

GUIDELINES

For the preparation of a

PUBLIC ENVIRONMENT REPORT

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

Peregrine Corporation

Endorsed 14 December 2018

State Planning Commission

Department of Planning, Transport and Infrastructure

www.sa.gov.au

**State Planning Commission
South Australia**

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1. BACKGROUND

On 26 November 2015 the Chief Executive of the Department of Planning, Transport and Infrastructure (DPTI), as delegate of the Minister for Planning, made a declaration in *The South Australian Government Gazette* that the proposed Peregrine Corporation Headquarters mixed use development, located at 270 The Parade Kensington, be assessed as a Major Development pursuant to Section 46 of the *Development Act 1993* (the Act).

On 22 September 2016, the Chief Executive as delegate for the Minister for Planning varied the declaration in *The South Australian Government Gazette* to provide greater clarity around the proposed mix of land uses including accommodation premises for business related purposes.

Following an assessment process the Peregrine Corporation Mixed Use Major Development was approved by the Governor in Executive Council on 16 May 2017.

Simultaneously, the Governor delegated his power to grant a variation to the development to the Minister for Planning pursuant to section 48(8) of the Act. On 16 February 2018 the Minister for Planning sub-delegated these powers to the Chief Development Officer DPTI, pursuant to section 48(9)(b) of the Act.

On 3 May 2018 a variation to the development was approved by the Chief Development Officer. The variation included the removal of the basement level; provision of car parking on Level 2; increase of the pool cantilever to a 2-storey structure; and minor reconfigurations to building floor plates.

By letter dated 6 July 2018 Peregrine Corporation sought to vary the development authorisation so as to permit a Helicopter Landing Facility on the roof of the building. Following consideration the Minister for Planning considered it necessary to vary the declaration to enable a proper assessment of the development. On 27 September 2018 the variation was gazetted in the South Australian Government Gazette.

By correspondence dated 15 October 2018 and 16 November 2018 Peregrine Corporation provided further details in regards to the proposal to utilise the land for the purpose of helicopter landing and take-off and the resultant amendments to building design.

The variation proposal comprises one (1) aluminium fabricated helipad and an adjacent concrete slab to be constructed on the roof of the headquarters building.

Helicopter movements are to be solely associated with the approved use of the building with no commercial flights or flights unrelated to the Peregrine Corporation to be undertaken. Helicopter activity will operate on no more than 10 days per year and only during daylight hours. The concrete slab will be available as an informal/temporary landing site for helicopters in the event of emergency.

The proposal also involves:

- Changes to the design and materiality of the top of the building as a result of the aluminium fabricated Helipad, concrete slab and associated structures.
- Adjustments to the level of the building and entrance design to reflect actual site levels.
- Revised design of the atrium roof.

Section 46 of the Act ensures that matters affecting the environment, the community or the economy to a significant extent, are fully examined and taken into account in the assessment of this proposal.

The major development process has six steps:

- The State Planning Commission sets the level of assessment (Environmental Impact Assessment, Public Environmental Report or Development Report) and provides guidelines (**this stage**)
- Proponent prepares an Assessment Document (in this case a Public Environmental Report)

- Public and agency consultation on the Assessment Document for a period depending on the level of assessment
- Proponent responds to public comment on an Assessment Document
- Assessment of the proposal by the Minister or delegate and releasing the Assessment Report
- Decision by the Governor or delegate

The landing facility is operationally inexorably linked to the approved headquarters use. The take-off and landing takes place on the site of the headquarters, and it will be confined to business purposes associated with the headquarters facility, and not for general public use.

In this context this document is the guidelines as set by the State Planning Commission specifically prepared for this application. The guidelines have been developed to properly define the expected additional impacts (extent, nature and significance) associated with the proposed use for helicopter landing and take-off in the manner suggested, the proposed mitigation strategies, and on balance whether such impacts are acceptable.

The State Planning Commission has determined, subject to consideration of section 63 of the *Development Regulations 2008* that the proposal will be subject to the processes of a Public Environmental Report (PER), as set out in Section 46C of the Act. The Commission's role in the assessment process is now completed. From this point the Minister will continue with the assessment under Section 46 of the Act.

2. DESCRIPTION OF VARIATION PROPOSAL

In overall terms and as currently approved the proposal comprises the construction of a mixed use building together with associated storage and car parking for the redevelopment of Peregrine's head office to meet the companies growing demand for quality office space and improved work facilities and amenities.

