



270 THE PARADE, KENSINGTON  
PEREGRINE CORPORATION HELICOPTER LANDING FACILITY  
RESPONSE REPORT

**Document Information**

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## 1. Introduction

This Response Report is prepared in respect to a proposal to utilise the roof top as a landing area for helicopters in association with the approved use of the building as an office. The variation proposal comprises one (1) aluminium prefabricated helipad and an adjacent concrete slab to be constructed on the roof of the headquarters building. No changes to the approved development are required and all helicopter movements are to be 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 used as an informal / temporary landing site for helicopters in the event of emergency.

This report should be read in conjunction with the amended plans, other supporting information and relevant specialist advice which is included as appendices. Also of relevance is the previous Public Environment Report prepared in association with the variation application.

### 1.1 Section 46 Process

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 subdelegated 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.

Section 46 provides for a specific and rigorous assessment of the proposal against a series of purposefully developed assessment guidelines established by the State Planning Commission. The Development Guidelines are included as **Appendix A**. The assessment must also have regard to the State's Planning Strategy and other key Government Strategic documents, the Development Plan and other relevant policies.

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The Authority that will ultimately decide on the application is the Governor. The process to be followed for this project pursuant to Section 46D in accord with this declaration is set out below:

1. The proponent lodges an application with the Minister.
2. The application is referred to the State Planning Commission to establish the level of assessment required and the guidelines for the assessment.
3. The Minister must provide the report of the State Planning Commission to the proponent and give public notice of the State Planning Commission's determination.
4. The proponent will then prepare a Public Environment Report (PER) addressing the guidelines and all other relevant information.
5. The proponent then submits this PER to the Minister who will refer it to the Council, other agencies and place it on public exhibition for 30 business days.
6. Following exhibition the proponent is invited to respond to any public, Council agency submissions and any other matters raised by the Minister in writing. Typically this will take the form of a "Response Report". **This is that Response Report.**
7. The Response Report is submitted to the Minister and the Minister will then prepare an Assessment Report. This report will be an assessment of the project considering any submissions, the proponent's response, comments from the Council and agencies and any other matters that the Minister thinks fit.
8. The reports are referred to the Governor for a Decision pursuant to Section 48 of the Development Act, 1993. The Governor may then approve, approve with conditions and/or reserve matters or, refuse consent to the project and gives notice of his decision by a notice in the Government Gazette.
9. All of these reports, i.e. the Public Environment Report, the Response Report and the Assessment Report are kept as publicly available documents for a time period determined by the Minister.

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## 2. Amended Plans and Reports

A comprehensive review of the public, government and agency submissions received during the public consultation period has revealed that noise, safety, operational concerns, objective needs for development and deficiencies in the supporting information are the primary issues raised.

In responding to this issues the applicant has engaged specialist project consultants to respond to each specific issue raised. A number of consultants have prepared addendums and supplements to the reports that were originally provided in support of the PER. The updated reports are listed as follows:

- Sonus – Response to EPA Assessment dated 15 September 2020 – included in this Response Document as **Appendix B**.
- Flight Safety – Supplementary Report dated 24 August 2020 – included in this Response Document as **Appendix C**.
- Dash Architects – Heritage Impact Assessment Supplement dated 13 October 2020 – included in this Response Document as **Appendix D**.

### 3. Response to Government and Agency Submissions

Submissions were received from the Environment Protection Authority, the Office of Design and Architecture SA, Heritage South Australia, City of Norwood Payneham & St Peters and City of Burnside. Copies of these Submissions are included in **Appendix E**.

The PER was also provided to CASA, Air Services Australia, DPTI Transport and the Department for Environment and Water, all of whom declined to comment.

Table 3.1 below summaries these submissions and the key points raised, provides a response commentary and describes any resultant action arising.

Authority Environment Protection Authority	Summary of Submissions	Comments	Resultant Action (if any)
Noise Assessment	<p>Two methods of noise assessment have been utilised by the EPA to determine compliance with the General Environmental Duty (GED), of the <i>Environment Protection Act 2003</i>.</p> <p><b>1. Noise Policy Guidelines</b>  Regarding the Guidelines, the EPA notes the proposal is anticipated to:</p> <ul style="list-style-type: none"> <li>• be “very loud” in an absolute and relative sense and considered by the EPA to be highly intrusive to a wide extent;</li> <li>• be well above average background noise levels and consistent with the highest instantaneous maximum noise level provided by any short-term activity; and</li> <li>• affect conversations, reading, studying or watching television for a significant number of people, however would not interfere with sleeping as the proposal is not contemplating usage at night or very early hours of the morning.</li> </ul> <p>The EPA identified the noise of the proposed helicopters is expected to include multiple noise characteristics, including significant tonal noise, highly dominant impulsive and modulating characteristics.</p>	<p>The EPA has sort clarification from the applicant on how the proposed helicopter landing facility addresses the General Environmental Duty using a list of subjective questions outlined in the <i>Guidelines for the use of the Environment Protection (Noise) Policy 2007</i>.</p> <p>Both the EPA and Sonus have previously agreed that the Environmental Protection (Noise) Policy 2007 is not appropriate and cannot be applied for the assessment of helicopter noise.</p> <p>An assessment against the General Environmental Duty (GED) of the Environment Protection Act requires that:  <i>“A person must not undertake an activity that pollutes, or might pollute, the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm”.</i></p> <p>The series of questions that the EPA have used to inform their decision are subjective and do not specifically consider whether all reasonable and practicable measures have been taken by the applicant to prevent or minimise any resulting harm. This is the</p>	<p>The applicant has engaged Sonus to undertake a review of the additional noise assessment conducted by the EPA during the public and agency notification period. Sonus have prepared a supplementary document responding to this assessment as well as other additional comments provided by the EPA. The response document has been included as <b>Appendix B</b>.</p>



Authority	Summary of Submissions	Comments	Resultant Action (if any)
	<p>On this basis, the EPA concluded the following:</p> <ul style="list-style-type: none"> <li>• the local area is not considered to have similar noise generating activities nor would the duration, level of noise and character of the activity be expected or typical for the area;</li> <li>• the spatial impact and intrusive nature of helicopter noise is commonly recognised;</li> <li>• it is generally accepted that helicopter noise should specifically avoid being introduced to areas close to noise sensitive land uses;</li> <li>• a reasonable person is not likely to tolerate the introduction of noise from the proposal into the predominately residential area, regardless of the level of use;</li> <li>• each proposed flight is considered by the EPA to be of high intensity and intermittent frequency, the intermittence of the noise would further contribute to the annoyance experienced;</li> <li>• it is improbable and impractical to reduce the noise impact of the proposal, unless the noise source is changed or additional limitations are placed on the level of use;</li> </ul>	<p>critical question when considering if the GED is fulfilled.</p> <p>The Sonus response concluded that by limiting the operation of the helipad to a maximum of 10 days per year and only during daylight hours, the proposal demonstrates compliance with the GED by taking all reasonable and practicable measures to prevent or minimise any resulting environmental harm.</p> <p>The EPA has suggested the adoption of a Victorian Guideline as a means of assessing the noise impact of the proposal. The Victorian Guideline has not been endorsed in South Australia, has not been through the relevant consultation, nor was it mentioned in the PER Guidelines or other prior EPA requests for information.</p> <p>Again the EPA takes no account of the limited operation of the proposal to 10 days per year, which in acoustic terms is equivalent to a reduction of 16dB(A). If this reduction were to apply to the predicted maximum noise levels, the facility would comply with the Victorian Guidelines.</p>	

Authority	Summary of Submissions	Comments	Resultant Action (if any)
	<ul style="list-style-type: none"> <li>• the predominate community view would be that helicopter noise is incompatible with the predominantly residential use in the area; and</li> <li>• the proposal would cause unreasonable noise impacts over a wide area, despite the proposal to limit operations.</li> </ul> <p>In summary, the EPA indicated that the proposal does not comply with the GED.</p> <p><b>2. Victorian EPA Noise Guidelines and Australian Standards</b></p> <p>The EPA noted the Guidelines identify the following:</p> <ul style="list-style-type: none"> <li>• LAeq should not exceed 55dB for a residence;</li> <li>• LAm<sub>ax</sub> should not exceed 82dB at nearest residence; and</li> <li>• a minimum 150 or 200m separation distance between helicopter landing facility and residence (based on helicopter weight) is recommended.</li> </ul> <p>In comparison, the EPA note the following:</p> <ul style="list-style-type: none"> <li>• the maximum predicted noise levels for each proposed helicopter type range between 85dB-95dB; and</li> </ul>	<p>The EPA’s suggestion that the predicted maximum noise levels associated with the 3 proposed helicopter types reaches hundreds of residents is a significant exaggeration. For example the 90dB(A) contour for the Bell 206 is shown on the noise contour mapping to include less than 20 residential properties.</p> <p>The EPA also claims that the Guidelines provide a “<i>recommended minimum separation distance</i>”. This is a misinterpretation of the Note, which <b>suggests</b> a separation distance at which the noise levels will generally be achieved.</p>	

Authority	Summary of Submissions	Comments	Resultant Action (if any)
	<ul style="list-style-type: none"> <li>this noise reaches hundreds of residences.</li> </ul> <p>In summary, the proposal would not meet the Victorian Guidelines for noise levels and separation distances.</p> <p>On this basis, the proposal does not comply with the GED and EPA recommends that the proposed helicopter landing facility should not be approved.</p> <p><b>Provide commentary how the proposed helicopter landing facility addresses the General Environmental Duty identified in the <i>Guidelines for the use of the Environment Protection (Noise) Policy 2007</i>.</b></p> <p><b>Provide justification and mitigation measures where the proposal is not able to comply with the General Environmental Duty.</b></p>		
Indoor noise levels	<p>The EPA highlighted the <i>Australian Standard – AS 2021:2015 Acoustics – Aircraft noise intrusion</i> identifies acceptable indoor noise levels, being between 50-60dB(A) for dwellings and schools. The EPA has concluded the helicopter facility would not meet the indoor noise levels in AS 2021:2015 at many properties based on the Sonus Noise report.</p>	<p>Sonus has advised that AS2021:2015 is not designed for the assessment of a helicopter landing facility. The EPA references Appendix E, which provides a procedure for aerodromes without an ANEF but does not properly conduct its assessment in accordance with this procedure. Appendix E includes a table of <i>Building site acceptability based on aircraft noise levels</i>. The lowest category of flights</p>	<p>Commentary on AS 2021:2015 has been provided by Sonus in the supplementary response document included in <b>Appendix B</b>.</p>

