings;

(c) upper level private balconies that provide the primary open space area for any dwelling; and

(d) access to solar energy.

32 The height of buildings, structures and associated component parts should not exceed the number of storeys or height in metres above the natural ground level prescribed in the relevant Zone and/or Policy Area.

For the purposes of this Principle, 'storey' refers to the space between a floor and the next floor above, or if there is no floor above, the ceiling above. A mezzanine floor level shall be regarded as a floor. A space with a floor located below natural ground level shall be regarded as a storey if greater than one metre of the height between the floor level and the floor level above is above natural ground level.

34 Development on corner allotments should:

(a) reinforce the primary and secondary street frontages of the subject site with highly articulated building forms; and

(b) be sited to complement the siting of buildings on the adjacent corner sites.

35 Unless otherwise specified in the relevant Zone and/or Policy Area, where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:

(a) the visual impact of the building as viewed from adjoining properties;

(b) overshadowing of adjoining properties and allow adequate sunlight to neighbouring buildings, private open space and solar collectors (such as solar hot water systems and photovoltaic cells); and

(c) the risk of damage to mature/regulated vegetation on adjoining properties taking into consideration potential damage to the root system.

37 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in excessive glare.

38 Structures located on the roofs of buildings to house plant and equipment, should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.

45 Development in non-residential zones abutting the Residential Zones or the Residential (Historic) Conservation Zones, should not prejudice the attainment of the Objectives relating to the residential zones.

46 Development adjacent to the boundary of a Residential Historic (Conservation) Zone, should provide a transition down in scale and mass to complement the built form within the Residential Historic (Conservation) Zone.

47 Development should not, in respect to its appearance, interfere with the attainment of the Objectives for the relevant Zone or Policy Area or otherwise impact upon the existing character of scenic or environmentally important areas.

48 Outdoor lighting should not result in light spillage on adjacent land

#### **Interface Between Land Uses**

##### **OBJECTIVES**

**Objective 26:** Development located and designed to minimise adverse impact and conflict between land uses.

**Objective 27:** Protect community health and amenity from the adverse impacts of development and support the continued operation of all desired land uses.

##### **PRINCIPLES OF DEVELOPMENT CONTROL**

80 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (b) noise;
- (d) electrical interference;
- (e) light spill;
- (f) glare;
- (h) traffic impacts.

81 Residential development adjacent to a non-residential land use or zone or within a non-residential zone should be located, designed and sited in a manner which:

- (a) protects residents from any adverse effects of non-residential activities; and
- (b) minimises negative impact on existing and potential future land uses considered appropriate in the locality.

82 Non-residential development in residential zones should:

- (a) not detrimentally impact on the amenity of nearby residents;
- (b) provide adequate protection for residents of adjoining sites from air and noise pollution, traffic disturbance and other harmful effects on health or amenity; and
- (c) not negatively impact on adjoining open space, mature trees or vegetation.

83 Non-residential development adjacent to a residential zone or within a residential zone should be located, designed and sited to minimise overlooking and overshadowing of nearby residential properties.

84 Non-residential development on land abutting a residential zone or within a residential zone should be designed to minimise noise impacts and achieve adequate levels of compatibility between existing and proposed uses.

85 Sensitive land uses which are likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed.

#### **Air Quality**

90 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality

#### **Movement, Transport and Car Parking**

**Objective 31:** A compatible arrangement between land uses and the transport system which will:

- (a) ensure minimal noise and air pollution;
- (b) protect amenity of existing and future land uses;
- (c) provide adequate access; and
- (d) ensure maximum safety.

**Objective 32:** A form of development adjoining main roads which will:

- (a) ensure traffic can move efficiently and safely;
- (b) discourage commercial ribbon development;
- (c) prevent large traffic-generating uses outside designated shopping/centre zones

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

##### **Access**

113 Development should be provided with safe and convenient access which:

- (a) avoids unreasonable interference with the flow of traffic on adjoining roads;
- (b) provides appropriate separation distances from existing roads or level crossings;
- (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision; and
- (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.

124 Vehicle parking areas should be sited and designed to:

- (c) not inhibit safe and convenient traffic circulation;
- (i) not dominate the character and appearance of the development when viewed from public roads or spaces.

126 Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.

132 Vehicle parking spaces and multi-level vehicle parking structures within buildings should:

- (b) complement the surrounding built form in terms of height, massing and scale;

#### **Medium and High Rise Development (3 or More Storeys)**

##### **Environmental**

268 Multi-storey buildings should:

- (a) minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow; and

270 Development of five or more storeys, or 18.5 metres or more in building height (excluding the rooftop location of mechanical plant and equipment), should be designed to minimise the risk of wind tunnelling effects on adjacent streets by adopting one or more of the following.

294 Development within business, centre and shopping zones should conform to the following design principles:

(b) Development should:

(i) comply with the objectives for the Zone or otherwise be compatible with the predominant character of other buildings in the locality; and

(ii) preserve buildings of historical or architectural significance.

(c) Development should provide:

(i) off-street loading, service areas and service vehicle manoeuvring areas;

(ii) lighting for buildings and ancillary areas, with no light spill causing nuisance or hazard; and

(d) Development should not cause nuisance or hazard arising from:

(i) microclimatic conditions;

(iv) overlooking;

(v) overshadowing; or

(vi) visual intrusion.

### **Heritage**

The City of Norwood, Payneham & St Peters derives many benefits from its large number of intact State and local heritage buildings which define a certain character and ambience throughout many parts of the City, setting it apart from other metropolitan areas. It is desired that these places be conserved for the benefit of present and future generations, and to maintain a historic and cultural record of the settlement of the State and the Council area. The conservation of these places also enhances the attractiveness of the Council area to tourists and visitors.

For the purpose of interpreting the Objectives and Principles of Development Control a heritage place in the City of Norwood, Payneham & St Peters is:

- a State Heritage Place entered in the State Heritage Register or a place that is a provisional entry in the Register; or
- a Local Heritage Place.

### **OBJECTIVES**

**Objective 110:** Development that retains the heritage value of State and Local Heritage Places such that the heritage value of the place, locality and the Council area is reinforced through:

(a) the conservation and complementary development of such places; and

(b) the complementary development of land and sites adjacent to such places.

**Objective 111:** Development which conserves and reinforces the historic integrity of the Council area and is compatible with the desired character of the appropriate zone and policy area.

**Objective 113:** Public awareness of heritage areas and places within the Council area that are of cultural, environmental, social, historic or architectural significance.

333 Development (including land division) should not compromise or detrimentally affect the heritage value, character, integrity, setting, siting or function of buildings or sites of architectural, historic or scientific interest, sites of natural beauty or places of heritage value identified in Tables NPSP/5 and 6 as State or Local Heritage Places.

Development on land adjacent to land containing a heritage place

345 Development on land adjacent to land containing a State or Local Heritage Place as designated in Tables NPSP/5 and 6 should respect the heritage value, integrity and character of the heritage place and should clearly demonstrate design consideration of the relationships with the heritage place and its setting (without necessarily replicating its historic detailing) and the character of the locality by establishing compatible:

- (a) scale and bulk;
- (b) width of frontage and boundary setback patterns;
- (c) proportion and composition of design elements;

346 Development on land adjacent to land containing a heritage place and sited in strategic locations, such as corners or at the termination of vistas, should have a scale and visual interest in the streetscape at least equal to that of the adjoining heritage place, providing the heritage value of the place within its setting is not diminished.

347 Development on land adjacent to land containing a State or Local Heritage Place should not be undertaken if it is likely to dominate or detract from the heritage value and integrity of the heritage place by way of design, appearance or standard of construction.

#### **Telecommunications Facilities**

##### **OBJECTIVES**

**Objective 120:** Telecommunications facilities provided to meet the needs of the community.

Telecommunications facilities are an essential infrastructure required to meet the rapidly increasing community demand for communications technologies. To meet this demand there will be a need for new telecommunications facilities to be constructed.

403 Telecommunications facilities should:

- (a) be located and designed to meet the communication needs of the community;

407 Telecommunications facilities should not detrimentally affect the character or amenity of Historic Conservation Zones or Policy Areas, Local Heritage Places, State Heritage Places, or State Heritage Areas.

#### **RESIDENTIAL HISTORIC (CONSERVATION) ZONE**

##### **Introduction**

The objectives and principles of development control that follow apply in the Residential Historic (Conservation) Zone shown on Maps NPSP/3, 4, 6, 7, 9, 10, 11, 21 and 22. Further objectives and principles of development control also apply to policy areas that are relevant to the zone. The provisions for the zone and its policy areas are additional to the City Wide provisions expressed for the whole of the council area.

Development will preserve and enhance the historic character and ambience of localities by providing for a range of high-quality residential accommodation which reinforces the historic character and residential amenity of the relevant policy area.

New buildings and additions to buildings within this zone will reinforce the existing streetscape and historic building stock. New dwellings will be of a complementary nature which do not compete or stand out against the historic elements for streetscape prominence. They will take into careful consideration the scale of the surrounding dwellings.

##### **OBJECTIVES**

**Objective 1:** Development that conserves the heritage value and historic character of the Residential Historic (Conservation) Zone and reinforces the desired character of the zone and the relevant policy area.