The application currently comprises:

- a) The demolition of all existing structures on the subject site
- b) Construction of a seven (7) storey mixed use building comprising:
 - Retail tenancies
 - Office tenancies
 - A restaurant, gymnasium and pool
 - Accommodation premises for business related purposes; and
 - Car parking.

The variation proposal is for the construction of one (1) aluminium fabricated helipad on the roof of the headquarters building.

The facility will be used for transporting people to and from the subject site for business purposes associated with the use of the land. No commercial flights or flights unrelated to the Peregrine Corporation to be undertaken. The proponent has advised that arrivals and departures will not occur on more than 10 days per year and during daylight hours only.

Where possible 24 hours' notice will be provided before an operational day and a register of operational days will be kept to ensure the 10 days are not exceeded. An Emergency Management Plan will be prepared which details safety management, risk management, and emergency landing procedures.

Three (3) types of helicopters are proposed to be used:

- BELL 206 – one pilot, 4 passengers;
- EC 130 – one pilot, 6 passengers; and
- AW109/H109 – one or two pilots, 6-7 passengers.

No helicopters or fuel will be stored on site nor will any on-site servicing occur.

The helipad, prefabricated and of aluminium construction, is to be delivered and assembled on site. The helipad is a polygon shape with a diameter of 19.6 metres, a safety net with a width of 1.5 metres and a depth of 1.07 metres (excluding steel transition height).

The supporting structures of the helipad and slab including associated access stairs, building stair cores, and are exposed and visible above the glass façade. The stair cores penetrate the plan roof and discharge on the roof but are not connected to the helipad and/or concrete slab. Access to the raised helipad is via an external set of stairs at the outer edge of the structure.

Adjacent to the helipad is a concrete slab of similar dimensions. No formal use is sought or envisaged for the concrete slab as part of this variation application, however the slab will be available as an informal/temporary landing site for helicopters in the event of emergency. The slab will be engineered to the appropriate standards and include basic markings including a 'prohibited landing marker'. Use of the concrete slab as an emergency landing facility will be documented and governed in an Emergency Management Plan.

In addition to the helipad and associated structures, the variation proposal also includes design adjustments as a result of further survey and engineering investigations:

- On-site survey work indicates a significant fall across the site. To address this the ground floor of the building has been split by 150mm to ensure the building can accommodate vehicle access to the rear and be set above the ground level at the front. This has resulted in a level change to the main building entry (corner of Portrush Road and The Parade) which cannot be accommodated with ramping and has resulted in the inclusion of steps. Dedicated DDA compliant ramps are proposed in close proximity.
- The variation plans include an amended 'lantern roof' to the top of atrium. The change is due to engineering advice provided on the required thickness for the structure. The soffit treatment has yet to be finalised but it is intended to be finished in a metallic light coloured material to reduce the visual impact of the roof / ceiling to the top of the atrium.

The overall building height remains at 34.85m above ground level as previously approved.

3. MAJOR DEVELOPMENT PROCESS AND ROLE OF GUIDELINES

- These Guidelines are prepared to inform the preparation of the Public Environmental Report (PER). They set out the assessment issues associated with the proposal along with their importance (scale of risk) as determined by the State Planning Commission.
- The PER must be prepared by the proponent in accordance with the Guidelines and should specifically address each guideline.
- Each guideline is intended to be outcome focused and may be accompanied by suggested assessment approaches. These suggestions are not exhaustive, and may be just one of a wide range of methods to consider and respond to a particular guideline.
- The PER 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 Councils Development Plan, the Planning Strategy and any matter prescribed by the Regulations under the Act.
- The completed PER is submitted to the Minister for public release, and is subsequently referred to Council and relevant government agencies for comment. Council and agencies have a period of 30 business days to comment.