Authority	Summary of Submissions	Comments	Resultant Action (if any)
	<p><b>Provide commentary regarding the proposal's ability to meet the Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion indoor noise levels.</b></p> <p><b>Quantify the number of residences impacted based on the Australian Standard for indoor noise levels and provide evidence through spatial mapping.</b></p>	<p>within the table equates to more than 5,000 per year, which is several orders of magnitude more than the possible maximum number of flights proposed by this application. Notwithstanding, the maximum outdoor noise levels of 85-95 dB(A) are within the range of Acceptable or Conditionally Acceptable.</p> <p>Sonus also advise that the EPA's assessment of a 10-15dB(A) noise level reduction between outdoor and indoor noise levels significantly underestimates the acoustic performance of typical residential buildings. For reference, the Minister's Specification SA78B indicates a typical reduction of 20dB(A) for a standard residential construction.</p> <p>Sonus advise that the EPA fails to acknowledge the limited days of operation proposed and the effective equivalent reduction of 16dB(A) that should be applied as a result.</p> <p>When the limited days of operation is properly considered, there is no significant impact at residences.</p>	
<p>Impacted locality assumptions</p>	<p>The PER identified information which determined the locality impacted by the helicopter noise. The EPA considered that the area potentially impacted by the take-off /</p>	<p>The applicant has engaged Sonus to prepare updated noise contour mapping to an expanded radius of 2.3km for each of the 3 nominated helicopter types as requested by</p>	<p>The updated noise contours for each of the 3 types of helicopter have</p>

Authority	Summary of Submissions	Comments	Resultant Action (if any)
	<p>landing component of the facility would extend for a radius of 2.3km from the landing facility.</p> <p>In determining the locality impacted by noise generated by helicopter activities, the EPA identified <i>Eco-Action Kangaroo Island Inc v Kangaroo Island Council &amp; Others [2012]</i> as being a relevant piece of case law, which considered that once a helicopter had reached cruising height, the impact on the ground under it is the same as it would be regardless of where the helicopter had taken off from. The EPA noted that the Australian Noise Exposure Forecasts (ANEF) charts are generated with the same approach.</p> <p><b>Reinvestigate take-off/ landing impacts of the proposal for a radius of 2.3km from the helicopter landing facility and provide evidence through mapping.</b></p>	<p>the EPA. The updated noise contour mapping has not altered the existing acoustic advice provided by Sonus on this matter.</p>	<p>been included in <b>Appendix B.</b></p>
<p>Comparison of noise impacts to other noise sources</p>	<p>The EPA noted that the direct comparison to other noise, such as road traffic noise is problematic given the unique character, duration and wide extent of helicopter noise.</p> <p>The EPA noted that communities will find the introduction of new or unfamiliar noise into an established residential area more noticeable</p>	<p>It is common practice to compare noise levels from different noise sources with different character. This comparison is envisaged by the <i>Environment Protection (Noise) Policy 2007</i> where the ambient noise has a similar (or greater) regularity and duration. Noise monitoring in the vicinity of the site demonstrated that the regularity of maximum noise events in the environment is already</p>	<p>No action.</p>

Authority	Summary of Submissions	Comments	Resultant Action (if any)
	<p>and impacting, in comparison to typical noise sources such as roads.</p> <p><b>Provide a more appropriate comparison for the noise impacts, including evidence or modelling to demonstrate the different experiences of noise eg. on Portrush Road, in dwelling etc.</b></p>	<p>greater than the regularity of proposed helicopter flights and the duration is proposed to be limited to 10 days per year.</p> <p>Notwithstanding, the proposed development is adjacent to Portrush Road, which carries a high number of heavy vehicles during the day and night. It is common for vehicles on Portrush Road to use engine brakes which, like helicopter noise, has a modulating character.</p>	
<p>Aircraft type, flight paths and noise contours</p>	<p>The EPA notes that a helicopter can potentially have multiple flight tracks based on operating parameters and local conditions. The maximum predicted noise contours provided are useful in assessing noise impacts in close proximity, however the EPA highlights that they do not provide a holistic picture of the potential noise impacts due to limited spatial extent and modelling one flight path.</p> <p><b>Model additional flight paths based on likelihood of use.</b></p>	<p>Flight Safety has confirmed that the nominated Final Approach and Take Off (FATO) route as depicted and described in the PER will be the only routing available to arriving and departing helicopter. It is typical that only one FATO design approach is required.</p> <p>Pilots readily accommodate for variable weather conditions different to the prevailing conditions in order to use the nominated FATO. In the unlikely event that the operation cannot be completed due to abnormal weather conditions, then operation will be suspended or cancelled.</p>	<p>No action.</p>
<p>Air Quality</p>	<p>The EPA reviewed the Air Quality Impact Assessment and is generally satisfied that the inherent conservatism built into the air dispersion modelling and impact assessment is appropriate, specifically the NOx and NO2</p>	<p>Noted.</p>	<p>No action.</p>

Authority	Summary of Submissions	Comments	Resultant Action (if any)
	<p>Assumptions.</p> <p>The EPA note further information on the air dispersion modelling parameters has been provided, specifically regarding the 'Low Wind' option. This information appears to be a scientifically defensible best estimate.</p> <p>The EPA confirm that based on the modelling, the predicted air quality impacts associated with the proposal will comply with the Air Quality Policy.</p>		
Avgas usage	The EPA notes that the PER has clarified that Avgas will not be used at any stage without assessment for lead dispersion and EPA approval.	Noted.	No action.
<b>ODASA</b>			
Ground floor plane	<p>The variation includes ground floor plane amendments as a result of site survey work undertaken, however plans were not submitted. Provision of plans will allow a review of the new entrance stair and ramp configuration and ensure universal access and the arrival experience is appropriate.</p> <p>Provision of plans will allow a review of the new entrance stair and ramp configuration and ensure universal access and the arrival experience is appropriate.</p>	As per the variation application and the Guidelines for the preparation of a Public Environment Report endorsed 14 December 2018, the variation proposal relates to the construction of a helipad on the roof of the approved Peregrine Head Office Development, and the associated amendments to and around the roof structure. The reference in the guidelines to the alterations to the external stairs and ramp at the ground floor entry as a result of onsite survey work is a note for reference. This detailed design work will be finalised and	Ground floor plans identifying on-going refinement of design process will be submitted to the Government Architect for review and approval in line with the Conditions attached for the approved head office development.

Authority	Summary of Submissions	Comments	Resultant Action (if any)
	<p><b>Submit ground floor plans which identify the amendments made to the external stairs and ramp at the main entry. A complete and consistent set of plans should be provided.</b></p>	<p>included in the plans submitted to the Government Architect for further assessment and approval prior to the commencement of construction works as required by the general conditions of the planning approval for the development.</p>	
<p>Overall building height</p>	<p>The Government Architect noted the overall building height remains as per the previous authorisation at 34.85m, however site level survey work has confirmed the RL of the building levels are 1.35m above the RL of the previously authorised building levels.</p> <p><b>Confirm the impact of this RL change. Specifically, detail how the relationship of the building and podium levels and overlooking of the rear Bowen Street properties has been changed.</b></p>	<p>The amendments to RL are based on survey work completed after the Peregrine Head Office development was approved. The current variation to establish a Helicopter Landing Facility on the roof of the approved building does not alter the height of the building or its relationship with surrounding properties. The changes in RL merely reflects the RL that has now been established through those surveys.</p>	<p>No change.</p>
<p>Rooftop infrastructure</p>	<p>The Government Architect notes the proposal results in a number of elements that contribute to visual clutter at the rooftop which is inconsistent with the original design intent. To review the visual impact of the rooftop infrastructure, the height of any infrastructure within the cooling tower set down area is to be provided. Confirm the height of any infrastructure within the cooling tower set down area.</p> <p><b>Provide commentary which demonstrates</b></p>	<p>No equipment within the cooling tower set down area will be higher than the main roof level – that is to say, none of the equipment within the cooling tower area will protrude above roof level or be visible from any level except from above the building. It is the applicant’s belief that the amendments to the roof to accommodate the Helicopter Landing Facility will result in a reduction in the bulk of the approved roofline. The reduction is due to the open, simple geometric shape of the lightweight aluminium helipad and concrete</p>	<p>Maximum heights for the development have already been provided.</p>



Authority	Summary of Submissions	Comments	Resultant Action (if any)
	<b>how the proposal delivers the original design intent. Consider how the proposal may be designed or screened to reduce the visual clutter on the rooftop.</b>	emergency landing area.	
External materials	Ensure simplicity of form and material to minimise visual bulk, consistent with the original design intent.  <b>Confirm the proposed atrium soffit lining treatment and the material composition of the upper fascia of the atrium.</b>	The atrium to the rear (Bowen St side) of the building will have soffit lining of white plasterboard to minimise visual bulk, and a feature section of 100x25 powder-coated white metal slats at 75mm centres.	No action.
<b>Heritage South Australia</b>			
Local heritage places and contributory items	Heritage SA noted that the submitted Heritage Impact Assessment addresses State Heritage places and their context, however does not address local heritage places or contributory items.  <b>Review local heritage places and contributory items and provide commentary how the proposal relates to these items.</b>	Dash Architect's have updated their Heritage Impact Assessment to provide an assessment of local heritage places and contributory items within the vicinity of the proposed helicopter landing facility. The updated HIA concludes that minor changes to the rooftop configuration of the previously approved building will have no material impact on adjacent local heritage places and contributory items.	The applicant has engaged DASH Architects to provide a review of local heritage place and contributory items. The updated Heritage Impact Assessment has been included in <b>Appendix D</b> .
State heritage places	Heritage SA concurs with the statements within the Heritage Impact Assessment that the variation to propose a helicopter landing facility is not considered to impact on the nearby State heritage places given the changes will generally not be visible from the context of the heritage places.	Noted.	No action.

Authority	Summary of Submissions	Comments	Resultant Action (if any)
<i>Heritage Places Act 1993</i>	<p>The following requirements of the <i>Heritage Places Act 1993</i> are applicable:</p> <ul style="list-style-type: none"> <li>• If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.</li> <li>• Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.</li> </ul>	Noted.	No action.
Aboriginal Heritage Act 1988	<p>The Following requirements of the <i>Aboriginal Heritage Act 1988</i> are applicable:  If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the <i>Aboriginal Heritage Act 1988</i>.</p>	Noted.	No action.
<b>CASA</b>			
	No Comment on the PER	Noted.	No action.
<b>Air Services Australia</b>			
	No Comment on the PER	Noted.	No action.
<b>DPTI Transport</b>			
	No Comment on the PER	Noted.	No action.

Authority	Summary of Submissions	Comments	Resultant Action (if any)
Department for Environment and Water	No Comment on the PER	Noted.	No action.
<b>City of Norwood, Payneham &amp; St Peters</b>			
Public safety	Public safety risks associated with the development are manifestly unacceptable and have not been adequately addressed by the applicant.	Flight Safety have determined the risk to public safety is acceptable if managed appropriately. The design and operation of the helicopter landing facility will accord with and in many cases exceed all the relevant safety standards and requirements. A comprehensive Emergency Response Plan will be developed that is site specific and will form part of the overall safety management system. A Safety Manager will be appointed to manage the entire operation. Both the aircraft used and the helipad itself will be inspected daily and audited on a yearly basis. The helipad will be designed and approved in accordance with the national and international requirements and the fire suppression system is the most advanced, in keeping with all new hospital helipads in Australia.	Further response to safety and operational risks has been provided by Flight Safety in their supplementary response document included in <b>Appendix C.</b>
Impact on amenity	Proposed helicopter landing facility with have a significant impact on the amenity of local residents.	By limiting the operation of the helicopter landing facility to daylight hours on just 10 days per year Sonus concluded that the proposal has taken all reasonable and practical measures to minimise noise, therefore complying with the EPA General Environmental Duty.	No action.