**Objective 2:** *The preservation of areas of historical significance primarily in residential use.*

**Objective 3:** *The retention, enhancement and conservation of land, buildings and their settings, structures and landscape elements within the Residential Historic (Conservation) Zone that contribute significantly to its heritage value and historic character.*

**Objective 4:** *Continued residential use in a variety of housing types and at dwelling densities consistent with the historic character for each of the relevant policy areas within the zone.*

**Objective 5:** *Development that is sympathetic and compatible with the heritage value and historic character of the zone, but is also subordinate to the local historic character in terms of streetscape impact.*

**Objective 6:** *Development that maintains the established allotment sizes and patterns, siting and orientation of buildings and incorporates high standards of design, building materials and landscaping.*

**Objective 7:** *The continuance or reintroduction of non-residential use only where there is a historic basis for such a use, or where non-residential use will significantly contribute to the retention of historic character and not impact on residential amenity.*

**Objective 8:** *Maintenance of a pleasant and functional living environment broadly meeting the needs and expectations of local residents.*

## **PRINCIPLES OF DEVELOPMENT CONTROL**

### **General**

1 *Development should not be undertaken unless it is consistent with the desired character of the zone and the relevant policy area.*

2 *Development should preserve, enhance and reinforce the existing streetscape appeal of the relevant policy area.*

### **Form and Character**

13 *Development should conform to the City Wide provisions of the Development Plan applicable to that type of development, unless conformance with those provisions significantly diminishes the heritage value or historic character of a place.*

14 *The detail and general character of development should complement the identified heritage values of the zone and the policy area in which it is located, as well as the specifically identified heritage places and contributory items listed in Tables NPSP/5, 6 and 7.*

15 *Development should predominantly be for residential purposes and should reflect the historical built form and visual character of the relevant policy area.*

16 *Development of a new building or building addition should demonstrate a compatible visual relationship with the buildings that contribute to the historic character of the relevant policy area through consideration of the following:*

(a) *bulk and scale;*

(b) *width of site frontage, front and side boundary setback patterns, wall height and window placement;*

(c) *the proportions (vertical and horizontal) of additions visible from the street that complement the existing building façade and other elevations facing a public road.*

19 *Development should not exceed the maximum building height prescribed for each policy area. The height of new buildings, should be consistent with the prevailing building heights with particular reference to adjacent State and Local Heritage Places and contributory items.*

21 *Redevelopment of corner sites comprising buildings that are not identified heritage places or Contributory Items should provide facades to each street frontage and should complement the siting of heritage places and/or contributory items on the adjacent corner sites.*

26 Development within the Residential Historic (Conservation) Zone should be carried out, where applicable, in accordance with the Design Guidelines for Heritage Places and Development in Historic (Conservation) Zones contained in Table NPSP/4.

**Interface Height Provisions**

14 To minimise building massing at the interface with residential development outside of the zone, buildings should be constructed within a building envelope provided by a 30 degree plane, measured from a height of 3 metres above natural ground level at the zone boundary (except where this boundary is a primary road frontage), as illustrated in Figure 1:

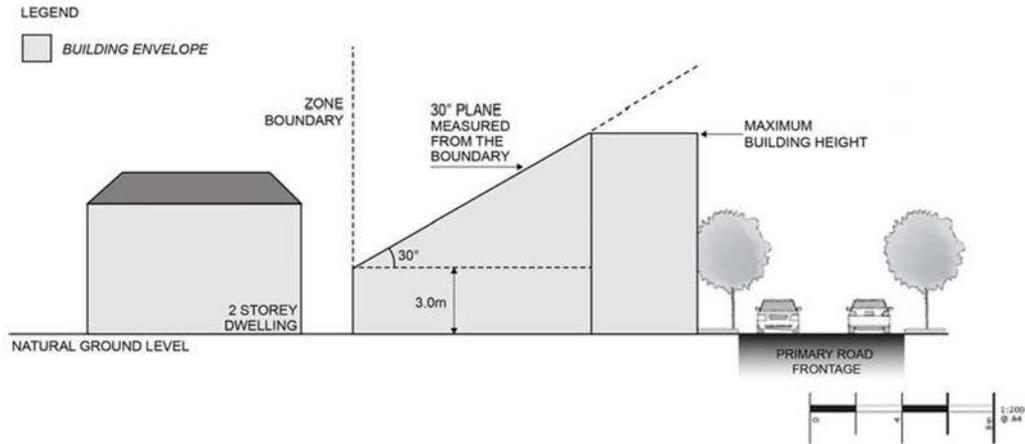


Figure 1"

Annexures:

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT CERTIFICATE

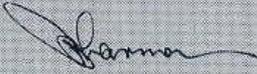
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1886



**South Australia**

VOLUME 5075 FOLIO 369  
Edition 3  
Date Of Issue 16/06/1992  
Authority RTD 7276825

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in the schedule of endorsements.

  
REGISTRAR-GENERAL 

**REGISTERED PROPRIETOR IN FEE SIMPLE**

ABIGAIL LAURA STEED OF 13 HIGH STREET KENSINGTON SA 5068

**DESCRIPTION OF LAND**

ALLOTMENT 3 DEPOSITED PLAN 34217  
IN THE AREA NAMED KENSINGTON  
HUNDRED OF ADELAIDE

**EASEMENTS**

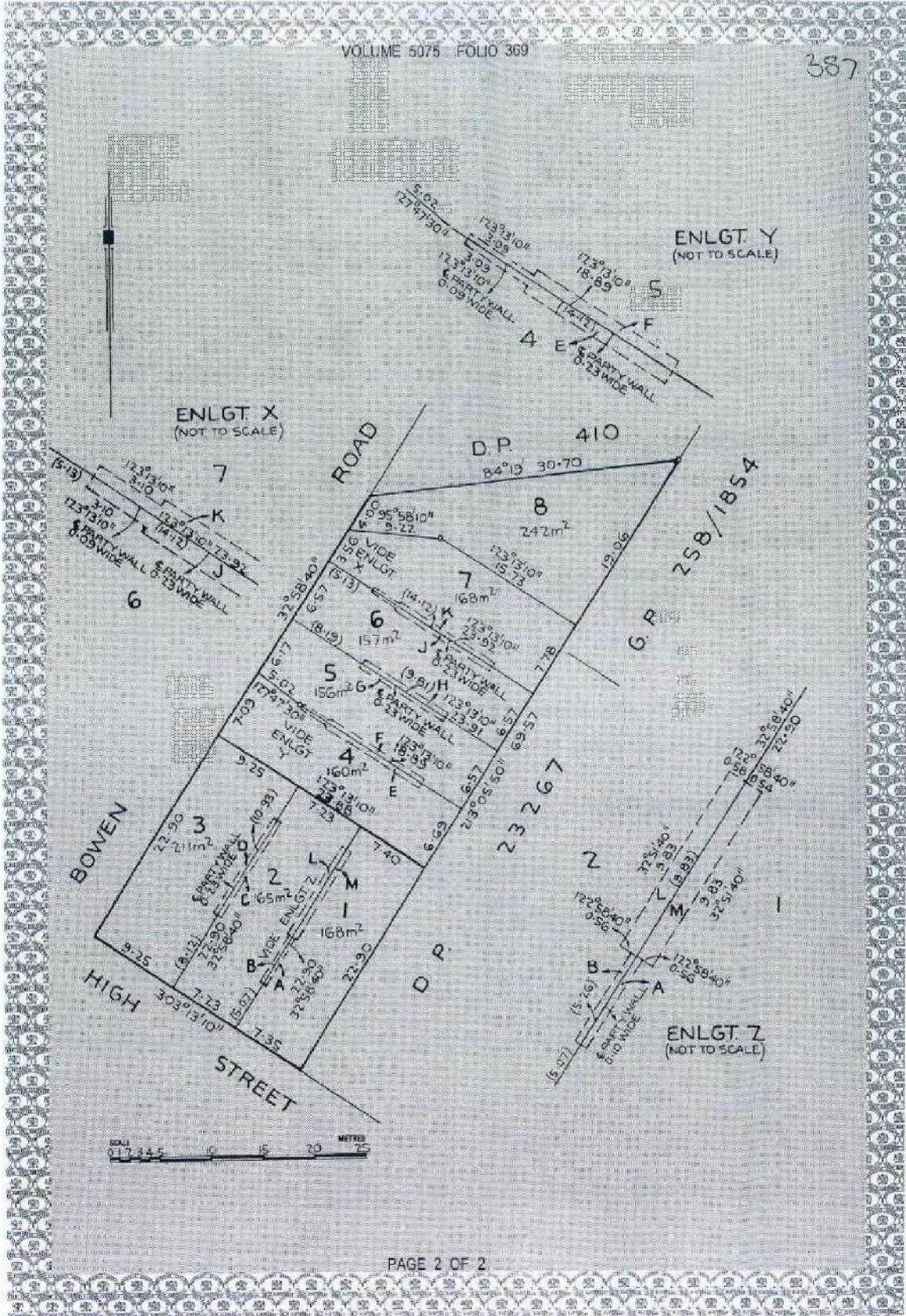
SUBJECT TO PARTY WALL RIGHTS OVER THE LAND MARKED D (RE 7276826)  
TOGETHER WITH PARTY WALL RIGHTS OVER THE LAND MARKED C (RE 7276826)

**SCHEDULE OF ENDORSEMENTS**

NIL

End of Text

PAGE 1 OF 2



Reference: 155/674/2014  
Enquiries To: Josh Edginton  
Dir. Telephone: 8386 4575

7 November 2014

Ms AL Steed  
13 High Street  
KENSINGTON SA 5068

Dear Ms Steed

**Development Application No:**  
**Proposed Development:**

**155/674/2014**  
**Construction of an attached**  
**verandah and new side fencing**  
**(adjacent Bowen Street frontage)**  
**13 High Street KENSINGTON 5068**  
**Lot 3 DP 34217 Adelaide CT**

**Location of Proposed Development:**  
**Property Identification:**  
**5075/369**

**Application for Development Approval**

I wish to advise that the above mentioned application has been approved.

