

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.
20th 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:

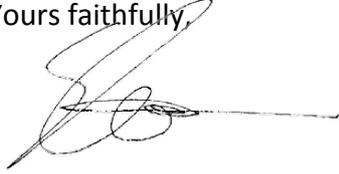
- the proposal is for a building that is the equivalent of ten storeys, whereas it is zoned for two storey development;
- it will dominate this important location and dwarf with three State Heritage items on the other three corners and the State Heritage listed Benson Memorial Fountain;
- it will have 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.