Authority	Summary of Submissions	Comments	Resultant Action (if any)
Restriction of operational days per year by condition is problematic	Any authorisation which attempts to limit the use of the helicopter landing facility to ten (10) days per year is problematic and an improper use of a planning condition. The condition seeks to limit a facility that is clearly designed for far more intense usage and avoids dealing with the fundamental questions of whether the use is appropriate in the first instance.	The appropriateness of conditions attached to any subsequent development authorisation is purely hypothetical at this stage. However, it is not uncommon for hours of operation to be limited or restricted by condition. The precise wording and on-going management of conditions is a matter for the relevant authority. The applicant will be required to operate in accordance with any conditions attached to any development authorisation and non-compliance may lead to enforcement proceedings.	No action.
Council staff report to be provided to Minister for Planning	Council seeks that a copy of the staff report be provided to the Minister for Planning, to be considered in his assessment.	All submissions will be provided to the Minister or Minister's delegate and will be taken into consideration during the preparation of the Assessment Report.	No action.
Issue of order under section 69 of the Development Act 1993	In the event the Governor approves the development, the Council advises that it will give consideration to issuing an order pursuant to Section 69 of the Development Act 1993, to not operate the facility due to a risk to public safety.	No comment. Council's action in the event of approval is not relevant to this process.	No action.
<b>City of Burnside (not a referral agency)</b>			
Public safety	Risk to public safety associated with the proposed development are totally unacceptable and have not been addressed by the documentation provided by the Applicant or DPTI.	Flight Safety have determined the risk to public safety is acceptable if managed appropriately. The design and operation of the helicopter landing facility will accord with and in many cases exceed all the relevant safety standards and requirements.	Further response to safety and operational risks has been provided by Flight Safety in their supplementary response

Authority	Summary of Submissions	Comments	Resultant Action (if any)
		<p>A comprehensive Emergency Response Plan will be developed that is site specific and will form part of the overall safety management system. A Safety Manager will be appointed to manage the entire operation. Both the aircraft used and the helipad itself will be inspected daily and audited on a yearly basis. The helipad will be designed and approved in accordance with the national and international requirements and the fire suppression system is the most advanced, in keeping with all new hospital helipads in Australia.</p>	<p>document included in <b>Appendix C.</b></p>
<p>Emergency laydown areas</p>	<p>Sites identified as emergency lay down areas across Burnside are manifestly unsuitable areas for this purpose. The catastrophic failure of helicopters taking off and landing present an unacceptable risk to the safety of the residents, students and businesses in the wider locality.</p>	<p>The PER has not “designated” any emergency landing areas. The sites listed formed part of a hypothetical assessment of the immediate locality. In the event of an emergency pilots will take action to land the helicopter in areas that pose the least risk to human life and property. This includes the avoidance of areas where people including school children may be gathered. This applies to helicopters currently flying over Adelaide today.</p> <p>Under normal circumstances it must be clearly understood that it is illegal to land on private property without permission.</p>	<p>No action.</p>
<p>Impact on amenity</p>	<p>The helicopter landing facility will have a significant adverse impact on the residential Amenity for residents living in the adjacent</p>	<p>By limiting the operation of the helicopter landing facility to daylight hours on just 10 days per year Sonus concluded that the</p>	<p>No action.</p>

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Authority	Summary of Submissions	Comments	Resultant Action (if any)
	suburb of Beulah Park in particular, and to the locality more broadly, due to the noise emanating from Helicopters using the landing site.	proposal has taken all reasonable and practical measures to minimise noise, therefore complying with the EPA General Environmental Duty.	

## 4. Response to Public Submissions

A total of 334 representations provided as **Appendix F** were received during public notification of the proposed development. A high-level analysis of the public submissions indicates:

- 86 representors used the DPTI pro-forma submission document;
- Two submissions from the Norwood Residents Association and the Kensington Residents Association;
- A submission was received from the adjacent Clayton Wesley Uniting Church; and
- Submissions were received from Loreto College and Marryatville High School;

### 4.1 Key Issues

A review of the representations and responses to the issues raised is set out below in Table 4.1.

**Table 4.1 Summary of public submissions**

Issue: Noise	
Comments	Responses
Many comments focused on the excessive noise associated with the use of the helipad. In particular the negative impacts for surrounding residents/workers/shoppers associated with helicopters landing/taking off.	A suitably qualified acoustic engineer (Sonus) was engaged to conduct and assessment of noise associated with occasional helicopter flights. The assessment provides recommendations for measures to reduce noise. The report concluded that, with the measures incorporated into the proposal, "all reasonable and practicable measures" have been taken and the proposal is therefore consistent with the relevant provisions of the Guidelines and the City of NPSP Development Plan.
The operation of a helipad is considered to be inherently incompatible with a built-up urban area due to the excess noise levels.	Sonus noise logging at 3 separate locations has indicated that the highest levels noise expected from helicopters are already occurring in the environment at a greater frequency than the proposed flights. By limiting the operation of the helicopter landing facility to just 10 days per year Sonus concluded that the proposal has taken all reasonable and practical measures to minimise noise, therefore complying with the EPA General Environmental Duty.
Noise modelling only conducted along one flight path, ie 360-degree flight path sound modelling not done.	Flight Safety has confirmed that the nominated Final Approach and Take Off (FATO) route as depicted and described in the PER will be the only routing available to arriving and departing helicopters. It is typical that only one FATO design approach is required.  Pilots readily accommodate for variable weather conditions different to the prevailing conditions

	<p>in order to use the nominated FATO. In the unlikely event that operation cannot be completed due to abnormal weather conditions, then operations will be suspended or cancelled.</p>
<p>Noise recordings limited to two locations only.</p>	<p>The assessment undertaken by Sonus included noise logging at three locations within the locality, not two. The noise logging found that the predicted maximum noise levels are already occurring in the environment more often than the proposed 10 operational days per year.</p> <p>At this time the applicant and Sonus have conducted noise logging in accordance with directions within the assessment Guidelines and following discussions with the EPA.</p>
<p>Assessment did not include all 3 types of helicopters proposed.</p>	<p>Detailed noise modelling was undertaken of all three helicopter models in Sonus report dated 30 Sept 2019. Expanded noise contour mapping for each of the 3 helicopters has now been prepared by Sonus and included with their updated response document dated 15 September 2020.</p>
<p>Specific impact of aircraft powering up and hovering during take-off and landing not been properly addressed.</p>	<p>A detailed description of the landing and take off procedures of helicopters using the helicopter landing facility has been provided by Flight Safety both in the original PER and in their Supplementary Report – Response to Agency and Public Submissions dated 24 August 2020.</p> <p>This detailed description of the duration and intensity of landing and take-off procedures was provided to Sonus and forms part of the basis for their Helicopter Noise Assessment and subsequent response documents.</p>
<p>Inconsistencies with the Norwood, Payneham &amp; St Peters Council investigation into anticipated take off noise of the 3 proposed helicopters.</p>	<p>The applicant is not aware of the specific details of the Norwood Payneham and St Peters (NPSP) assessment but Blueskyrotor as NPSP refers to provides general noise levels without providing a distance. The Sonus assessment provides the predicted noise levels using the US FAA noise model for the specific circumstances proposed. These levels will occur less often than the levels recorded at logging locations in the existing environment.</p>
<p>Lack of information on the length of time noise levels would remain high (example given was 95Db) for a helicopter approach, hover, landing, shut down, preparation at start up and take off.</p>	<p>A detailed description of landing and take-off procedures was provided by Flight Safety in their Aviation Specialist Report included as Appendix D of the PER and expanded and expanded in their Supplementary Response included in Appendix C of this Response Document. Flight Safety confirmed that helicopters would be a maximum power for a period of 45 seconds during landing and 60 seconds during take-off. Sonus have used these assumptions to inform their noise assessment.</p>
<p>The existing traffic noise levels generated by the Parade and Portrush Roads do not provide a justification to the addition of another noise generating activity.</p>	<p>Noise logging conducted by Sonus at 3 separate locations within the locality has indicated that noise from traffic regular exceeds the expected maximum noise level of the proposed helicopter operation. Existing loud noises within the locality</p>



	are relevant and must be considered as part of any noise assessment.
The comments reflect a misunderstanding as to why the Sonus report disregarded the EPA Noise Policy.	Legal advice provided by Botten Levinson Lawyers included as Appendix F of the PER confirmed that the EPA Noise (2007) Policy does not apply to aircraft. This advice was provided to the EPA who agreed with that advice.
Concerns regarding the on resonance of sound within Clayton Uniting Church.	Sonus have confirmed that the shape of the church will not result in dominant resonances but rather a more even reverberation across the frequencies. The noise level inside the Clayton Uniting Church will be significantly less than the outdoor predictions provided.
<b>Issue: Safety</b>	
<b>Comments</b>	<b>Responses</b>
The location of a helipad in a built-up residential area is inherently dangerous due to the high level of risk of crash or mechanical failure/pilot error. The helipad would be more appropriately located at Adelaide Airport where all necessary safety measures are already present.	A qualified consultant (Flight Safety) has been engaged to ensure the design and operation of the helipad will accord with all relevant safety requirements. A comprehensive Emergency Response Plan will be developed that is site specific and will form part of the overall safety management system. A Safety Manager will be appointed to manage the entire operation. Both the aircraft used and the helipad itself will be inspected daily and audited on a yearly basis. The helipad will be designed and approved in accordance with the national and international requirements and the fire suppression system is the most advanced, in keeping with all new hospital helipads in Australia.  The Flight Safety assessment and recommendations are based on the specifics of this particularly proposed helicopter landing facility in the context of the proposed locality. The question of whether the proposed helicopter landing facility would be more appropriately located at Adelaide Airport or any other alternative location is not a relevant consideration of this assessment.
The identification of local school ovals and public spaces as designed emergency landing options in the case of an emergency or mechanical failure is considered unacceptable.	The PER has not “designated” any emergency landing areas. The sites listed formed part of a hypothetical assessment of the immediate locality. In the event of an emergency pilots will take action to land the helicopter in areas that pose the least risk to human life and property. This includes the avoidance of areas where people including school children may be gathered. This applies to helicopters currently flying over Adelaide today.  Under normal circumstances it must be clearly understood that it is illegal to land on private property without permission.
The proposal fails to identify an acceptable emergency plan in the event of a catastrophic landing/take off.	The Flight Safety have conducted a risk assessment which identifies all risks associated with the operation of the proposed helicopter landing facility. Should the application be approved a comprehensive Emergency Response