As required by Regulation 45 of the Development Regulations 1993, as owner of the land upon which the above mentioned development is proposed, please find attached a copy of the Decision Notification Form and other documents which have been forwarded to the applicant.

Should you require any further information or assistance, do not hesitate to contact me.

Yours sincerely



Josh Edginton  
**DEVELOPMENT OFFICER-BUILDING**



**City of**  
**Norwood**  
**Payneham**  
**& St Peters**

175 The Parade  
Norwood SA 5067

PO Box 204  
Kent Town SA 5071

Telephone  
8368 4555

Facsimile  
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Email  
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Website  
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Our Ref: ALS:ALSPersonal

24 October 2016

Minister for Planning  
DPTI  
GPO Box 1815,  
ADELAIDE SA 5001

Attention: Robert Kleeman,  
Unit Manager Strategic Development Assessment  
Planning and Development, Development Division

**By email: [majordevadmin@sa.gov.au](mailto:majordevadmin@sa.gov.au)**

Dear Sir/Madam,

**Peregrine Mixed Use Development – 270 The Parade, Kensington**

This submission is supplementary to my submissions lodged by email earlier today, 24 October 2016.

I refer to the 7.30 program run by ABC News **on 3 November 2015**. The report investigates alleged employment practices engaged in by “On the Run”, a substantial business arm of the Peregrine Corporation, Proponents of the Development at at 207 The Parade, Kensington.

The report claims that a large number of the company’s employees were inappropriately employed on training wages, for the sole purpose of reducing wage costs to the On the Run businesses.

Based on claims made in the report I suggest that, conservatively, over the last 7 years the Peregrine Corporation may have “saved” up to \$45,000,000<sup>1</sup> (see spreadsheet of calculations on page 2) in wages and on costs and thereby affected the South Australian economy to up to that degree through these questionable practices.

I am not aware whether Peregrine also received State or Federal Government trainee incentive payments as part of this employment strategy. One presumes so.

The ABC’s report concludes with a statement that these practices are now the subject of investigation by “the Department”. Please advise which department of Government is investigating these claims and the status of such investigation.

---

<sup>1</sup> (see spreadsheet of calculations on page 3)

Of concern is the fact that these claims came to light some 3 weeks immediately prior to the Development Assessment Commission recommending to the Minister and the Minister granting approval for the Development to proceed as a Major Project.

I query to what extent the DAC investigated these public claims and/or took into consideration the Proponent's standing as fit and proper persons to undertake a Major Project for the benefit of the State.

Yours sincerely,



Abigail Steed

Email: [as@msmlegal.com.au](mailto:as@msmlegal.com.au)

Actual wages paid by On The Run <b>per hour</b>	normal adult wages low	Normal adult wages (level 1 with some loading)	Normal adult wages (level 3 with weekend loadings)	Saving to On The Run per employee hour	low	medium	high
\$15.30	\$20.00	\$30.00	\$35.00		\$4.70	\$14.70	\$19.70
Average hours per week	Weeks per year			savings per employee per year	low	medium	high
8	48				\$1,804.80	\$5,644.80	\$7,564.80
Plus superannuation payments saved @9%					\$162.43	\$508.03	\$680.83
plus payroll tax saved @5%					\$90.24	\$282.24	\$378.24
plus workcover levy @2%					\$36.10	\$112.90	\$151.30
					<b>\$2,093.57</b>	<b>\$6,547.97</b>	<b>\$8,623.87</b>
Conservative estimate of savings per training employee					\$2,093.57	\$6,547.97	\$8,623.87
Total of 2000 employees. Estimate 40% -60% on trainee arrangements					800	1000	1200
Savings to On the Run PER YEAR					<b>\$1,674,854.40</b>	<b>\$6,547,968.00</b>	<b>\$10,348,646.40</b>
Lost payroll and workcover contributions incurred by State Government PER YEAR					\$101,068.80	\$395,136.00	\$635,443.20
Lost income tax on reduced wages PER YEAR (calculated at 20-25%)					\$334,970.88	\$1,309,593.60	\$2,587,161.60

If calculated over the last 7 years of operation this equates to:

	low	medium	high
<b>Savings to On The Run</b>	\$11,723,980.80	<b>\$45,835,776.00</b>	\$72,440,524.80
<b>Lost revenue to SA</b>	\$707,481.60	<b>\$2,765,952.00</b>	\$4,448,102.40
<b>Lost Tax revenue</b>	\$2,344,796.16	<b>\$9,167,155.20</b>	\$18,110,131.20



## SA's On The Run convenience store under investigation for traineeship wage loophole

7.30 By Alex Mann

Updated Tue 3 Nov 2015, 8:54pm

**One of South Australia's biggest employers, the On The Run convenience store chain, is under investigation by the State Government following reports its traineeship program is a sham designed to keep wages low.**

With more than 125 stores across the state and more than 2,000 employees, On The Run's 24-hour fast food, petrol and convenience store chain is one of South Australia's fastest growing businesses.

Every employee signs the company's promise: "We Never Close."

But in the wake of the wage underpayment scandal engulfing the country's 7-Eleven franchise operations, the company's business model has come under increasing scrutiny.

Former trainees and managers have spoken to the ABC's 7.30 program, many too afraid to speak out publicly.

Law student Chris Norman, 23, is one employee who decided to stand up.

He was required by On The Run to do a Certificate II in Automotive Sales, even though his job was at a Hungry Jacks based inside an On The Run petrol station.

Mr Norman said his job was so different to the training content that On The Run's human resources staff had to provide the answers.

As a trainee, he was paid just \$15.30 an hour.

"I didn't want to let them step on me, I wanted to stand up, 'cause it wasn't just happening to me, it was happening to everyone," Mr Norman said.

Do you know more about this story? Email [7.30syd@your.abc.net.au](mailto:7.30syd@your.abc.net.au)

### Business using obscure sub-clause to pay trainee wages

Mr Norman sought the services of a lawyer, who wrote to On The Run requesting he be backpaid more than \$800 in lost wages.

That lawyer, Joseph Wearing, said Mr Norman should have been paid closer to \$19 an hour.

Through his correspondence with On The Run, Mr Wearing discovered the business used an obscure sub-clause in the Vehicle Manufacturing, Repair, Services and Retail Award 2010 to justify paying their trainees even less than the normal trainee wage because they were provided with "on the job" training.

"I mean the traineeship rate was already lower than the hourly adult rate," Mr Wearing said.

"But the on-job training rate was 20 per cent lower again."

Mr Norman said he received barely any training at all, and none of it was relevant to his job at Hungry Jacks.

**PHOTO:** On The Run's business model has come under increasing scrutiny following the 7-Eleven underpayment scandal. (Facebook: On The Run)

**RELATED STORY:** 7-Eleven staff work twice as long at half pay rate

**RELATED STORY:** Fair Work Ombudsman expects further court action against 7-Eleven

**MAP:** SA

#### Key points:

- Chris Norman says he was required to do an automotive traineeship to work at Hungry Jacks inside On The Run
- Trainee wages were \$15.30 an hour, compared to average adult wage of \$19
- Former manager say staff were also made to sign waiver for overtime wage loading
- On The Run maintains it has 'best traineeship program in Australia'

"We had a one-hour staff meeting once a month, where the HR manager came out and we got worksheets, these worksheets were related to automotive sales, so they didn't really have anything to do with Hungry Jacks," he said.

Mr Norman said he and his colleagues could not answer the questions, so were given the answers by a HR manager.

Mr Wearing said the conclusion to draw was that the training was used to reduce Mr Norman's pay rate.

"Because the training had nothing to do with the job that he was doing, it was only serving to justify the reduction in his rate of pay," he said.

Because the training had nothing to do with the job that he was doing, it was only serving to justify the reduction in his rate of pay.

Lawyer Joseph Wearing

## Former manager says staff had to waive rights to overtime wages

Mr Norman eventually reached a confidential settlement with On The Run and is currently unemployed.

But it is not just the trainees who are impacted by the company's aggressive wage minimisation techniques.

One staff member, who asked not to be identified for fear of reprisal, worked as a manager for four years.

He said managers were required to sign away their rights to an overtime wage loading in a form attached to their contracts.

"The form was just handed to us as part of our contract, where you sign here, here, here and here," he said.

"And if you don't sign the last page, they're not going to offer you that contract."

## Company maintains it has 'best traineeship program in Australia'

Complaints by former On The Run staff were so widespread that a Boycott On The Run Facebook page attracted almost 2,000 likes before it was removed four weeks ago.

The posts on that page were similar to the stories told to 7.30 by many current and former trainees and managers.

On The Run has declined to comment.

However, the company has previously said it runs the "best traineeship program in Australia", and that everything they do is "fair and legal".

Mr Wearing said On The Run's traineeship program calls into question the government body charged with policing these traineeship arrangements.

"There needs to be a proper oversight of these training arrangements to ensure that training is being provided, that the training is relevant to the job that's being performed in all cases," he said.

SA Skills Minister Gail Gago has confirmed her department is investigating On The Run's traineeship program, but the Minister herself declined to be interviewed.

**Topic:** retail, work, education, community-and-society, sa

*First posted Tue 3 Nov 2015, 6:31pm*

Minister of Planning

Attention Robert Kleeman

Unit Manager, Strategic Development Assessment Planning and Development  
Department of Planning, Development and Infrastructure

Dear Sir

**Submission re Peregrine Corporation Mixed Use Development Report**

I am a resident of Bowen Street and wish to submit the following points of concern in respect of the abovementioned Development Report.