- An opportunity for public comment will occur when the completed PER is released. Public exhibition is undertaken for 30 business days. An advertisement will be placed in the *Advertiser* and local *Messenger newspapers* inviting submissions and a public meeting / open session must be held.
- Copies of the submissions from the public, Council and other relevant agencies will be provided to the proponent.
- The proponent may then prepare a 'Response Document' within two (2) months (or unless otherwise extended) to address the matters raised during the Public exhibition period.
- The Minister then prepares an Assessment Report. The Assessment Report and the Response Document will be available for inspection and purchase at a place determined by the Minister for a period determined by the Minister.
- Availability of each of these documents will be notified by advertisements in *The Advertiser* and *local Messenger newspapers*. A copy of the PER, Response Document and the Assessment Report will be provided to the Council.
- When a proposal is subject to the PER process, the Governor makes the final decision under Section 48 of the Act.
- In deciding whether the proposal will be approved and any conditions that will apply, the Governor must have regard to:
 - Provisions of the Development Plan;
 - The Development Act and Regulations;
 - If relevant, the Building Code of Australia;
 - The 30 Year Plan for Greater Adelaide
 - The PER and the Ministers Assessment Report;
 - Where relevant, any other government policy and/or legislation.
- The Governor can at any time indicate that the development will not be granted authorisation. This may occur if the development is inappropriate or cannot be properly managed. This is commonly referred to as an **early no**.

4. PUBLIC ENVIRONMENTAL REPORT (PER)

The PER should be presented in terms that are readily understood by the general reader. Technical details should be included in the appendices.

THE REPORT MUST INCLUDE THE FOLLOWING:

Information and Assessment

The provision of all information sought by the guidelines, together with consideration and assessment against each of the matters identified in Section 4 of these Guidelines.

Consistency with Policy and Legislation

The Act requires the PER to state its consistency with the relevant Development Plan and Planning Strategy, and other key policies and/or legislation as identified within these guidelines (refer to Appendix 2 for other 'useful documents').

Commitment to meet Conditions

The guidelines must state the proponent's commitments to meet conditions to avoid, mitigate, manage and/or control any potentially unreasonable impacts from the development.

THE REPORT SHOULD INCLUDE THE FOLLOWING:

Summary

A concise summary of the matters set out in Section 46C of the Act, including all aspects covered in the Guidelines set out below, in order for the reader to obtain a quick but thorough understanding of the proposal and all its effects.

Introduction

The introduction to the PER should briefly cover the following:

- Background to and objectives of the proposed development;
- Details of the proponent;
- Staging and timing of the proposal;
- Relevant legislative requirements and assessment process.

Need for the Proposal

A statement of the objectives and justification for the proposal, including:

- the specific objectives the proposal is intended to meet;
- expected local, state or national benefits and costs;
- a summary of environmental, economic and social arguments to support the proposal; including the consequences of not proceeding with the proposal.

Plans and Forms

- **Current Certificate(s) of Title**
- **Context and locality plans** should illustrate and analyse existing site conditions and the relationship of the proposal to surrounding land and buildings. The plan should be drawn to a large scale to allow presentation on a single sheet and be readily legible. The plan should indicate:
 - the neighbouring residential buildings on Bowen Street,
 - location of state heritage buildings in relation to this site
 - the Mary MacKillop Tappeiner Court Nursing Home at 286 Portrush Road (backing onto High Street)
 - existing street trees
 - any other information that would help to set the context for the locality
- **Site plan** (drawn at a scale of 1:100 or 1:200) clearly indicating the proposed building and works.
- **Elevations** (drawn at a scale of 1:100 or 1:200) are required for all sides of the building with levels and height dimensions provided in Australian Height Datum.
- **Cross sections** of the building are required and should include ground levels, floor levels, ceiling heights and maximum height in Australian Height Datum.
- Provide **floor plans** (drawn at a scale of 1:100 or 1:200) for each level of the building demonstrating what is proposed at each floor, with indicative internal layouts.
- Location and dimensions of any external **advertising displays**. If signs are to be illuminated or contain a moving display this needs to be included.