	Plan will be developed that is site specific and will form part of the overall safety management system. A Helicopter Landing Site Officer (HLSO) will be appointed to manage the entire operation. Both the aircraft used and the helipad itself will be inspected daily and audited on a yearly basis.
The Flight Safety report lacks a clearly articulated, objective, overall risk assessment.	A risk assessment has been prepared by Flight Safety and has been included in their supplementary report included as Appendix C of this Response Document.
Operation of the helicopter landing facility will conflict with other tall buildings and structures in the locality.	The designated FATO design approach outlined in the PER documents has been specifically designed to avoid other tall structures in the locality such as the Clayton Wesley Uniting Church spire, the water tower and Nuova Apartment building.
<b>Issue: Quality of Life</b>	
<b>Comments</b>	<b>Responses</b>
Noise, vibration, winds and dust generated by the use of the helicopters will have an unacceptable negative impact on the quality of life for residents, shoppers and workers in the locality.	Impacts of noise have been assessed by Sonus and are considered to be acceptable. Vibrations from helicopter has been considered by Sonus and have been found to have no measurable impact on the surrounding locality. No issues with dust were identified and the designated flight path has been designed to avoid other tall structures within the locality.
There will be a perceived Loss of privacy due to overlooking for residents under the flightpath.	There is expected to be very limited opportunity for overlooking both before take-off and during flights. The helicopter landing facility will be centrally located on the roof of the building well away from roof edge. Access to the roof by passengers will be strictly prohibited until the moment of arrival and departure. Opportunities for overlooking during flights is expected to be extremely limited if at all.
<b>Issue: Potential Damage to Buildings</b>	
<b>Comments</b>	<b>Responses</b>
Rotor blade wind and vibration will have a negative impact on historic buildings including the nearby historic Clayton Uniting Church and its fragile stained-glass windows and landmark Spire.	The nominated FATO route as depicted and described in the PER has been specifically designed to avoid tall structures such as the Clayton Uniting Church and therefore minimise impact from rotor blade downwash.
<b>Issue: Operational Concerns</b>	
<b>Comments</b>	<b>Responses</b>
There is a need for clarification of the management/operation of the helipad and helicopter movements on the 10 approved operational days. Further details are sought about how the helipad will operate on each operational day including the number of flights, the hours of operation, procedure for notification of residents etc.	The helicopter landing facility will operate on a maximum of 10 days per year and only during daylight hours. Advanced warning of an operational day will be provided when possible.  The appointed Helicopter Landing Site Officer will maintain a list of operational days. This list will be provided to the state government as the relevant authority.
Details are sought about the mechanism for regulating / monitoring / controlling / recording the number of flights / days of operation.	The proposed number of operational days are outlined in the PER and will be the subject of a suitably worded condition should a development authorisation be granted. A register of

	operational days will be maintained by the appointed Helicopter Landing Site Officer and this list will be provided to the State Government as the relevant authority. The applicant must operate in accordance with any development authorisation, failure to do so may result in the issue of an enforcement notice.
What happens if the helipad is used outside the approved 10 days? Who will oversee the use and what will be the consequences for overuse?	If approved, it is the applicant's responsibility to ensure the development operates in accordance with the terms of the approval including all conditions. As the relevant authority, the state government will be responsible for ensuring compliance with the development approval. Failure to comply will result in possible enforcement action.
There is a concern that the approval for a 10 day/year operation will make it easier for the approval of subsequent applications for an increase in the number of operational days.	The proposal seeks 10 operational days per year. Any proposal to extend the number of operational days would require a new development application and licensing by the EPA. Approval of this variation is no basis for any hypothetical future application.
How will the use of the emergency concrete pad be limited for use only in the case of an emergency and not as a second helipad?	The concrete pad is not a second helipad and is strictly for use in emergencies only. A prohibited landing marker will be placed over the concrete pad to avoid any confusion with the functional aluminium helipad.
Is it intended that the approval will be limited for use only by the three helicopter types identified in the PER?	If the helipad were to be approved, it would be required by condition to operate in accordance with the methodology outlined in the supporting reports and documentation. The supporting reports clearly list the following helicopters for use: <ul style="list-style-type: none"> <li>• Bell 206;</li> <li>• EC 130; and</li> <li>• AW109/H109.</li> </ul> Use of another class of helicopter would be in breach of any subsequent approval.

**Issue: Objective Need for Helicopter Landing Facility**

Comments	Responses
The application provides no credible business case to support the helipad. Nor does it demonstrate that the helipad is integral to the applicant's business operations. Given the very limited use of the helipad why is it needed at all?	If approved the Helicopter landing facility will allow the applicant to transport people for business purposes to and from the new head office building. As the headquarters of a major Australian business and as the operator of a major international facility at The Bend Motorsport Park, the ability to transfer interstate and international visitors quickly and efficiently will be a major showcase and a major investment drawcard for South Australia. It will enhance the operation of the Peregrine building that's already been approved as the centre of a wide network of operations. The local community and the whole of South Australia will benefit from the increased investment and business opportunities that this facility is going to support. The limited operation of the helipad is in part a business decision for the applicant

	but is also aimed at limiting disruption to the local community.
If the helipad is an integral element of the head office building, why wasn't it included as part of the first application?	<p>The applicant's position was that a Helicopter Landing Facility was to be ancillary to the previous approval of the head office redevelopment and therefore not development. However, DPTI determined after approval of the head office that such a facility was a land use in its own right and therefore a development application was required.</p> <p>The use of the helicopter landing facility was still considered by DPTI to be linked to the previously approved head office building and therefore the assessment has been dealt with as a variation to that previous approval.</p>
What are the benefits to the local community and to the state should this application be approved?	The helicopter landing facility will enable a major Australian business to function more efficiently. The ability to transport interstate and international visitors quickly and efficiently to key sites will provide the applicant with a competitive advantage and greatly assist in attracting investment to this State. The local community and the whole of South Australia stand to benefit from this increased investment and business opportunities that this facility will support.
<b>Issue: House Prices</b>	
<b>Comments</b>	<b>Responses</b>
The helipad will have a negative impact on house prices if it goes ahead.	No evidence has been provided to suggest approval of the Helicopter Landing Facility will result in any impact to house prices. Not a valid planning consideration.
<b>Issue: Environment, Emissions and Pollution</b>	
<b>Comments</b>	<b>Responses</b>
The operation of helicopters will add to existing pollution levels associated with the movement of over 1000 trucks per day along Portrush Road.	Extensive assessment of air quality impacts undertaken by Air Quality Professionals in report included in PER as Appendix G. Report concluded the proposed use of the Helipad is consistent with the EEP (2016) requirements for air quality.
The application makes no assessment of impacts to local wildlife. For instance, the potential negative impact on local bird life.	Bird strikes in helicopters are a rare event and controllable to a degree, due to slower forward speeds and increased visibility compared to fixed wing aircraft. High intensity, pulsating white LED lights can be fitted if required. These LED lights serve to scatter birds long before contact with a helicopter is possible.
Air traffic emissions are well identified as a huge climate change issue on a per capita basis, the establishment of a privately operated Helipad is out of step with community expectations.	Air quality report confirms proposal will fall well within all environmental requirements. Helicopter will operate from the site on a very limited basis on no more than 10 days per year.
Helicopters use Avgas, diesel or kerosene as a fuel. All these are carcinogenic, toxic, caustic and dangerously flammable. They contain lead which has a negative impact on human health.	As previously stated in the PER the 3 types of helicopter proposed to be used by the applicant all run on lead free Jet A1 fuel and not Avgas. The fuel emissions have been assessed by Air Quality Professionals and were considered to be acceptable.

Issue: Comments about Previously Approved Head Office Building	
Comments	Responses
General comments regarding the appropriateness of the previously approved head office building.	The Peregrine Mixed-use head-office building is already approved under a previous major development assessment process. Comments regarding previous approvals are outside the scope of this variation which relate only to the Helipad and its use.
Issue: Interface issues	
Comments	Responses
The impacts to the adjoining Residential and Historic Conservation Zone has not been properly considered or addressed.	Dash Architects (Appendix I of the PER and Appendix D of the Response Document) have considered the interface with the adjoining residential and historic conservation zone and found no further impact above and beyond the previous head office approval.
Issue: Social Impact	
Comments	Responses
Unreasonable to claim the helipad will have no social impact. Where is the social impact study?	Any social impacts to the community through noise, and perceived safety issues can be mitigated through the implementation of a robust set of operational procedures, design methodology and rigorous safety protocols.
Issues: Heritage	
The PER fails to investigate the physical impacts of rotor blade downwash on historic buildings.	The nominated FATO route as depicted and described in the PER has been specifically designed to avoid tall structures and heritage items such as the Clayton Uniting Church and therefore minimise impact from rotor blade downwash.
The Heritage Impact Assessment's (HIA) coverage of the implications for Residential Historic (Conservation) Zone is too limited. Consideration should be to the entire zone not just immediate interface at Bowen Street and the two nearest Local Heritage Places.	Supporting architectural drawings and perspectives indicate the proposed helipads are not readily visible from the adjoining Residential Zone and Historic (Conservation) Zone. The proposed Helipad and concrete pad are no taller than the existing head office building approval.  A rigorous assessment of the proposal's impact on state and local heritage items, contributory items and the adjoining Historic (Conservation) Zone was undertaken by Dash Architect in the HIA as Appendix I of the PER and expanded on in correspondence included with the Response Document as Appendix D The Dash assessment concluded that the proposed Helipad will have no additional impact on the Heritage elements or the Heritage (Conservation) Zone.
Issues: Precedence	
Comments	Responses
Approval of this development will set a precedence for other helicopter landing facilities in residential areas in the future.	No precedence is set from the approval or refusal of this development. Any new application would be assessed on merit against the relevant policy of the day.
The risk that the number of operational days will be increased in the future.	The applicant has no intention or future plans to amend the number of operational days. Any hypothetical amendments to the number of operational days per year would require a new

	development application. The appropriateness of such an application would be considered by the relevant authority at that time.
<b>Issues: Deficiencies in Supporting Information</b>	
<b>Comments</b>	<b>Responses</b>
Noise, pollution and air-safety reports are all deficient in technical detail and site-specific information.	All consultant reports have been prepared following a rigorous assessment of the proposal and proposed location and in accordance with the assessment guidelines which have been drafted specifically for this application.
Why has the HAI Fly Neighbourly Guide been ignored in the assessment?	<p>The Fly Neighbourly Guide is a voluntary noise reduction program that seeks to create better relationships between communities and helicopter operators by establishing noise mitigation techniques and increasing effective communication.</p> <p>There is a defined Training Awareness Program that forms an integral part of the training.</p> <p>Pilots regularly implement the techniques and recommendations outlined in the HAI Fly Neighbourly Guide into their flight plan in order to reduce noise and other impacts on the locality.</p> <p>This program will form part of the Service Provider external audit process and it will be confirmed through this process that the training is effectively implemented.</p> <p>Further commentary on this point has been provided by Flight Safety in their supplementary report included as Appendix C of the Response Document.</p>
All supporting documents and reports presented at the town hall meeting had been prepared by either consultants/employees of the applicant.	The applicant has engaged the services of a series of independent consultants / experts with considerable standing in their respective fields to respond to specific elements of the assessment including noise, environmental emissions, heritage and flight safety and operations etc. Although they have been paid by the applicant for their time and expertise, their findings and reporting remain independent.
How many helicopter landing facilities are in built-up residential areas?	Not relevant to the proposal. It is the management of this proposal and location that is of importance.
Why hasn't the EPA or CASA been required to make a comment on the application?	<p>The applicant notes that the EPA have had extensive input into the assessment of this application and the drafting of the Assessment Guidelines.</p> <p>Both the EPA and CASA were invited to review the PER document and provide comment as part of the public and agency notification period. The EPA has sought further comment and clarification from the applicant on a broad range of issues. The EPA's comments have been</p>