Please note that page numbers referred to are the page numbers of the two PDF documents provided as the Development Report e.g. "page 39 of PDF2" refers to page 39 of the second of the PDF's titled Final Development Report:

**1. Noise, Car Parking, Headlights, Reversing Lights, Internal and External Lighting and impact of all hours, all days 24/7 operation**

**Current situation**

Noise for residents of Bowen Street currently does not affect the amenity of our lives. I considered the noise effect very carefully before buying my property and, as I had hoped, traffic noise is of a consistent, non-modulated effect which is reduced and dulled substantially by the effect of having the existing large Peregrine building as a noise barrier between us, Portrush Road and the intersection of Portrush Road with Norwood Parade.

Traffic and ambient noise is consistent, non-modulated and sounds quite distant without having any instantaneous noise impact.

Traffic movement in Bowen Street does not affect me much because:

1. There is very little after-hours or weekend traffic;
2. There are only 13 parallel car parks on Bowen Street, all of which are untimed, so there is limited stopping and starting as the parks are generally occupied for lengthy periods during the working day (and little used after hours);
3. The street is not a destination for the general public and it is not a short cut or thoroughfare to anywhere else. Consequently, traffic is principally for staff using the current 25 space carpark on the Peregrine property, their delivery vehicles and the few residents; and
4. Traffic on Bowen Street during working hours travels past at a slow speed (without generally stopping and starting because parking is fully occupied on a long term basis) mostly intending to park in the On The Run car park at the Norwood Parade end of the street.

Noise from Bowen Street is principally only from slow moving, non-stopping traffic (as parking is on an untimed basis, cars park for lengthy periods of time) with minimal after-hours or weekend traffic.

Currently, Bowen Street is a very pleasant, quiet, amenable and attractive street to reside on.

## **Proposed situation**

The proposal would change all of the above and very much impact on the amenity of our residences. Page 39 of PDF2 shows **projected traffic generation of 3,570 trips per day, all passing my property on Bowen Street, either through an open car park or directly on Bowen Street, and parking close to my residence on a 24/7 basis.** This projection uses independent sources but these sources are not based on 24/7 hours trading.

Given that the already operating On The Run outlets are on a 24/7 basis, and that some of the proposed facilities are already to be on a 24/7 basis, it is realistic to assume that the cafe and retail areas will, at some time, also trade on a 24/7 basis so that the above projections, which do not include 24/7 trading, would be increased.

Principal damaging impacts are caused by:

### **1. Car park noise and lighting**

#### **Three levels of car parking fully open to Bowen Street residents and with little noise or lighting barriers in between**

The Proposal includes three levels of largely unenclosed car parking fully open to Bowen Street residents with little wall or sound barrier in between. These three floors will be open to the public on all days and all of the time thus creating noise and lighting intrusions on our lives on a 24/7 basis, and particularly on our sleep.

The proposed vertical fins and landscaping will have minimal impact in reducing the noise, headlight and reversing light intrusion and internal carpark lighting which will be imposed on Bowen Street residents.

It is noted that the top two floors will apparently have some form of wall at the bottom (although there will be none on the ground floor) and a portion of the car park ceilings will have some acoustic material added, but these items, although most welcome, will not satisfactorily resolve the impact from noise, headlight, reversing light and area lighting (both internal and external);

It is also noted that the steel mesh trellis with climbers proposed for the bottom two levels of the car park may provide some limited, although inadequate, assistance in reduction of lighting and headlight intrusion (although none in reducing noise). It is proposed though that trellis is not to be installed on the second floor of the car park (page 12 of Part 2).

#### **Noise from the open three level car park which is very close to my two level residence will include:**

1. squealing of tyres, particularly as happens when cars drive around corners, which will occur when travelling between floors;
2. Sound systems and radios;
3. People holding discussions and/or arguments late at night, sometimes in an intoxicated state;
4. Car doors closing and sometimes slamming;
5. Cars reversing and engines starting;
6. Occasional poor behaviour as occurs near entertainment providers; and

7. General inconsiderate behaviour which is magnified by the large number of people that will frequent the open carpark and our street on a 24/7 basis.

There will be noise with dominant characteristics of modulation, impulsiveness, instantaneousness and tone at various times on a 24/7 basis.

**Lighting both direct and indirect (including headlights and reversing lights) on a 24/7 basis**

There will be illumination:

1. From internal lighting throughout the three floors of car parking on an all night, all day basis;
2. From external lighting on the street on an all night basis;
3. From headlights and reversing lights (directly from the car park and also from Bowen Street, as detailed below) affecting our sleep. **The headlights of cars parking facing us in the carpark and of the reversing lights of cars reversing in the three above ground floors of carpark and in the proposed changes to Bowen Street parking, as detailed below, will shine directly into our bedrooms and living areas.**

**This will be very detrimental to our sleep and well being.**

The impact of the unenclosed, open car park (and, particularly, its after-hours impact) will very adversely affect Bowen Street's currently eminently liveable location. It will make living there quite difficult and not of a reasonable amenity.

Changing to angled, untimed parking in Bowen Street (as detailed below) would considerably exacerbate these issues.

**Eighteen angled and timed car parks in Bowen Street for 24/7 businesses**

As per the fourth page of the MPH Design Statement (page 5 of Part 2), the developers propose to hold "*discussions with the Norwood and St Peters Council about the opportunity (to) create a better public realm to Bowen Street through a better traffic management strategy of parallel parking*". This proposal includes replacing the current 13 parallel untimed car parks in Bowen Street with approximately 18 angled and timed car parks (page 17 of PDF 2).

This would considerably exacerbate the issues noted above because:

1. Cars would stop and start (with consequent noise as detailed above) in each car park space many times per day (rather than occasionally, as currently occurs);
  2. Angled parking would mean that reversing and tail lights would shine into my residence at night (on a 24/7 basis).
2. **Mechanical noise from the unenclosed rooftop machinery which is approximately 40 metres from my bedrooms and living areas**

Page 177 of PDF2 recommends that a **detailed assessment of mechanical noise from the rooftop machinery** is carried out but the Proposal doesn't include any such assessment. As the proposed plant is assessed as being very noisy (exceeding 100 db(A)) and is only approximately 40 metres from my bedrooms and living areas, this machinery should be fully enclosed and have sufficient acoustic and other treatment to reduce this noise to non-intrusive levels.

3. **Noise from external areas on the upper floors**

The proposal includes substantial outside recreation areas, a swimming pool and a walking track located above our heads for use by the hundreds of people using the building on a daily basis. There is also a late opening restaurant and seven accommodation units. The potential for noise from these areas needs to be further addressed.

## **2. 24/7 Trading affects the amenity of our residency on an ongoing basis**

### **24/7 parking and lighting (both internal and external) is proposed next to Bowen Street residents to allow operation of 24/7 Cafes, Retail Outlets, Restaurant, a 350 seat Theatre and 465 square metre Meeting Area, Fitness Centre, Swimming Pool and Accommodation**

The On The Run group specialise in all hours, all days 24/7 trading so it is realistic to assume that, either now or at some time in the building's existence, the proposal will introduce noise and lighting to the residents' lives on a 24/7 basis. Even the existing proposal will have:

1. Two cafe and retail outlets with obvious potential to trade on an all hours 24/7 basis;
2. a restaurant opening until 2AM with staff leaving sometime later. These premises have potential to be used as a nightclub or Bar which would result in considerably greater numbers of daily customers and volume of music;
3. a **350 seat** theatre (**and adjacent 465 sq metre meeting area**) which could be quite readily used by the company and also by lease as an entertainment venue, a function centre, a conference business and other varied uses (including after-hours use) and which participants will **access from the top two levels of the carpark**. Given that all attendees would arrive for the same session and that, where they are all external Peregrine employees, they are likely to arrive as individuals, this could result in a lot of vehicle traffic;
4. a 24/7 fitness centre and swimming pool;
5. a walking track around the circumference of the building and various balconies, decks and outside recreation areas (largely on a 24/7 basis); and
6. a 24/7 seven unit accommodation facility (able to be used as a motel, B & B etc.).

As noted above, Page 39 of PDF2 shows **projected traffic generation of 3,570 trips per day, all passing my property on Bowen Street, either through an open car park or directly**. This could well be significantly understated, given the short duration of visits to established On The Run businesses and, as noted above, that these projections are not based on 24/7 businesses.

## **3. Overshadowing commencing at approximately a few minutes after midday in Winter**

The Solar Diagrams at pages 165 and 166 of PDF 2 indicate that the front windows of the units on Bowen Street (with the whole building following shortly thereafter) will be cut out the sun from approximately:

1. A few minutes after midday in Winter;
2. About 1.45pm in Spring
3. About 3.15pm in Summer; and
4. About 2.30pm in Autumn.

On page 3 of the Part 2 PDF, the MPH Design Statement states that *"The effect is that the neighbouring properties are only to be overshadowed by the built form from 3pm on the autumn equinox through winter's solstice's to the spring equinox"* but the Solar Diagrams referred to above show that this is incorrect.

To be reduced to so few hours of sunlight does not seem either acceptable or fair and certainly not in accordance with sound planning Principles.

A portion of this loss of amenity is due to the proposal being for eight floors plus roof top machinery combined with the generous ceiling heights of the floors.

4. **Visual Impact on Bowen Street of being fronted by three stories of car parking**

The building would create a non-appealing visual effect from our properties of a three storey slab of car park (topped by five other floors and rooftop machinery) emanating movement, noise and lighting on a 24/7 basis.

5. **Overlooking**

I couldn't find any mention of the height and opaqueness of the balcony and deck balustrades facing Bowen Street in the Report. **Sufficient height and opaqueness** needs to be incorporated to eliminate overlooking into our properties.