Specialist Reports and Details

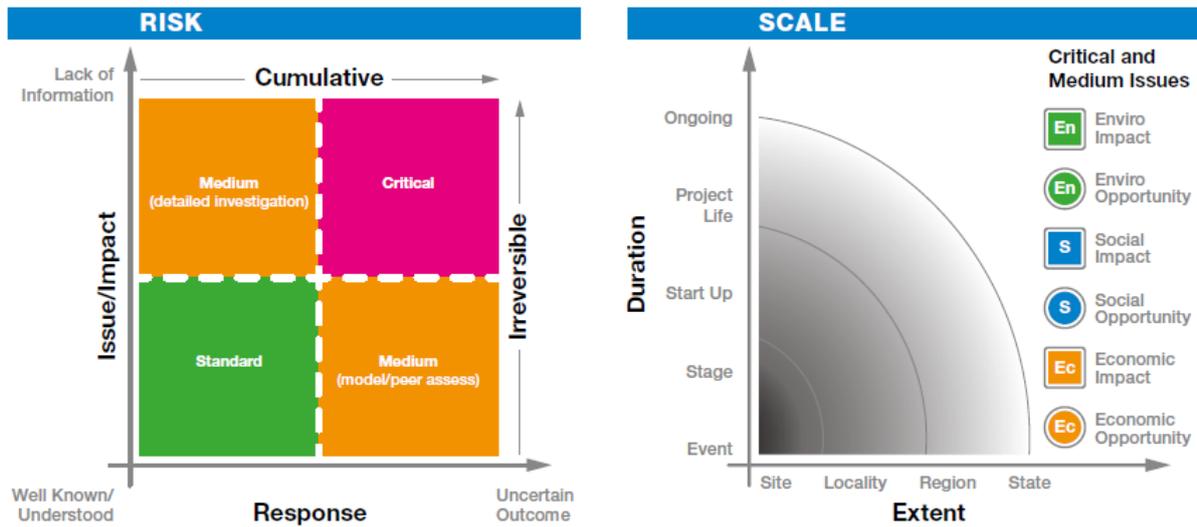
- Provide a **noise assessment** prepared by an acoustic engineer to moderate external and environmental noise disturbance and amenity impacts for future occupants of the development, but also other sensitive uses within the immediate area as a result of the proposed development.
- **Flight path and aviation management matters**, including emergency management, and interplay with existing regulatory frameworks, including Civil Aviation Safety requirements.

5. ASSESSMENT

Impact assessment is an important tool that enables the consideration of projects that might otherwise struggle to be addressed properly or fairly under the 'normal' assessment system.

In setting these Guidelines, the State Planning Commission has considered the scale of issues associated with the project and determined whether they represent issues or opportunities. The potential impacts and issues have then been organised according to the level of work and type of attention required by the Applicant: either standard, medium or critical:

- Where the issue is well known and the response is well understood then the risk assessment is classed as 'standard'
- Where work is required to address the issue but the risk is likely to be manageable with additional information then the risk assessment is classed as 'medium'.
- Where information about the issue is lacking and the response is unclear, the issue is classed as 'critical'.



The issues and impacts identified by the Commission as requiring standard, medium or critical level assessment are listed below. Each guideline includes a description of the issue/impact and a description of the action needed.

CRITICAL ASSESSMENT

Aviation Operations

Guideline 1: The development proposes a Helicopter Landing Facility on the roof of the building for use not more than 10 calendar days per year and during daylight hours. Given the proximity of the subject site to residential development, educational, communal and public facilities, businesses and major arterial roads, the operation of the Helicopter Landing Facility and associated safety risks should be investigated, with a particular focus on emergency planning and response.

Evaluate the impacts of the Helicopter Landing Facility to the locality, including key risks, and identify required management techniques to mitigate and suitably address those impacts and risks, including but not limited to:

- clarification regarding the proposed nature, frequency and timing of use for both the Helicopter Landing Facility and adjacent concrete slab;
- emergency planning and response considerations and parameters, including limitations;
- proximity, accessibility and availability of an alternative landing facility in the event of a catastrophic engine failure during take-off and landing;
- proximity, accessibility and availability of an alternative landing facility in the event of a catastrophic engine failure en-route to and from the Helicopter Landing Facility;
- safety considerations associated with the provision of any guidance and landing lights on the helicopter landing facility;
- design, safety and operational matters associated with any refuelling facilities;
- alignment and compliance with any State and Commonwealth Aviation regulations, Codes of Practice or Standards and International Civil Aviation Organisation (ICAO) regulations for Aviation;
- safety and navigation considerations given the close proximity of tall built structures including the Water Tower residential apartment building at 275 Portrush Road, Norwood; the Clayton Wesley Uniting Church at 280 Portrush Road, Norwood and the Nuova residential apartments at 254 The Parade, Norwood;
- prevailing meteorological conditions at the subject land and its surrounds; and
- safety and amenity considerations associated with bird strike.

Neighbourhood Interface

Guideline 2: The subject site is adjacent a Residential Historic (Conservation) Zone and a Mixed Use Historic (Conservation Zone) at its Bowen Street and High Street interface. It is also located in amongst and proximate to residential development, educational, communal and public facilities. It should therefore be demonstrated how the interface impacts of the development on these neighbouring environs will be managed.