	<p>responded to in the agency response table 3.1 of the Response Document.  CASA declined to provide comment as part of the referral process.</p>
<p>An independent safety audit into the risks of the proposal should be provided.</p>	<p>Flight Safety have prepared a detailed risk assessment of all potential risks associated with the operation of the Helicopter landing facility. The assessment has been included in their supplementary report included as Appendix C of the Response Document.</p> <p>This risk assessment will form the basis of a comprehensive site specific Emergency Response Plan that will form part of the overall safety management system should this development be approved.</p> <p>Both the aircraft used and the helipad itself will be inspected daily and audited on a yearly basis.</p>
<p>Failure of the Flight Safety Report to identify the High Voltage powerlines running across Marrayatville oval should cast doubts over the authenticity and level of details applied to the entire report.</p>	<p>Marrayatville oval has not been designated as an emergency landing area.</p>
<p><b>Issues: Economic Impacts</b></p>	
<p><b>Comments</b></p>	<p><b>Responses</b></p>
<p>The Applicant has clearly stated in the Public Environment Report (PER) that this helipad will create no economic benefit for the community.</p>	<p>The helicopter landing facility will be used as a tool by the applicant to showcase a world class asset in The Bend Motorsport Park. The facility will assist in generating both local and international investment in this State. The flow on effects of attracting major annual events to facilities like The Bend will have clear economic benefits for South Australia.</p>
<p>The Applicant further states that there will be no more jobs created from the construction of the helipad. So why do they need a helipad?</p>	<p>The proposed helipad will support the operation of the previously approved head office redevelopment and assist in the continued growth of Peregrine as a business and as a source of job creation in the state.</p>
<p><b>Issues: Schools</b></p>	
<p>Marrayatville and Loreto College provided submissions both objecting to their school ovals being designated as emergency laydown sites.</p>	<p>Schools have not been designated as emergency laydown sites. It is illegal for a helicopter in normal operation to land on private property without the prior consent of the landowner.</p>
<p><b>Issues: Process</b></p>	
<p><b>Comments</b></p>	<p><b>Responses</b></p>
<p>The Helipad should be licensed by the EPA because it is located within 1km of from a residential premise not associated with the facility.</p>	<p>Schedule 22 of the Development Regulations 2008 – no licence required if use is restricted to 10 or less operational days per year.</p>

## 5. Conclusion

The Public Consultation undertaken in accordance with Section 46D of the Act has revealed that noise, safety, operational concerns, objective needs for development and deficiencies in supporting formation are the primary issues raised.

In response, the proponent has fully considered these issues and where necessary has engaged the project expert consultants to provide further clarification of these matters. The balance of matters raised have been responded to through the provision of further information and justification where appropriate.

The result is a Helicopter Landing Facility that will greatly assist Peregrine in the conduct of its business operations by providing quick, accessible transport and a pleasurable experience for overseas and interstate business guests.

By limiting operation of the helicopter landing facility to daylight hours on no more than 10 days per year the proposal has taken all reasonable and practical measures to minimise noise and disruption to the local community, therefore complying with the General Environmental Duty of the Environmental Protection Act.

The design and operation of the helicopter landing facility will accord with all relevant safety requirements. A comprehensive site specific Emergency Response Plan will be prepared that forms part of the overall safety management system. A safety manger will be appointed to manage the entire operation and helipad will be inspected on a daily basis and audited annually. Additionally, the operators of the helicopters will carry out daily safety inspections prior to flights and are also subject to annual safety auditing. As such the applicant is confident that every possible risk has been identified and will be managed and mitigated accordingly.



# **APPENDIX A**

## **PUBLIC ENVIRONMENTAL REPORT GUIDELINES**

# **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](http://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

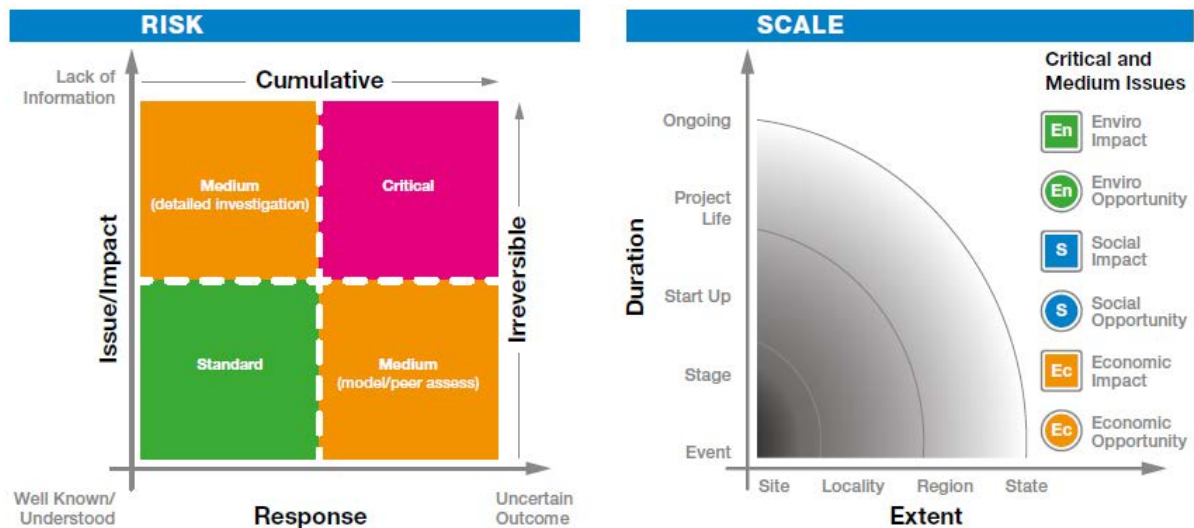
- Provide a **noise assessment** prepared by an acoustic engineer to moderate external and environmental noise disturbance and amenity impacts for future occupants of the development, but also other sensitive uses within the immediate area as a result of the proposed development.
- **Flight path and 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](http://www.atsb.gov.au))

# **APPENDIX B**

**SONUS RESPONSE TO EPA ASSESSMENT**

Peregrine Corporation  
270 The Parade  
KENSINGTON SA 5071

S4658C15

**Attention: Peter Vickery**

**15 September 2020**

Dear Peter,

**MIXED USE DEVELOPMENT – VARIATION 2 – HELICOPTER LANDING FACILITY  
RESPONSE TO EPA ASSESSMENT**

A review has been conducted of the EPA's assessment on the proposed helicopter landing facility. The EPA's assessment is a culmination of the following timeline:

- December 2018 PER Guidelines require an assessment against the *Environment Protection (Noise) Policy 2007* (the Policy)
- February 2019 EPA state that it is "very clear" that the Policy is the appropriate assessment methodology.
- March 2019 EPA determines that the Policy cannot be used to assess helicopter noise and requests comparison of predicted noise contours with noise logging of the existing noise environment.
- March 2020 EPA rejects the approach that it requested, stating "a direct comparison to other noise, such as road traffic noise, is problematic given the unique character and duration of aircraft noise".

The EPA has now conducted an assessment using two other methods.

Ultimately the assessment must be against the General Environmental Duty (GED) of the Environment Protection Act. This requires that:

*"A person must not undertake an activity that pollutes, or might pollute, the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm".*



### **Method 1 – Guidelines for use of the Environment Protection (Noise) Policy 2007**

Having accepted that the Policy is not appropriate for the assessment of helicopter noise, Method 1 utilises the Guidelines for using the Policy.

Whereas the Guidelines refer the assessment of Helicopter Landing Facilities specifically to Section 25 of the Environment Protection Act (the GED), the EPA approach involves responses to a series of subjective questions designed for a different purpose. On the basis of answers to the questions, the EPA determines that the proposed development does not comply with the GED of the Environment Protection Act.

The series of questions and a summary of the EPA responses are outlined in Appendix A, as well as a response to the same questions for road traffic noise and the noise from a lawn mower. This is not an exhaustive comparison but it demonstrates that if the same approach were to apply to other common noise sources, the same conclusion could be drawn.

Further discussion on the EPA's responses to the questions is included below:

- None of the questions in the Guidelines include consideration of the area or number of people potentially affected by the noise. However, the EPA provides this as a response in six of the questions and adds a question (which does not appear in the Guidelines) to provide the response a seventh time. The response also appears to be a decisive factor in the conclusion.
- The EPA states that *Helicopter noise is widely recognised as being a level and character that is far more intrusive than other more typical activities likely to occur in the area, such as traffic noise*. That is, the EPA contends that helicopters operating during daylight hours on ten days per year would be more intrusive than trucks on Portrush Road, travelling and using engine brakes in high numbers, 24 hours per day, 365 days per year. An objective would show this to be incorrect, as it is intuitively.
- Although the EPA states that the helicopter activity will only occur during daylight hours (as is proposed), an answer to a question indicates that the EPA believes this *may occur in the evening until possibly 10pm*.
- The series of questions is designed to assist in answering the only critical question when considering if the GED is fulfilled. That is, whether all reasonable and practicable measures have been taken to prevent or minimise any resulting harm. The EPA has not specifically answered this question but in response to Question H, it states that *it is improbable and impractical to reduce the noise impact from the activity further*.

## Method 2 Victorian EPA Noise Guidelines and Australian Standard

### Victorian Noise Control Guidelines

The EPA has suggested the adoption of a Victorian Guideline, which has not been endorsed in South Australia, has not been through the relevant consultation, nor was it mentioned in the PER Guidelines or other EPA requests for information.