There proposal includes construction of a walking track around the circumference of the building whereas there already are many safe residential streets in place for walking in Kensington.

**Partial solutions**

1. Having a **solid noise-proof wall for the car park floors fronting onto Bowen Street. This is the most important and effective solution;**
2. Developing a second basement level;
3. Fully utilising the two basement levels for parking;
4. Leaving Bowen Street car parking as parallel, long term parking and not changing it to angled, timed parking; and
5. Removing the various additional functions that have been added to the building that are in excess of, and unnecessary for, its role of providing accommodation for the company's employees and which appear to be just too extensive for the limited size of the land.

Hon. John Rau MP  
 Minister for Planning  
 c/- Mr Robert Kleeman  
 Unit Manager, Strategic Development Assessment  
 Department of Planning, Transport and Infrastructure  
 GPO Box 1815  
 Adelaide SA 5000

Rev Kerry and Rob Pierce  
 Clayton Wesley Uniting Church  
 PO Box 111  
 Brighton SA 5048  
 PierceRK@gmail.com  
 23 Oct 2016

Dear Minister

**Re: Peregrine Mixed Use Development, 270 The Parade, Kensington**

As members of the Clayton Wesley Uniting Church community, we wish to convey our concerns regarding the proposed development by Perergine Corporation/Shahin Brothers Pty Ltd at 270 The Parade, Kensington.

Our concerns relate to the size and location of the proposal. The imposing size of the proposed building will have a large visual and physical impact at this significant road intersection and will adversely affect at least three State Heritage places at this location, especially the Clayton Wesley Uniting Church Complex.

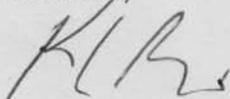
The view eastwards along The Parade is quite unique in Adelaide as it features the towers or spires of three buildings – Norwood Town Hall, Norwood Wesley Church and Clayton Congregational Church (to give them their original names) - viewed against the sky and the Hills Face Zone of the Adelaide Hills. This view is illustrated in the Heritage Assessment Report. As the report states, this is 'a historic visual character' of the area. The current views of the church from both the west and north will be destroyed by the size (and height) of the proposed development.

The report correctly states that '*of the State Heritage places, Clayton Wesley Church is most likely to be materially impacted by the proposed development, due to its proximity to the site, and current visual dominance.*' Clayton Wesley is one of Adelaide's finest church buildings, a highly significant example of Gothic Revival architecture and is one of less than half a dozen churches in Adelaide with a tall spire. We disagree with the Heritage Assessment Report's summary that the proposed building will be '*a building that reinforces the intersection, while nonetheless sitting compatibly with the adjacent State Heritage place*'. The architectural impact of the church will be seriously compromised by the proposed development.

It is of concern that the proposed building will exceed the maximum height envisaged for the Kensington area. If this development is approved at seven floors it will open the way for other such developments in this largely residential suburb.

In summary, we consider that the proposed development is inappropriate for this site, a significant intersection which has four State Heritage places and various Local Heritage places nearby and is the focal point of the impressive vista eastward along The Parade. We consider that the full impact on the architectural stance of Clayton Wesley Uniting Church property has not been properly assessed.

Yours faithfully




21 October 2016

Minister for Planning  
Department of Planning Transport and Infrastructure  
GPO Box 1815,  
ADELAIDE SA 5001

Attention:

Robert Kleeman, Unit Manager Strategic Development Assessment  
Planning and Development, Development Division

**By e-mail:** [majordevadmin@sa.gov.au](mailto:majordevadmin@sa.gov.au)

**Submissions regarding the development 270 The Parade, Kensington**

Dear Sir,

Please register my objection to this Development.

My specific objections are set out below however, do not comprise all my concerns.

Since the Development Report is in excess of 350 pages in length; and much of its content is of a technical nature my view is, that a consultation period of 15 business days is far too short.

The above factors limit any person concerned to assess all the information's presented in the "tower of words" and makes it even more impossible for most people like me to addresses all the issues in detail.

1. Principal areas of concern, are:
  - 1.1 Visual impact
  - 1.2 Overshadowing
  - 1.3 Loss of amenity in the suburb
  - 1.4 Parking issues
  - 1.5 Residential Historic (Conservation) Zone interface
  - 1.6 Comparison with other Developments
- 2 Traffic Management Issues
3. Devaluation of properties in the surrounding areas and further afield, including my property

I have no objection to information contained in this Submission being made public

Please notify me of the issue of the Response Document and/or provided me with a copy of that document.

## **1.1 Visual impact**

- 1.1.1 The height and bulk of the development are both extraordinary. Although classified as 7 storeys, its total height is more than **38m**. Consequently the 7 storeys story is misleading because the actual height represents more than 10 storeys.
- 1.1.2 The suggestion that the visual amenity of Bowen Street residents will not be affected because they are already looking onto a one storey brick wall of a commercial building is not true and simply insulting to all concerned residents. The current building doesn't block out the skyline as the proposed building would do.
- 1.1.3 In my view, the suggestion to erect such enormous structure directly adjacent to a long established residential area alone indicates a great deal of ignorance and this makes people angry and distressed.
- 1.1.4 Even a building less than half the height and size in this location is not appropriate for the character of Kensington and all surrounding suburbs.

## **1.2 Overshadowing**

- 1.2.1 The overshadowing effect is directly related to the unprecedented height of the proposed structure.
- 1.2.2 Surprisingly the overshadowing projections have been prepared only up until 3pm in each seasonal period.
- 1.2.3 The proposal does not give any consideration to loss of direct sunshine and light after that time, apart from the belief that setbacks of the upper floor will fix this.
- 1.2.4 There should be great concern with this belief because there is no credible proof of this whole issue in relation to all effected properties.
- 1.2.5 The uninterrupted views and plenty of daylight filling the office accommodations are hailed as providing a flexible and pleasant working environment that largely comes at the expense of surrounding residents.

## **1.3 Loss of amenity in the suburb**

- 1.3.1 When my wife and I purchased the Property (15 High St.) it was our understanding that the Kensington area was zoned Residential Historic (Conservation) and I believe that is still the case.
- 1.3.2 At the time the property at 270 The Parade was a commercial building and occupied by a government department. There was the possibility that the site could be developed within the frame work of the applicable zoning in the future. Maybe an additional storey added at some stage. Most of the building is single storey.
- 1.3.3 I believe restrictions in the Development Plan against developments in a Business Zone abutting a Residential Zone, would prevent any such development from improperly impacting on the amenity of neighbouring

areas. I regarded this as a protection against any multi story building (more than 3 storeys) being constructed on that site.

- 1.3.4 As self-funded retirees, we have spent a great amount of money on improvements to provide us with an income stream and a healthy capital gain. The decision to invest was also influenced by the existing planning conditions in the area.
- 1.3.5 I am convinced, that the size and scale of the current Development proposal, if it goes ahead, will reduce the income and the value of the property I have to rely on, considerably.

#### **1.4 Parking issues**

- 1.4.1 Apparently there are 3 levels which have been noted in the Development Application which may be utilised as office space in the future. However, there is no indication where to find the more than 200 parking spaces taken from these levels and where the extra staff can park their cars. In the beginning staffing is planned at about 250 increasing to about 430.

Car parking provision is approximately only 300 in this proposal.

#### **1.5 Residential Historic (Conservation) Zone interface**

The Development Report lists various issues referring to residential properties neighbouring the proposed development.

- 1.5.1 Page 21: Bowen Street and High Street have very limited historic character.
- 1.5.2 Page 22: While the proposed development is notably (extremely) taller than that across High Street, it is considered to have negligible impacts on the amenity and character of this interface as..
- 1.5.4 Page 22: The current residential and historic character of High Street along this frontage is low/poor"
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**Closing note:**

I know the government is desperate to have projects like this going on, as the overall situation in South Australia at this time is a concern. I may add, not of its own making.

However, having outlined my views above I urge the planning authority objectively to reject the proposed development on the basis, that the present location is not suitable for such a massive building. And further for the sake of all the effected Residents of Kensington and for the sake of the mainly residential suburb of Kensington.

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Doris Priebe

Co-owner of 15 High St. Kensington

[dorisipriebe@gmail.com](mailto:dorisipriebe@gmail.com) 045 85 89 759

**Zuidland, Sara (DPTI)**

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**From:** The Goodies <thegoodies@internode.on.net>  
**Sent:** Monday, 24 October 2016 4:20 PM  
**To:** DPTI:PD DAC & Major Developments Panel  
**Subject:** Public consultation - Major Project - 270 The Parade, Kensington (Peregrine Head Office Redevelopment)

Daniel Goodwin

55 High Street Kensington

SA 5068

24<sup>th</sup> October 2016

[majordevadmin@sa.gov.au](mailto:majordevadmin@sa.gov.au)

RE: Major Project - 270 The Parade, Kensington (Peregrine Head Office Redevelopment)

I wish to make comment with regard to the Major development proposal for **270 The Parade, Kensington (Peregrine Head Office Redevelopment)** to be taken into account when assessing the proposal.

In principal, I am supportive of development at the site of **270 The Parade, Kensington.**

Having reviewed the reports and plans, I believe the proposal addresses some of the critical issues already affecting the immediate and surrounding locality. Key benefits include:

- The extensive paved forecourt and colonnades, which will improve and encourage pedestrian movement in the area.
- Road widening of 4.5m to facilitate improved vehicular movement and provision for future tram infrastructure. Traffic flow east of Portrush Road is exceptionally poor due to single lane traffic caused by on street parking and insufficient clearway duration. The clearway times do not accommodate the prolonged duration of increased traffic which results from the high concentration of schools in the area (peak until 10am and from 3pm).