Evaluate the impacts of the proposal on the locality, taking into account its approved bulk, scale and interface relationship to neighbouring residential development, nursing home facilities, educational, communal and other public facilities including, but not limited to:

- an assessment of the impacts of vibration on nearby sensitive land uses;
- an assessment of the impacts of noise on nearby sensitive land uses against the provisions of the Environment Protection (Noise) Policy 2007;
- an assessment of the impacts of air pollution on nearby sensitive land uses against the provisions of the Environment Protection (Air Quality) Policy 2016;
- adequacy of clearance distances from sensitive land uses in the event of a catastrophic engine failure or catastrophic landing;
- the impacts of rotor blade downwash and rotor wake on building cladding;
- environmental impacts, particularly with regard to air quality and noise, on wildlife and domestic animals in the locality associated with helicopter approaches, landings, take offs and climbs;

- *amenity considerations associated with the provision of any guidance and landing lights on the helicopter landing facility;*
- *the potential for overlooking into nearby sensitive land uses from users of the Helicopter Landing Facility; and*
- *the visual impact from the addition of the Helicopter Landing Facility, adjacent concrete slab and associated structures from nearby sensitive land uses and surrounding streetscapes.*

MEDIUM ASSESSMENT

Design Quality

Guideline 3: The proposal will be a high quality landmark design for the site, the local area and the wider metropolitan area.

Evaluate the design response of the development, in particular the proposed design modifications to the top of the building for the Helicopter Landing Facility. The proposal should respond to the Principles of Good Design by the Office of Design and Architecture SA.

Heritage Context

Guideline 4: State Heritage Places are located on the north-west, north east and south west corners of the Parade and Portrush Road intersection, as well as the State Heritage listed Benson Memorial Drinking Fountain to the south of the subject site. The subject site is also adjacent two contributory items on Bowen Street and in close proximity to Local Heritage Places. It should therefore be demonstrated how the proposal respects and responds to the heritage context of this visually prominent intersection and the adjacent Residential Character Zone.

Evaluate the impacts of the proposal on the heritage context of the locality, particularly in relation to the proposed design modifications to the top of the building.

STANDARD ASSESSMENT

Traffic Impact

Guideline 5: The proposal provides for the use of the facility for 10 days per year and during daylight hours.

Evaluate the additional traffic impact of the development on the surrounding road network by undertaking updated traffic analysis.

Economic Impact

Guideline 6: The proposal should make a positive contribution to the commercial functions of the Norwood/Kensington Park area.

Evaluate the additional economic contribution of the proposal on the Norwood and Kensington precincts, taking into account the existing commercial and retail circumstances of the area.

Employment

Guideline 7: The proposal should enhance job creation and foster ongoing employment opportunities for the local area.

Evaluate the additional local and broader job creation and employment opportunities (including any multiplier effects) resulting from the proposal.