The full text of the Victorian Guidelines related to helicopters is detailed below:

#### **16 HELICOPTERS**

##### **Noise level criteria**

*The criteria comprise three separate components, each of which should be satisfied at the nearest affected buildings:*

- *The measured LAeq,T (measured over the entire daily operating time of the helipad) shall not exceed 55 dB(A) for a residence.*
- *The measured maximum noise level LA max shall not exceed 82 dB(A) at the nearest residential premises (See Note below).*
- *Operation outside the hours between 7 am and 10 pm shall not be permitted except for emergency flights.*

*Note: These levels will generally be met by a separation between the landing site and the residential premises of 150 m for helicopters of less than two tonnes all-up-weight, and 250 m for helicopters of less than 15 tonnes all-up-weight.*

In its assessment, the EPA takes no account of the limitation in the proposal to 10 days per year. Effectively, it applies the same criteria to this facility as it might apply to a facility which operates every day of the year. In acoustic terms, operating on 10 out of 365 days is effectively equivalent to a reduction of 16 dB(A). If this reduction were to apply to the predicted maximum noise levels, the facility would comply with the criteria.

Further, the EPA suggests “*The predicted maximum noise levels associated with use of the AW109/H109 helicopter is 95 dB(A), the Bell 206 is 90 dB(A), and the EC 130 is 85 dB(A) at hundreds of residential properties*”. This is a significant exaggeration. For example the 90 dB(A) contour for the Bell 206 includes less than 20 residential properties.

The EPA also claims that the Guidelines provide a “*recommended minimum separation distance*”. This is a misinterpretation of the Note, which suggests a separation distance at which the noise levels will generally be achieved.

Australian Standard AS2021:2015

Australian Standard AS2021:2015, *Aircraft Noise Intrusion – Building Siting and Construction* is not designed for the assessment of a helicopter landing facility.

The EPA references Appendix E, which provides a procedure for aerodromes without an ANEF but does not properly conduct its assessment in accordance with this procedure. Appendix E includes a table of *Building site acceptability based on aircraft noise levels*, which is repeated below. When considering the construction of a building, the procedure involves a check of the expected outdoor noise levels, and then if required, consideration of the construction required to achieve indoor criteria.

**TABLE E1**

**BUILDING SITE ACCEPTABILITY BASED ON AIRCRAFT NOISE LEVELS\***

Number of flights per day	Aircraft noise level expected at building site, dB(A)		
	Acceptable	Conditionally acceptable	Unacceptable
<b>House, home unit, flat, caravan park, school, university, hospital, nursing home</b>			
>30	<70	70–75	>75
15–30	<80	80–85	>85
<15	<90	90–95	>95
<b>Hotel, motel, hostel, public building</b>			
>30	<75	75–80	>80
15–30	<85	85–90	>90
<15	<95	95–100	>100
<b>Commercial building</b>			
>30	<80	80–85	>85
15–30	<90	90–95	<95
<15	<100	100–105	>105

\* The values in Table E1 are based on a small aerodrome with a small number of civil, non-jet aircraft movements. They should not be used in any other circumstances.

As can be seen from the table, the lowest category of number of flights equates to more than 5,000 flights per year. This is an order of magnitude more than the possible maximum number of flights at the proposed facility. Notwithstanding, the maximum outdoor noise levels of 85-95 dB(A) are within the range of *Acceptable* or *Conditionally Acceptable*. The EPA assessment does not acknowledge this.

As noted above, in acoustic terms, operating on 10 out of 365 days is effectively equivalent to a reduction of 16 dB(A). When taking into account the limited days of operation, all aircraft types would result in the classification of *Acceptable*.

The EPA's assessment only considers indoor noise levels. An assessment is conducted "*assuming a typical 10-15 dB(A) noise level reduction between outdoor and indoor noise levels for most types of residential buildings*". This is a significant underestimate of the acoustic performance of typical residential buildings and it is unclear how this number could possibly have been derived. For reference, the Minister's Specification SA78B indicates a typical reduction of 20 dB(A) for a standard residential construction. In addition the EPA's assessment takes no account of the reduction in number of days of operation. That is, the same approach could be used adjacent to the busiest airport with hundreds of thousands of aircraft movements per year.

### Summary

Having requested an assessment in accordance with the *Environment Protection (Noise) Policy 2007* and a comparison of predicted noise levels with existing noise levels, the EPA has instead conducted assessments using two other methods. Neither appropriately takes into account the proposed restriction to less than 10 days per year.

When considered in accordance with the General Environmental Duty, all reasonable and practicable measures have been taken to minimise the noise.

When considered by comparison with the existing noise environment, the highest levels expected from helicopters are already occurring in the environment at a greater frequency than the proposed flights.

Yours faithfully  
**Sonus Pty Ltd**



Chris Turnbull  
**Principal**

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**APPENDIX A: SUBJECTIVE ASSESSMENT OF NOISE SOURCES**

Question	EPA Assessment of helicopter noise	Road Traffic Noise	Lawnmower Noise
A. Is the noise loud either in an absolute sense, or relative to other noise that might be present or expected in the area?	Very Loud in an absolute sense and relative to other noise sources in the area. Highly Intrusive and spread across an unusually wide area.	Very Loud in an absolute sense and relative to other noise sources in the area. Highly Intrusive and dominates the acoustic environment across the majority of urban areas.	Very Loud in an absolute sense and relative to other noise sources in the area. Highly Intrusive and spread across the majority of the metropolitan area.
B. Is the noise well above the background noise level—that is, during lulls in the noise, is there a significant difference?	Well above average background noise levels and consistent with the highest instantaneous maximum noise level provided by any short term activity in the local environment. Noise level likely to be intrusive and affect a large number of people.	Creates the background noise levels and the highest instantaneous maximum noise levels in most local environments. Noise level likely to be intrusive.	Well above average background noise levels and consistent with the highest instantaneous noise levels provided by any short term activity in the local environment. Noise level likely to be intrusive.
C. Does the noise include any annoying characteristics, such as fluctuating volume, a tone, a beat or impulse, or a characteristic that is not present or expected elsewhere in the area?	Helicopters include multiple noise characteristics, including significant tonal noise, highly dominant impulsive and modulating characteristics. No reasonable expectation of any similar noise across the wider area. Helicopter noise is widely recognised as being at a level and character that is far more intrusive than other typical activities likely to occur in the area, such as traffic noise. The combination of these annoying noise characteristics would be experienced across a wide area.	Trucks on Portrush Road include multiple characteristics including significant tonal noise, highly dominant impulsive and modulating characteristics. No reasonable expectation of any similar noise across the wider area. Engine brake noise is widely recognised as being at a level and character that is far more intrusive than other typical activities likely to occur in the area. The combination of these annoying noise characteristics is experienced across a wide area.	Lawn mowing includes multiple noise characteristics, including significant tonal noise, highly dominant impulsive and modulating characteristics. Other similar tools create similar noise levels and characteristics.



<p>D. Is the noise occurring at a time when nuisance is likely, such as during evenings, night or the very early morning hours?</p>	<p>The noise would not occur at night or in the very early morning hours but is likely to occur from 7am onwards, at any time during the day and evening until possibly 10pm</p>	<p>The noise occurs 24 hours per day with the noise from trucks concentrated at night.</p>	<p>The noise would not occur at night or in the very early morning hours but is likely to occur from 7am onwards</p>
<p>E. Is the activity of a duration, volume or characteristic that is significantly different to that expected or typical in the area?</p>	<p>The activity is unique and the duration, level of noise and character would be significantly different to anything that would be expected or typical across a much larger area than almost any other activity. Helicopter noise is widely recognised as being a level and character that is far more intrusive than other more typical activities likely to occur in the area, such as traffic noise. Further, the spatial impact of the activity is likely to cross a number of suburbs and council areas which is an unusual and special feature of the proposed activity. As each helicopter flight event is of high intensity and intermittent, the intermittency of the noise would further contribute to the annoyance experienced by people. This means that despite each event lasting for a period of perhaps 10-15 minutes, people will consider an entire day of activity as an ongoing annoyance, with their reaction reinforced by each event.</p>	<p>The activity is unique and the duration, level of noise and character would be significantly different to anything that would otherwise be expected or typical across a much larger area than any other activity. Traffic Noise is widely recognised as the most intrusive noise source.</p>	<p>The noise is well above the ambient level for the periods of operation</p>



<p>F. Is the noise adversely affecting people’s activities such as conversation, reading, studying, watching television or sleeping?</p>	<p>The noise would be at a level which is likely to affect conversation, reading, studying or watching television for a very large number of people, but should not interfere with sleeping.</p>	<p>The noise is at a level which is likely to affect conversation, reading, studying or watching television for a very large number of people. It interferes with sleeping.</p>	<p>The noise is at a level which is likely to affect conversation, reading, studying or watching television, but should not interfere with sleeping.</p>
<p>G. How do other people in the vicinity react to the noise impacts?</p>	<p>There are a number of worldwide examples that suggest a high likelihood that a large number of people would react negatively to the noise impacts of the proposed activity regardless of any proposed limitation of use. It is likely that the predominant community view would be that helicopter noise is incompatible with the predominantly residential use in the area.</p>	<p>Traffic noise is the greatest source of noise impact and complaints.</p>	<p>Often annoyed by the noise</p>
<p>H. How easy is it to reduce the noise?</p>	<p>It is improbable and impractical to reduce the noise impact from the activity if approved. Unless the noise source (the helicopter) is changed or additional limitations are placed on the level of use, then the only option to reduce the impact of noise is to individually treat each individual sensitive receiver’s property which would not be a practical solution.</p>	<p>It is improbable and impractical to reduce the noise impact from the activity. Unless the noise source (the vehicle) is changed or additional limitations are placed on the level of use, then the only option to reduce the impact of noise is to individually treat each individual sensitive receiver’s property which would not be a practical solution.</p>	<p>It is possible to reduce the noise impact with electric or battery operated lawn mowers.</p>
<p>I. How common is such a noise in other similar environments?</p>	<p>Helicopter noise is not commonly associated with predominately large residential areas interspersed with some commercial uses. It is a generally accepted principle that helicopter</p>	<p>Very common</p>	<p>Common on weekends</p>