Furthermore, I believe steps to reduce the demand for on-street parking are much needed. As a resident near Bridge Street Kensington, I frequently see Peregrine staff parking their vehicles near or in front of my house (3 blocks from the proposed site). This does however highlight the existing inadequate ratio of staff to on-site car parking spaces (I estimate there to be approximately 50 spaces on site at present). The development needs to ensure the relative tenantable area (m2) to parking spaces provided are greatly increased. I do question the adequacy of a five fold increase in off-street parks relative to an increase from single storey to eight storey building – especially as there is no capacity for an increased on-street parking for Peregrine staff and visitors.

The anxiety regarding car parking is in no way alleviated by the designers intentional steps to enable future conversion of above ground parking (up to 8615m2) in to tenantable space – further compounding the parking issues for the Kensington area and surrounds.

In the development report it is stated that (amongst other things) the key objectives are to:

- establish a landmark building at a visually prominent site, and
- offer a better work environment for a growing number of staff.

The Parade / Portrush Road intersection already has multiple historic landmark buildings on the other three corners, most notably the Clayton Wesley Uniting Church. A more conspicuous design would enhance, rather than overwhelm the historic nature of these landmarks.

Undoubtedly, no single aesthetic will please all members of the public. I enjoy some elements of the starwars-esque design of the structure, however it is the scale I wish to object to, in particular the visual impact of the proposed height.

The notion that the height of the development at 258-262 The Parade sets a precedent is incorrect. 258 The Parade and other (principally residential) developments are aligned with the state government 2030 plan. More importantly, they do not sit with in Kensington a genuinely unique historic area established around 180 years ago (as opposed to Peregrine's ten years at the site).

It is suggested the development is to facilitate the growing company, however much of the increase in bulk and scale results from a change in use through the addition of retail, restaurant and gymnasium facilities (at least two additional storeys + additional car parking spaces). This is surplus to requirement, as retail and restaurants are already in abundance along The Parade, and there are multiple gymnasiums and three public swimming pools in relative proximity (2 pools within around 500 metres).

I believe the location of parking above the ground floor will result in is unnecessary building height. Instead, car parking should be at ground level and multiple below ground levels (such as the Myer centre in the CBD)

Ignoring the issue of height, design considerations such as the podium base of the building scaled to the neighbouring corners is welcomed, providing they are consistent with (and not exceeding) the height of the main ridge cap of the Wesley Church building.

I do not believe that a scaling down of this project will negatively impact the Peregrine group. The group have substantial commercial property holdings in SA, which they no doubt will relocate to during the redevelopment phase of the proposed site. Given the phenomenal success of the Peregrine group, it seems peculiar that they push the envelope for this small site, knowing that a "Peregrine tower" located in the CBD will more accurately reflect the trajectory of this company.

In summary, I believe the site welcomes redevelopment, just not the current proposal as it stands. Therefore, I believe it should be rejected in its current form. However, a reduction in height through thoughtful redesign and increased car parking capacity could be supported, providing the positive virtues of the existing design are maintained.

A decision and commencement on tramline infrastructure along The Parade prior to construction of any proposal for the site would help alleviate the fears of rate payers and local tax payers, and mitigate some of the exacerbation of traffic issues around the site that will unavoidably result from the construction phase of a redevelopment.

Sincerely

Daniel Goodwin

21 October 2016

Minister for Planning  
Department of Planning Transport and Infrastructure  
GPO Box 1815,  
ADELAIDE SA 5001

Attention:

Robert Kleeman, Unit Manager Strategic Development Assessment  
Planning and Development, Development Division

**By e-mail:** [majordevadmin@sa.gov.au](mailto:majordevadmin@sa.gov.au)

**Submissions regarding the development 270 The Parade, Kensington**

Dear Sir,

Please register my objection to this Development.

My specific objections are set out below however, do not comprise all my concerns.

Since the Development Report is in excess of 350 pages in length; and much of its content is of a technical nature my view is, that a consultation period of 15 business days is far too short.

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Car parking provision is approximately only 300 in this proposal.

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The Development Report lists various issues referring to residential properties neighbouring the proposed development.

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**Closing note:**

The owners of the site, the Shahin family, one of the most successful entrepreneurs in Australia stated: "they wish to create a building which would make a lasting statement and, to that end, were sparing no expense".

As a hardworking family with inspiration, strong values and strategies that made them influential and powerful they not only have the right to build themselves a lasting monument, in my view they deserve it.

Although the question remains why fulfilling their wish means choosing to put an "Elephant" in other people backyard?

Looking at this admirable, successful family who have the means to buy any property they want in Australia, in Adelaide's CBD, Glenelg or elsewhere but choose their current office address 270 The Parade, Kensington, one must ask what is the gain?

Whatever benefit will be reaped, this action is shattering the dreams of other hard working families and residents who live adjacent to the proposed site or further afield in the residential suburb of Kensington.

There is no or little advantage for Kensington or to the now well established and beloved boulevard The Parade. The opposite may be the case in the long run.

Since 1984 enormous efforts and good planning decisions made by the then Norwood Council have transformed this area into Adelaide's most famous and desired shopping and Brasserie Street.

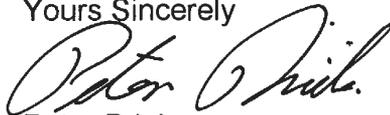
Sustained Progress, (and I am sure the Shahin family understand this term far better than I do), is of a different kind. Namely working together and not against each other.

Whatever the final outcome in this matter I wish the Shahin family all the best by furthering their success which I believe is, in principle, of great benefit to South Australia and its citizens.

I know the government is desperate to have projects like this going on, as the overall situation in South Australia at this time is a concern. I may add; not of its own making.

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[ppriebe2@gmail.com](mailto:ppriebe2@gmail.com) . 040 79 69 0 69

P.S. as a suggestion:

Please have a look at land situated 26 Briens Rd.  
Northfield SA 5085 (Rollform)  
I guarantee, whoever is in charge will love it.

21 October 2016

Minister for Planning  
Department of Planning Transport and Infrastructure  
GPO Box 1815,  
ADELAIDE SA 5001

Attention:

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16 Edinburgh Ave, Stonyfell SA 5066

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# CLAYTON WESLEY UNITING CHURCH

Hon. John Rau MP  
Minister for Planning  
c/- Mr Robert Kleeman  
Unit Manager, Strategic Development Assessment  
Department of Planning, Transport and Infrastructure  
GPO Box 1815  
Adelaide SA 5000

*SL. Keber.*

16 October 2016

Dear Minister

**Re: Peregrine Mixed Use Development, 270 The Parade, Kensington**

The Parish Mission Council of Clayton Wesley Uniting Church has reviewed the documents regarding the proposed development by Perergine Corporation/Shahin Brothers Pty Ltd at 270 The Parade, Kensington.

Whilst we can see merit (mainly financial) in the proposed development and commend the applicants for the generally very thorough content of their proposal we do have significant concerns regarding the scale and location of this proposal. Our concerns as expressed in our submission relate to some specific matters and do not touch on other issues such as traffic, shading of nearby buildings and so on, which others will probably raise.

Our main concerns are:

- The imposing size of the proposed building and its impact (visual and physical) at this significant intersection.
- The impact on three State Heritage places (buildings) at this location, especially the Clayton Wesley Uniting Church Complex.
- Deficiencies in the Heritage Assessment Report.

Our concerns are obviously linked and will be discussed in that fashion.

### Heritage matters

The view eastwards along The Parade is quite unique in Adelaide. It features the towers or spires of three buildings – Norwood Town Hall, Norwood Wesley Church and Clayton Congregational Church (to give them their original names) - viewed against the sky and the Hills Face Zone of the Adelaide Hills. This view is illustrated on pages 14 and 15 of the Heritage Assessment Report. As the report states, this is ‘a historic visual character’ of the area. The Parade at Norwood has retained a great deal of its C19th century visual appearance, probably more so than any other equivalent shopping/business street in Adelaide (e.g. Rundle Mall, Unley Road, O’Connell Street).

The Heritage Assessment Report says virtually nothing about the heritage significance of the State and Local Heritage places. For instance, Clayton Wesley Uniting Church is one of

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Adelaide's finest church buildings, a highly significant example of Gothic Revival architecture and is one of less than half a dozen churches in Adelaide with a tall spire. Its architects, Messrs Cumming and Davies, are recognised as being two of South Australia's finest colonial architects. The architectural presence of the church will be seriously compromised by the proposed development.

The report correctly states that *'of the State Heritage places, Clayton Wesley Church [sic Clayton Wesley Uniting Church] is most likely to be materially impacted by the proposed development, due to its proximity to the site, and current visual dominance.'* The report continues, *'The proposal will also have limited impact on the primary setting and views of the Church, namely looking eastward from the western end of The Parade, where the dog-leg in The Parade across Portrush Road has the effect of setting the proposed development back from this important view corridor.'*

This latter statement is true provided the view is seen from no further east than Queen Street; thereafter the proposed development sits close by across the road and dominates the intersection. Furthermore, the report says nothing about the effect of the proposed development when viewed from the other three directions. Of most concern is the view from the north which is shown in the diagram on page 151 of Part I of the Final Development Report. The height of the proposed development is significantly higher than the roofline of Clayton Wesley Uniting Church and the building will loom large above the church. It will destroy the current roofline and spire profile as viewed from the northern side. In a similar fashion, the view from the southern approach will also be largely lost (apart from the spire itself).

This also has potential ramifications for the Church's long-term reroofing plans for the building (see below).

The report mentions that the Peregrine site has been used as offices since 1977. Prior to this, of which the report makes no mention, it was for many decades the headworks of the prominent building company A.W Baulderstone Pty Ltd. Photographs from early last century show the corner site occupied by a single-storey bluestone building bearing the Baulderstone name and surrounded by working men's cottages.