6. APPENDIX 1 – SECTION 46C OF THE *DEVELOPMENT ACT 1993*

46C—PER process—Specific provisions

- (1) This section applies if a PER must be prepared for a proposed development or project.
- (2) The Minister will, after consultation with the proponent—
 - (a) require the proponent to prepare the PER; or
 - (b) determine that the Minister will arrange for the preparation of the PER.
- (3) The PER must be prepared in accordance with guidelines determined by the Development Assessment Commission under this Subdivision.
- (4) The PER must include a statement of—
 - (a) the expected environmental, social and economic effects of the development or project;
 - (b) the extent to which the expected effects of the development or project are consistent with the provisions of—
 - (i) any relevant Development Plan; and
 - (ii) the Planning Strategy; and
 - (iii) any matters prescribed by the regulations;
 - (c) if the development or project involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the Environment Protection Act 1993, the extent to which the expected effects of the development or project are consistent with—
 - (i) the objects of the Environment Protection Act 1993; and
 - (ii) the general environmental duty under that Act; and
 - (iii) relevant environment protection policies under that Act;
 - (ca) if the development or project is to be undertaken within the Murray-Darling Basin, the extent to which the expected effects of the development or project are consistent with—
 - (i) the objects of the River Murray Act 2003; and
 - (ii) the Objectives for a Healthy River Murray under that Act; and
 - (iii) the general duty of care under that Act;
 - (cb) if the development or project is to be undertaken within, or is likely to have a direct impact on, the Adelaide Dolphin Sanctuary, the extent to which the expected effects of the development or project are consistent with—
 - (i) the objects and objectives of the Adelaide Dolphin Sanctuary Act 2005; and
 - (ii) the general duty of care under that Act;
 - (cc) if the development or project is to be undertaken within, or is likely to have a direct impact on, a marine park, the extent to which the expected effects of the development or project are consistent with—
 - (i) the prohibitions and restrictions applying within the marine park under the Marine Parks Act 2007; and
 - (ii) the general duty of care under that Act;
 - (d) the proponent's commitments to meet conditions (if any) that should be observed in order to avoid, mitigate or satisfactorily manage and control any potentially adverse effects of the development or project on the environment;
 - (e) other particulars in relation to the development or project required—
 - (i) by the regulations; or
 - (ii) by the Minister.
- (5) After the PER has been prepared, the Minister—
 - (a) —
 - (i) must, if the PER relates to a development or project that involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the Environment Protection Act 1993, refer the PER to the Environment Protection Authority; and
 - (ia) must, if the PER relates to a development or project that is to be undertaken within the Murray-Darling Basin, refer the PER to the Minister for the River Murray; and

- (ib) must, if the PER relates to a development or project that is to be undertaken within, or is likely to have a direct impact on, the Adelaide Dolphin Sanctuary, refer the PER to the Minister for the Adelaide Dolphin Sanctuary; and
 - (ic) must, if the PER relates to a development or project that is to be undertaken within, or is likely to have a direct impact on, a marine park, refer the PER to the Minister for Marine Parks; and
 - (ii) must refer the PER to the relevant council (or councils), and to any prescribed authority or body; and
 - (iii) may refer the PER to such other authorities or bodies as the Minister thinks fit, for comment and report within the time prescribed by the regulations; and
- (b) must ensure that copies of the PER are available for public inspection and purchase (during normal office hours) for at least 30 business days at a place or places determined by the Minister and, by public advertisement, give notice of the availability of copies of the PER and invite interested persons to make written submissions to the Minister on the PER within the time determined by the Minister for the purposes of this paragraph.
- (6) The Minister must appoint a suitable person to conduct a public meeting during the period that applies under subsection (5)(b) in accordance with the requirements of the regulations.
- (7) The Minister must, after the expiration of the time period that applies under subsection (5)(b), give to the proponent copies of all submissions made within time under that subsection.
- (8) The proponent must then prepare a written response to—
- (a) matters raised by a Minister, the Environment Protection Authority, any council or any prescribed or specified authority or body, for consideration by the proponent; and
 - (b) all submissions referred to the proponent under subsection (7), and provide a copy of that response to the Minister within the time prescribed by the regulations.
- (9) The Minister must then prepare a report (an Assessment Report) that sets out or includes—
- (a) the Minister's assessment of the development or project; and
 - (b) the Minister's comments (if any) on—
 - (i) the PER; and
 - (ii) any submissions made under subsection (5); and
 - (iii) the proponent's response under subsection (8); and
 - (c) comments provided by the Environment Protection Authority, a council or other authority or body for inclusion in the report; and
 - (d) other comments or matter as the Minister thinks fit.
- (10) The Minister must, by public advertisement, give notice of the place or places at which copies of the Assessment Report are available for inspection and purchase.
- (11) Copies of the PER, the proponent's response under subsection (8), and the Assessment Report must be kept available for inspection and purchase at a place determined by the Minister for a period determined by the Minister.
- (12) If a proposed development or project to which a PER relates will, if the development or project proceeds, be situated wholly or partly within the area of a council, the Minister must give a copy of the PER, the proponent's response under subsection (8), and the Assessment Report to the council.

7. APPENDIX 2 – USEFUL RESOURCES

Legislation

- Development Act 1993
- Development Regulations 2008
- Environment Protection Act 1993

Strategy & Policy

- Norwood Payneham and St Peters (City) Development Plan Consolidated 19 December 2017
- The 30-Year Plan for Greater Adelaide 2017 Update
- Environment Protection (Noise) Policy 2007
- Environment Protection (Air Quality) Policy 2016
- Building Code of Australia

Guidelines

- Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry (1999)

Websites

- Australian Transport Safety Bureau (www.atsb.gov.au)