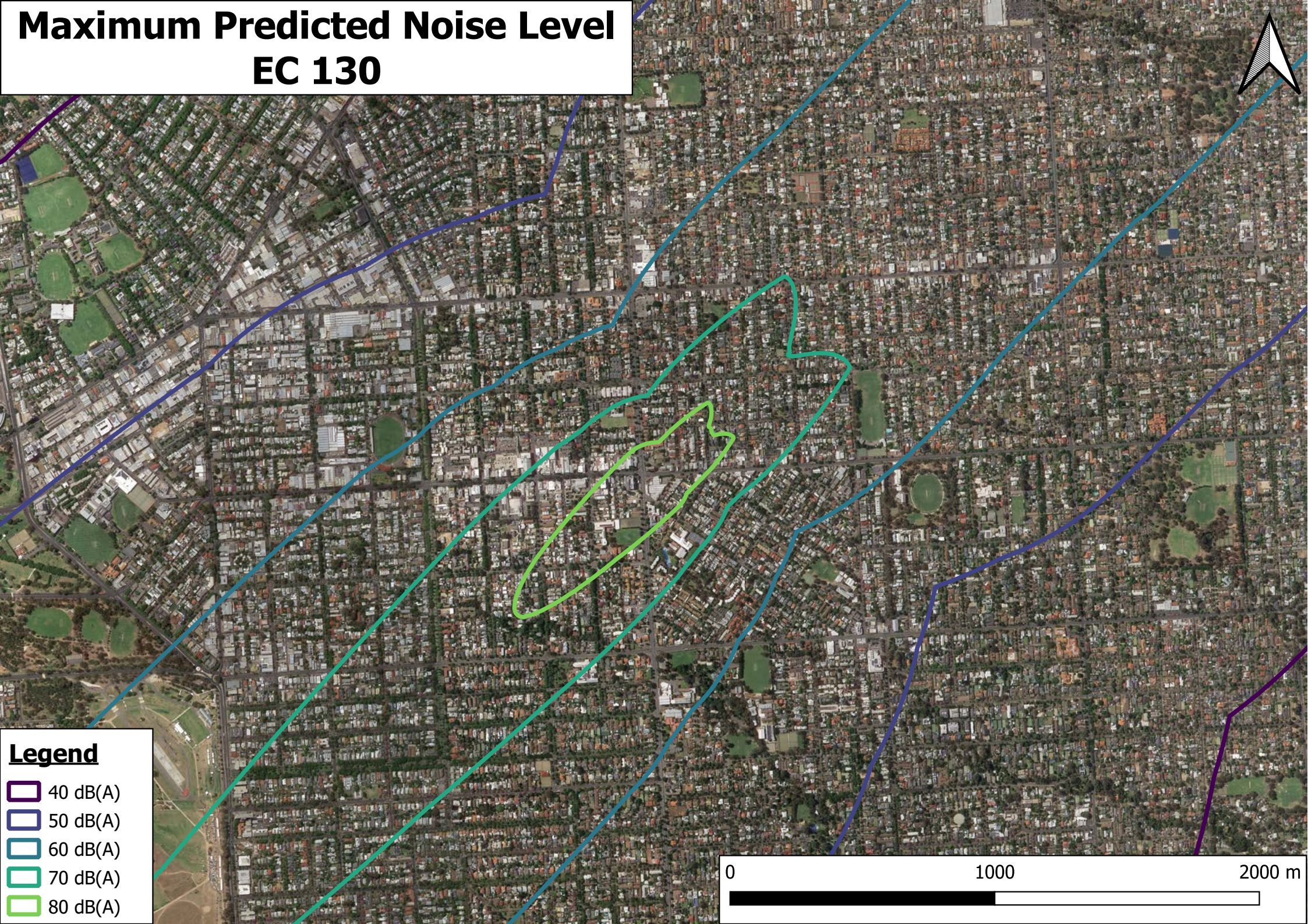
	noise should specifically avoid being introduced to areas in close proximity to noise sensitive land uses such as residential and commercial activities, and in particular activities such as schools and retirement		
J. Is the noise clearly audible within a habitable room during normal sleeping hours with windows open if the occupant desires? Clearly audible means that the noise is audible during the normal course of the appropriate activity while the listener is making no special effort to hear the noise.	No.	Yes.	No.
K. Could a reasonable person tolerate the noise given the time of day and the duration of the emission and/or the fact it is not typical of activities conducted in the area?	No. A reasonable person is not likely to tolerate the introduction of noise from a new helicopter landing facility into a predominantly residential area, regardless of the level of use (ie. limitation of the number of days as proposed). However, it is acknowledged that helicopter noise does occur from time to time across many parts of the Adelaide metropolitan region, including in this locality.	Traffic noise occurs across metropolitan areas throughout South Australia. People often move to be away from traffic noise.	Complaints regarding domestic noise such as lawn mowing are common.
L. Is the noise loud enough to interfere with normal speech or to disturb normal daytime outdoor recreation during the day?	Yes. Helicopter noise is widely recognised as being particularly loud and annoying. As normal human conversational speech is approximately 60dB(A), the worst case predicted 70-85dB(A)	Yes	Yes





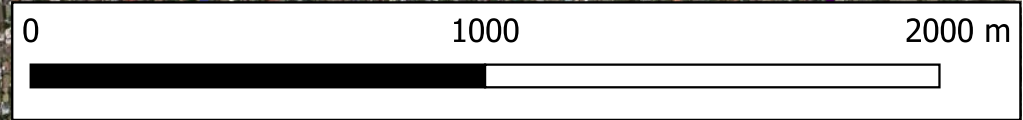
	<p>indoor noise level associated with the range of proposed helicopters would interfere with normal indoor conversations. The predicted worst case outdoor noise levels of 85-95dB(A) associated with the range of proposed helicopters would also have adverse impacts on outdoor recreational activities during the day.</p>		
<p>M. Other factors considered relevant for Consideration (not taken from Guidelines)</p>	<p>The activity would only occur for 10 days a year but would have a noise impact over a very wide area during those days.</p>	<p>The noise and impact occurs 24 hours per day over a very wide area on every day.</p>	<p>The noise only occurs 20 to 30 days per year but occurs at multiple locations across all areas.</p>

# Maximum Predicted Noise Level EC 130

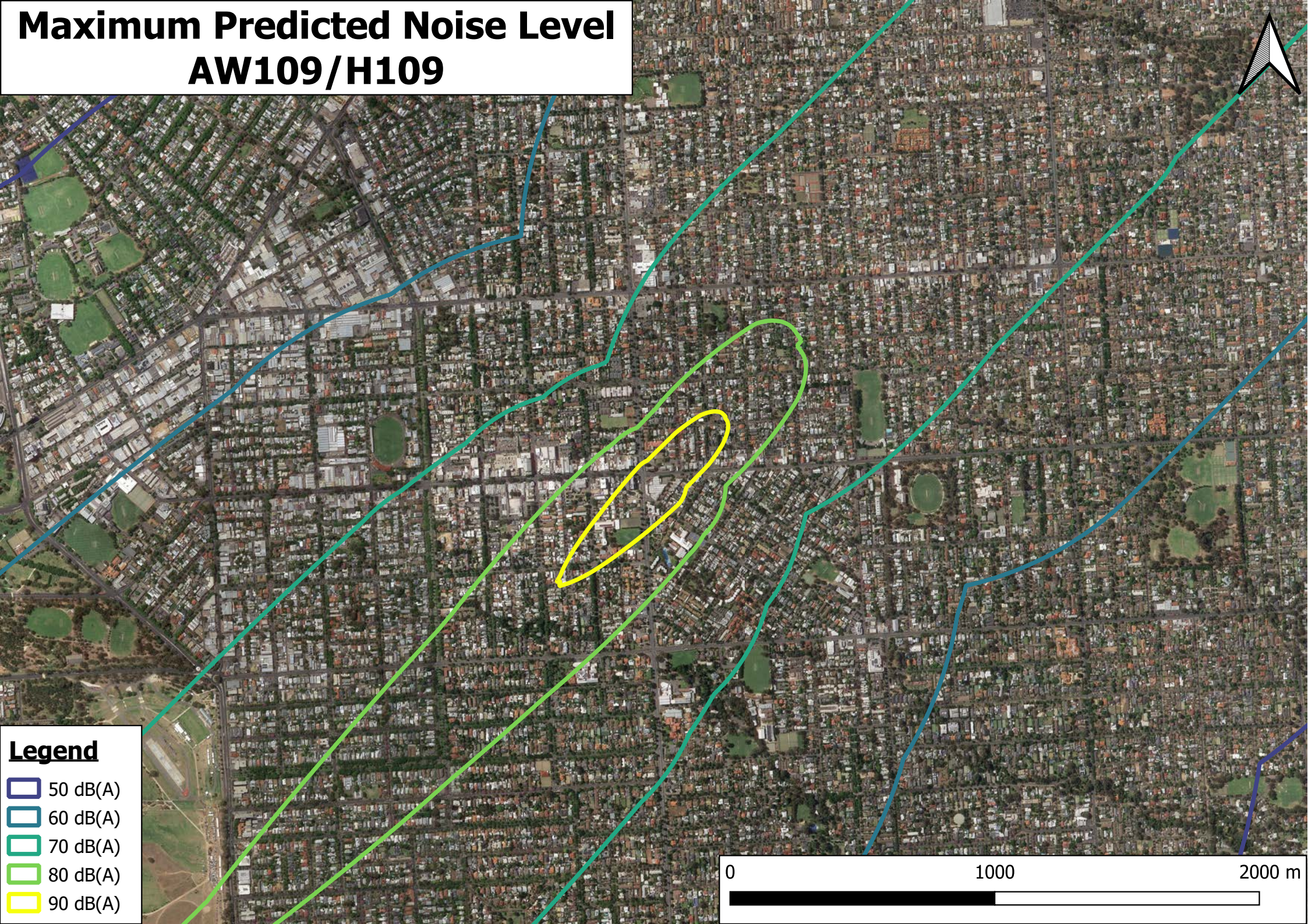


**Legend**

- 40 dB(A)
- 50 dB(A)
- 60 dB(A)
- 70 dB(A)
- 80 dB(A)