### **Size of the proposed development**

The size of the proposed development is inappropriate for this sensitive location. Furthermore, it exceeds the maximum height envisaged for the Zone (Zone PDC7). To state that it is of similar size to the building approved in early 2015 for the south-west corner of the intersection (not yet even begun) may be fine in the view of opportunistic developers but gives the citizens who elect Councils and Governments little confidence in our planning regulations which can be overridden if someone is persuasive enough. Furthermore, if this proposed development is approved at seven floors it simply opens the way for other such developments in Kensington which comprises almost entirely one or two storied buildings.

We totally disagree with the Heritage Assessment Report's summary that the proposed building will be *'a building that reinforces the intersection, while nonetheless sitting compatibly with the adjacent State Heritage place'* (page 18) and that the proposed development will have *'an acceptable impact on the context of the surrounding State Heritage places'* (page 22). It is hard to see how such statements can be made. The scale of the proposed building will totally alter viewers' perceptions of the intersection and its bulk will dominate the tall, elegant form of Clayton Wesley Uniting Church. The current Peregrine

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building is modern in style but at two floors high and with the set-back does not dominate the intersection. The proposed development is a totally different matter.

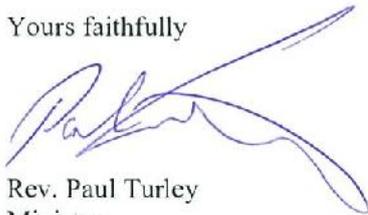
Furthermore, considerations such as the use of stone in the construction *'to reflect the colour and texture of the historic fabric of the area, and in particular, the adjacent Church'* is really meaningless when it is the bulk of the proposed building that will have the main impact, not what might be used as construction materials.

#### **Other considerations**

Clayton Wesley Uniting Church is about to undertake a Conservation Management Plan for our listed buildings. This is a considerable undertaking for our members and a preliminary step to a large financial commitment to undertake works on the fabric of the buildings that have already been identified as essential by experienced professionals. Our buildings have State Heritage significance and we would suggest that 'the State' should have some responsibility in helping to maintain them into the future. Why would we bother to restore the original corrugated iron roof and refit the wrought-iron gable lacework if it will no longer be readily visible due to a large new building close by? We are very disappointed in the current Government's lack of interest in 'our' built heritage; that attitude comes through very strongly in relation to this proposed development.

On conclusion, we consider that the proposed development is inappropriate for this site, an intersection which has four State Heritage places and various Local Heritage places nearby and is the focal point of the significant vista eastward along The Parade. We consider that the full impact on the architectural stance of Clayton Wesley Uniting Church property has not been properly assessed.

Yours faithfully



Rev. Paul Turley  
Minister



Rev. Richard Miller  
Minister-in-Association  
Chair of the Parish Mission Council



Dr Geoffrey Bishop  
Chair of the Congregation  
Secretary of the Parish Mission Council

For members of Clayton Wesley Uniting Church



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20 October 2016

Martin Julian Childs  
53 Bridge Street  
KENSINGTON SA 5068

Minister for Planning  
Att: Robert Kleeman, Unit Manager  
Strategic Development Assessment  
Planning & Development, Development Division  
Department of Planning, Transport & Infrastructure  
Adelaide SA 5000

**RE: PEREGRINE MIXED USE DEVELOPMENT – 270 THE PARADE, KENSINGTON SA**

I oppose the above development proposal in concurrence with the attached Kensington Residents Association's representation.

Yours sincerely



Martin Childs



Minister for Planning,  
Attention: Robert Kleeman, Unit Manager  
Strategic Development Assessment,  
Planning & Development, Development  
Division  
Department of Planning, Transport and  
Infrastructure,  
Adelaide, 5000

The Secretary,  
Kensington Residents' Association Inc.,  
Mr A Dyson,  
42, Regent Street,  
Kensington, 5068.  
20<sup>th</sup> October 2016.

**Re: Peregrine Mixed Use Development – 270 The Parade, Kensington**

Dear Sir,

Our Association is strongly opposed to the proposed development of the Peregrine site as it fails to comply with numerous provisions of the Norwood, Payneham & St Peters Development Plan 2016 (Development Plan). These include but are not limited to:

- the excessive bulk and scale of the proposed building that will dominate this important location with three State Heritage items on the other three corners; and
- a significant and adverse impact on the adjacent Kensington Historic Conservation Zone and Kensington residents living adjacent or near the site;

It will also:

- increase traffic congestion on The Parade, between Portrush Road and Phillips Street; and
- increase parking and traffic problems in neighbouring streets in Kensington, Beulah Park and Norwood.

The proposed development is not in accordance with the Development Plan as recently approved by the Minister of Planning. The declaration of "major project status" is an attempt to subvert the Development Plan and is an example of very poor planning. The Development Plan is supposed to provide certainty to the community and developers alike but such an abuse of the system takes away this certainty and provides benefit only for those that have the influence to achieve major project status.

This proposal would provide windfall profits for the owners as the property was purchased based on its zoning. At the time it restricted development to two storeys.

It is noted that at various places in the Development Report the site is referred to as being in Kensington Park and Kensington Gardens. The failure to consistently identify that it is in fact in Kensington begs the question "how reliable the report is?".

With reference to the relevant general and zone specific provisions of the Development Plan, we offer the following comments and objections:

## **Centres, Shops & Business – (City Wide)**

### **PRINCIPLES OF DEVELOPMENT CONTROL**

**278** Provision for the movement of people and goods within business, centre and shopping zones or areas should comply with the following:

(a) development should not cause inconvenient and unsafe traffic and pedestrian movements or be likely to result in the need for significant expenditure on transport and traffic works, or facilities within, or outside, the locality;

(d) access to car parking areas should be designed not to cause congestion or detract from the safety of traffic on abutting roads;

(h) on-site parking shall be determined having regard to:

(i) the amount, type and timing of movement generated by the use;

**282** Centres should have a minimal adverse impact on traffic movements on primary, or primary arterial, roads.

**292** Development within business, centre and shopping zones should be located having regard to the following principles:

(b) development should not generate pedestrian or vehicular traffic onto or across an arterial road in such a way as to materially impair the movement of traffic on that road or to cause safety hazards;

(c) development should not generate significant increases in traffic in adjacent residential areas;

**293** Development within business, centre and shopping zones should conform to the following access and car parking principles:

(a) development should provide safe and convenient access for private cars, cyclists, pedestrians, service vehicles, emergency vehicles and public utility vehicles;

(b) access points onto public roads should be located and designed in such a way as to minimise traffic hazards, queuing on public roads and intrusion into adjacent residential areas;

(c) the number, location and design of access points onto arterial roads shown on Map NPSP/1 (Overlay 1) Parts A & B should be such as to minimise traffic hazards, queuing on the roads, right turn movements and interference with the function of intersections, junctions and traffic control devices;

(d) development should provide sufficient off-street parking to accommodate customer, employee and service vehicles;

There are already significant traffic problems on The Parade, with traffic backing up past Bowen Street from Portrush Road for much of the day. At school pickup and peak hours, traffic is often banked up past Phillips Street. An entry and exit onto The Parade would further exacerbate the traffic problems. The traffic situation on The Parade will inevitably lead to queuing across the footpath creating a dangerous situation for the many pedestrians who walk down The Parade to Norwood.

There is also the probability that reflections and overshadowing from the proposed building will affect visibility at this major intersection having an adverse on impact road safety.

The proposal acknowledges that it provides less parking than required by the Development Plan. In addition it suggests that in future there may well be a move to convert other than the basement parking floors to office space! The proposal would generate significant extra parking requirements, over and above that planned for within the development. At present "On the Run" vehicles are often parked in Kensington and Beulah Park, well away from the Peregrine site. Residents in Bowen Street, Phillips Street and Marchant Streets complain of parking problems from Peregrine vehicles and employees vehicles, taking their street parking and at times parking across driveways. Peregrine employees are also known to park as far away from the Peregrine site as Thornton Street.

The development will also generate significant additional traffic in both High and Bowen Streets.

The traffic studies appear to have been done outside of school pickup times. The number of schools in Kensington and nearby streets in Norwood create significant traffic problems at school pick up times and these will be exacerbated.

*280 Landscaping should form an integral part of centre design, and be used to foster human scale, define spaces, reinforce paths and edges, screen utility areas, and generally enhance the visual amenity of the area. The use of locally indigenous plant species should be incorporated where it is practical to do so.*

The landscaping proposals are minimalistic at best and the landscaping along The Parade would be severely impacted by possible widening of the road as envisaged for introduction of trams. The applicant's track record in maintaining the very basic landscaping in the existing car park calls into question whether or not any proposed landscaping will be properly maintained.

*284 Centres should have minimal adverse impacts on residential areas.*

*294 Development within business, centre and shopping zones should conform to the following design principles:*

*(d) Development should not cause nuisance or hazard arising from:*

*(iv) overlooking;*

*(v) overshadowing; or*

*(vi) visual intrusion.*

*300 Industrial and commercial development in proximity to residential zones should not impair the amenity of those residential zones and points of entrance and exit should be located so that the number of vehicles using nearby roads in residential zones is kept to a minimum.*

The proposed development will have an adverse impact upon the nearby residential areas. There will be overlooking, overshadowing and visual intrusion for residents in Bowen Street, High Street and Phillips Street. It will be particularly bad for those living in Bowen Street. We are aware that one owner has already sold a Bowen Street property because of concerns about the adverse impact and a family renting in Bowen Street intends moving away if the development goes ahead.

## **Heritage – (City Wide)**

### **OBJECTIVES**

**Objective 110:** Development that retains the heritage value of State and Local Heritage Places such that the heritage value of the place, locality and the Council area is reinforced through:

- (a) the conservation and complementary development of such places; and
- (b) the complementary development of land and sites adjacent to such places.

**Objective 111:** Development which conserves and reinforces the historic integrity of the Council area and is compatible with the desired character of the appropriate zone and policy area.

### **PRINCIPLES OF DEVELOPMENT CONTROL**

#### **General**

**333** Development (including land division) should not compromise or detrimentally affect the heritage value, character, integrity, setting, siting or function of buildings or sites of architectural, historic or scientific interest, sites of natural beauty or places of heritage value identified in Tables NPSP/5 and 6 as State or Local Heritage Places.

#### **Development on land adjacent to land containing a heritage place**

**345** Development on land adjacent to land containing a State or Local Heritage Place as designated in Tables NPSP/5 and 6 should respect the heritage value, integrity and character of the heritage place and should clearly demonstrate design consideration of the relationships with the heritage place and its setting (without necessarily replicating its historic detailing) and the character of the locality by establishing compatible:

- (a) scale and bulk;
- (c) proportion and composition of design elements;
- (d) form and visual interest (as determined by play of light and shade, treatment of openings and depths of reveals, roofline and pitch and silhouette, colour and texture of materials as well as detailing, landscaping and fencing);

**346** Development on land adjacent to land containing a heritage place and sited in strategic locations, such as corners or at the termination of vistas, should have a scale and visual interest in the streetscape at least equal to that of the adjoining heritage place, providing the heritage value of the place within its setting is not diminished.

**347** Development on land adjacent to land containing a State or Local Heritage Place should not be undertaken if it is likely to dominate or detract from the heritage value and integrity of the heritage place by way of design, appearance or standard of construction.

The proposed development fails to meet the above objectives and principles with regard to its impact on adjacent State and Local Heritage places. At various places in the development report the building is claimed to be of seven storeys, including in the heritage impact assessment. With a ground floor, seven acknowledged levels and the roof level that is effectively two storeys in height, the building is in reality ten storeys high.

The bulk and scale are massive and the proposed building will dwarf the State Heritage listed buildings on the other three corners of the intersection and make them insignificant. On this basis alone the application should be rejected.

## **BUSINESS ZONE**

### **Introduction**

The objectives and principles of development control that follow apply to the Business Zone shown on Maps NPSP/9, 10, 21 and 22. Further principles of development control also apply to policy areas that are relevant to the zone. The combined provisions for the zone and its related policy areas are additional to the City Wide provisions expressed for the whole of the council area.

### **PRINCIPLES OF DEVELOPMENT CONTROL**

#### **Non-complying Development**

**12** The following kinds of development are non-complying in the Business Zone:

The change in the use of land to, or the erection, construction, conversion, alteration of or addition to a building for the purposes of, the following:

Indoor Recreation Centre

Office with gross leasable area greater than 250 square metres, except in the West Norwood Policy Area

Shop or group of shops with a gross leasable area greater than 250 square metres

### **DESIRED CHARACTER**

#### **Kensington Policy Area**

Kensington Policy Area occupies a key location at the corner of The Parade and Portrush Road. Development should comprise high quality offices, consulting rooms and retail showrooms.

The corner of The Parade and Portrush Road is a visually prominent site within the city and any new building should be of massing and configuration which visually reinforces the corner, whilst respecting the scale of buildings in the adjacent Historic (Conservation) Zones and maintaining the prominence of the State Heritage listed buildings on the south-western, north-eastern and north-western corners of the intersection of Portrush Road and The Parade.

The Parade and Bowen Street should provide the primary points of access for delivery, service and visitors' vehicles. The creation of new vehicle access points onto either Portrush Road or the portion of The Parade close to the Portrush Road intersection should be avoided.

### **PRINCIPLES OF DEVELOPMENT CONTROL**

**4** Development adjacent to the Kensington 1 and Kensington 2 Policy Areas of the Residential Historic (Conservation) Zone should be compatible in design and scale with the character sought for that Zone and those Policy Areas.

**7** Development in the Business Zone should not exceed two storeys in height above mean natural ground level, except where identified in the West Norwood Policy Area and the Magill Road West Policy Area, where development incorporating a residential component above ground level non-residential land use/s, should not exceed three (3) storeys above natural ground level.

Principle 12 lists non-complying developments in the zone. These include, an indoor recreation centre, offices with a leasable area greater than 250 square metres and shops with a leasable area greater than 250 square metres. The proposed development clearly contravenes these conditions of this principle.

Rather than reinforcing the corner with a building that respects the scale of the buildings in the adjacent Historic Conservation Zones and maintaining the prominence of the State Heritage listed buildings, the proposed building will completely dominate the intersection and neighbouring streets, dwarfing the three State Heritage items on the intersection and also detract from the State Heritage listed Benson Fountain on the corner of High Street and Portrush Road.

Contrary to the desired character statement that discourages the creation of new vehicle access points on the two major roads, the proposal has a major entry and exit point on The Parade. This would further exacerbate the existing traffic problems on The Parade as previously indicated.

It is not compatible in either design or scale with the character sought for the Kensington Historic Conservation Zone.

Principle 7 quite specifically states that development in the Kensington Policy Area of the Business Zone should not exceed two storeys in height above ground level. This proposal for a ten storey building is in such direct contravention of this principle that it should be rejected outright.

The Heritage Assessment Report is inconsistent. In some places it indicates there are two Contributory Items in Bowen Street, namely Nos 6 and 8 Bowen Street. In other places it only refers to No 8 Bowen Street as a Contributory Item.

#### **Other Comments:**

It is noted that the proposed swimming pool extends beyond the boundary of the site and overhangs The Parade.

#### **Conclusion:**

In conclusion we stress that this development application is at serious variance with the Norwood Payneham and St Peters Development Plan 2016 for the following reasons:

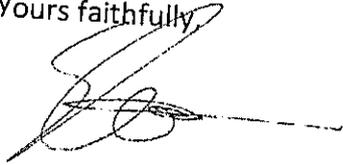
- the proposal is for a building that is the equivalent of ten storeys, whereas it is zoned for two storey development;
- it will dominate this important location and dwarf with three State Heritage items on the other three corners and the State Heritage listed Benson Memorial Fountain;
- it will have a significant and adverse impact on the adjacent Kensington Historic Conservation Zone and Kensington residents living adjacent or near the site;
- it will significantly increase traffic congestion on The Parade between Portrush Road and Phillips Street;
- it will increase parking problems in neighbouring streets in Kensington, Norwood and Beulah Park;
- the proposal includes three non complying uses within the Business Zone; and
- it is a gross overdevelopment of the site.

Accordingly, our Association requests that the Development Assessment Commission reject the development application, as to approve this development would be to throw away the existing planning rules that have been established by Council and Government to provide for orderly and

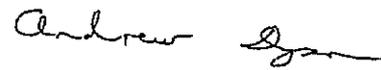
appropriate development. This development may be appropriate for the Central Business District or Greenhill Road, but is not appropriate on this site, the gateway to the Kensington Historic Zone and one of the key intersections in the Eastern suburbs with its three State Heritage items.

Our Association requests that we be given the opportunity to address the Commission when the matter is considered.

Yours faithfully,



Stewart Caldwell  
President (0402 044 118)



Andrew Dyson  
Secretary (8331 9654)

cc City of Norwood, Payneham & St Peters,  
City of Burnside,  
NPSP Mayor & Councillors,  
Mr Steven Marshall, Member for Dunstan,  
Mr Steven Griffiths, Shadow Minister for Planning,  
Local Government Association of South Australia,  
Norwood Residents' Association,  
St Peters Residents' Association,  
Community Alliance SA,  
National Trust of South Australia,  
Environmental Defenders Office.

2015/19300/01



**POWW**

Power Of the Written Word

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Hon John Rau MP

Minister for Planning

Dept of Planning, Transport and Infrastructure

GPO Box 1815

**ADELAIDE SA 5001**

23 OCTOBER 2016

Dear Minister

Thank you for the opportunity to provide comment on the Development Report (DR) regarding the Proposed Peregrine Mixed Use Development, 270 The Parade, Kensington.

I write to express concern and shock over the proposed development!

On the Australian Government Tourism website, it invites and promises all to "soak up Adelaides' **elegance**". How well said and aren't we all proud!

The Norwood precinct is one of Adelaides' gems. Drive up The Parade from the city towards the Eastern suburbs and feel the buzz. More importantly however, take in the vista!

At the end of the Parade is the beautiful and iconic Clayton Wesley Church and Spire and the Norwood Town Hall, plus, according to the DR, a total of "**SIX State Heritage places located within 200 metres from the subject land**"(2.4) . Three of which are located on the adjacent three corners of the "subject land"!

"Subject land" which is proposed to footprint a 7 storey, 38.15 metre high "Mixed use" development made primarily of glass, steel, concrete and sandstone! (3.3.3)

I totally disagree with point 4.17 which states that the proposed development will be a “high quality **landmark design** for the site, the local area and the wider metropolitan area”.

There are lots of references in the report discussing building strategies to “diminish the scale and mass” of the upper levels of the building. And ways of “reducing the visible impact so it dissolves into the hues of the sky”. This is unbelievable PR waffle. A glass, steel, concrete and sandstone 7 story structure will not dissolve into the hues of the sky!

What it WILL do is **seriously impact** the Norwood and surrounding street scape, environment, heritage area and vista; attributes which we have all grown to love and enjoy.

Yours sincerely



Julie Kroehn