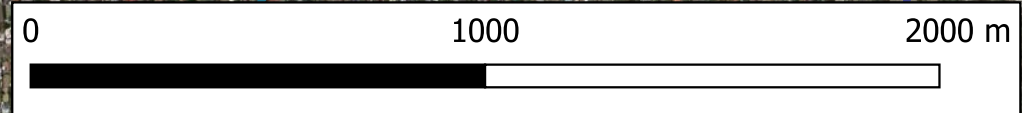


# Maximum Predicted Noise Level AW109/H109

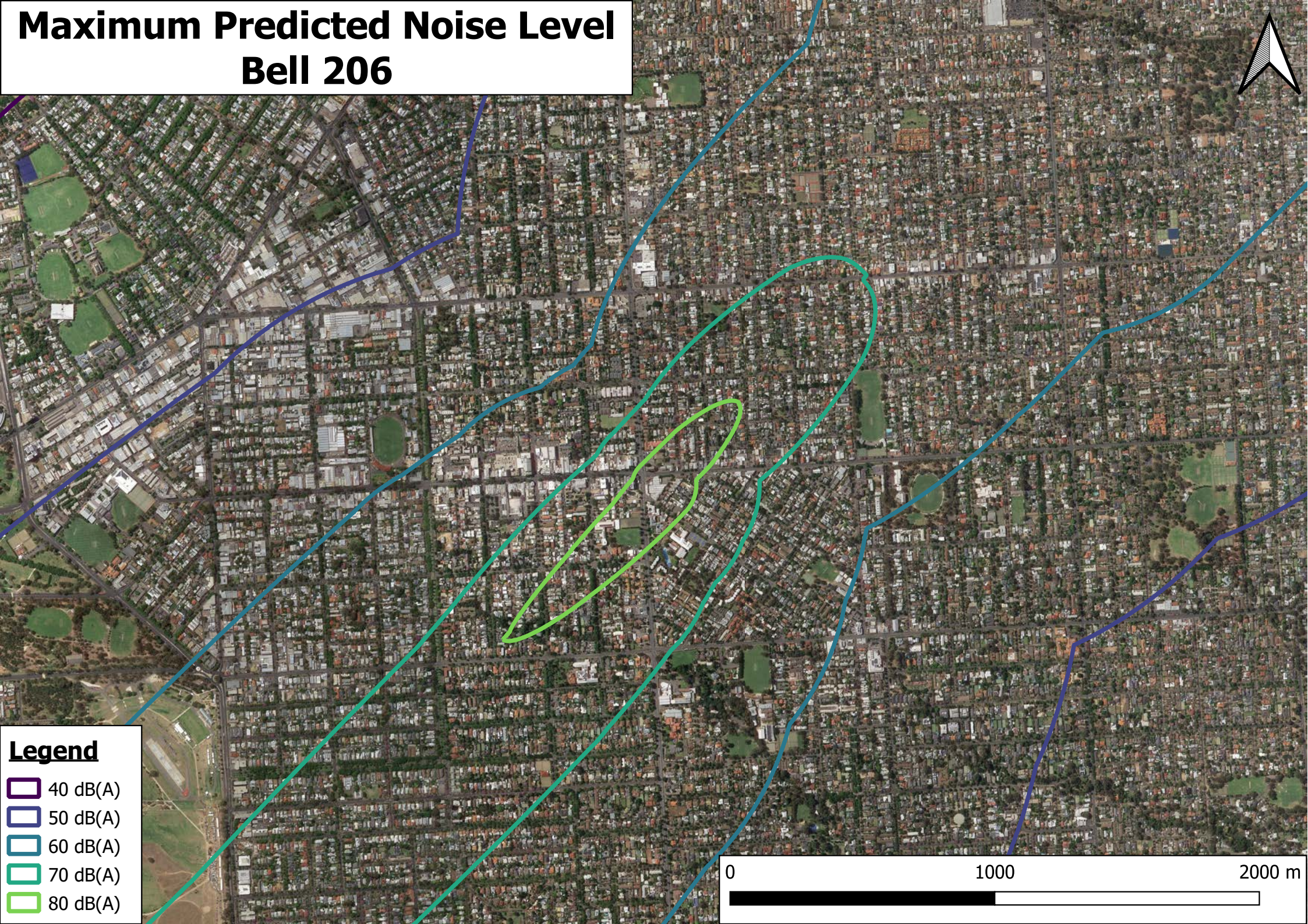


## Legend

- 50 dB(A)
- 60 dB(A)
- 70 dB(A)
- 80 dB(A)
- 90 dB(A)

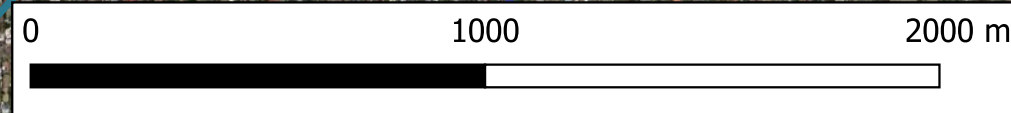


# Maximum Predicted Noise Level Bell 206



## Legend

- 40 dB(A)
- 50 dB(A)
- 60 dB(A)
- 70 dB(A)
- 80 dB(A)



# **APPENDIX C**

**FLIGHT SAFETY SUPPLEMENTARY REPORT**



Aviation Flight Safety Auditors | Risk Assessors | Accident Investigators | Helideck/Helipad Design and Inspection | Expert Witness

24<sup>th</sup> August 2020

Our Reference: FS\_Peregrine\_Pub Sub\_03082020 V2

## PC INFRASTRUCTURE PTY LTD

270 The Parade  
Kensington Park  
SA 5068

**Attention: Peter Vickery**

**Senior Project Manager**

## SUPPLEMENTARY REPORT - RESPONSE TO AGENCY AND PUBLIC SUBMISSIONS

Peter please find included my responses to your following queries as discussed.

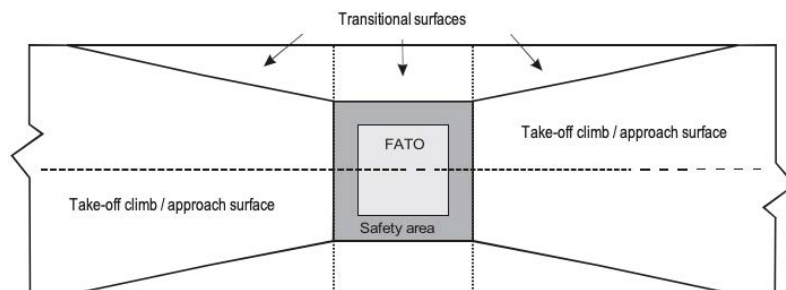
The report / correspondence should consider and provide a response to the following issues:

### 1. Response to EPA request for noise modelling of additional flight paths:

**The definition of a FATO (Final Approach and Take Off) for helicopters is:**

“FINAL APPROACH AND TAKE-OFF AREA (FATO) – in relation to an HLS, means an area of land or water over which the final phase of the approach to a hover or landing is completed and from which the take-off manoeuvre is commenced.”

**Conventional design profile as applicable to the Peregrine HLS design.**



**Initial FATO Design Layout**



Flight Safety can confirm that this design profile as depicted will be the only routing available to arriving and departing helicopters, NO EXCEPTIONS APPLY - typically only one FATO design approach is required.

Pilots can readily accommodate for variable weather conditions different to the prevailing conditions in order to use the nominated design FATO Approach and in the unlikely event that the operation cannot be completed due to e.g. abnormal weather conditions, then the operation will be suspended or cancelled.

The proposed 'Design FATO Flight Track', has also been designed to avoid any tall structures within the locality.

These controls will also be clearly defined in the Service Provider's Flight Operations Manuals.

**2. Response to public request for further clarification of noise level duration associated with helicopter operations:**

The routing as defined in 1. above restricts the operation to a predetermined 180° FATO design route.

This is the initial control applicable in limiting noise levels to predetermined areas, in addition the following extract from the Flight Safety Group report, Reference: FS\_PC Infrastructure\_Peregrine CBD HO HLS\_25052019 applies.

**Noise Pollution Controls**

There are significant mitigating factors integral with helicopter operations to this helipad, they are:

- The height of the seven-storey rooftop helipad design will significantly reduce noise levels.
- The highest noise levels occur during the hover and take-off phases of flight, and this will occur at low level over the helipad where the maximum shielding effect is available with the extended rooftop area.
- The duration of the maximum power settings is applicable to both the pre-landing, hover phase of flight (usually accomplished within 45 seconds) and the take-off phase of flight (usually accomplished within 60 seconds).
- The lowest noise level is while the helicopter is at idle on the helipad.
- From passengers alighting to engine shut-down is normally completed within ten minutes, i.e. 3 minutes to shut-down and 7 minutes to offload.
- The start-up and departure will occur in 5 – 10 minutes in accordance with the above noise control parameters.

The 60 second higher power setting parameters for both approach/landing and take-off phases of flight is the highest noise level consideration and this assessment at which helicopters will be at full power has been clearly articulated in the Sonus Helicopter Noise Report.

### 3. Response to the misconception that school and public ovals have been designated as emergency laydown areas:

No designated emergency landing areas (this is hypothetical only). In the event of an emergency pilots will take action to land the helicopter in areas that pose the least risk to human life and property. This applies to helicopters currently flying over Adelaide today.

Under normal circumstances it must be clearly understood that it is illegal to land on private property without permission.

This restriction is clearly defined in our Civil Aviation Safety Regulations, (Reference CAAP 92-2(2)).

Civil Aviation Advisory Publications (CAAPs) provide guidance, interpretation and explanation on complying with the *Civil Aviation Regulations 1988 (CAR)* or Civil Aviation Orders (CAO).

The following extract is relevant:

## Factors that should be considered prior to using an HLS

The pilot of a helicopter operating to, from or at an HLS should ensure that:

the HLS is clear of all:

- persons – other than persons who are trained and been found competent in helicopter operational safety procedures and who are essential to the helicopter operation; and
- objects and animals likely to be a hazard to manoeuvring the helicopter – other than objects essential to the helicopter operation;

no person is within 30 metres of an operating helicopter, other than a person who is essential to the safe conduct of the operation and who is trained and been found competent in helicopter operational safety procedures.



Note: Despite the above, unless the specific nature of the task requires it, CASA recommends that, for normal operations, the FATO and the TLOF are free of personnel and obstacles while the helicopter is operating and appropriate permission from the owners and authorities has been obtained;

- where the performance requirements of an Aircraft Flight Manual (AFM) detail greater or additional requirements for defined areas or the approach and departure paths (than those set out in these guidelines), then the greater and/or additional requirements are met.
- 4. Response to public request for a risk assessment that identifies risks associated with the operation of the helipad. The assessment should demonstrate how these risks will be managed and mitigated.**

**HELIPAD RISK ASSESSMENT - EXTRACTED HAZARDS AND MITIGATION PROCESSES**

**PEREGRINE HEAD OFFICE HLS - HELICOPTER HAZARD REGISTER/RISK ASSESSMENT (Design and Operational)**

Activity/Process/ Material/Element	Hazard	Stage of Work	Initial Risk Level <sup>1</sup>			Risk Control Measures: Design action taken, record of decision process including option considered, design constraints and justification for options/actions not having been taken.  (Eliminate, Reduce, Inform, Control)	Residual Risk Level			Is there a 'significant' <sup>2</sup> residual risk to be passed on? (Y/N)	If answer to (8) is Yes, information flow: D/R/F <sup>3</sup>	Party responsible for control of hazard	Status Within MM (Active / Closed)
			Probability	Severity	Risk Level		Probability	Severity	Risk Level				
Unsecured loose objects on the helipad	Objects blown off the helipad or ingested into the engine intake. Helicopter Crash, potential for multiple fatalities	Heli Ops	D	5	H	Trained HLSO, helipad inspection carried out before and after helicopter operations take place	B	2	M	N	NA	Helipad Owner /Audit Process/HLSO	Active
Design features that extend above helipad height	Possible tail rotor strike, risk of dynamic rollover or Ground Resonance event leading to forced landing, reduced capability, helicopter crash	Heli Ops	B	5	H	Helipad design and final helipad inspection and sign-off	B	2	M	N	NA	Maintenance Organisation owner/Audit process	Active
Accident on the helipad	Fire risk, extraction of passengers and crew from the helicopter	Heli Ops	B	5	H	Adequate fire fighting equipment, DIFF (Deck Integrated Fire Fighting) design and complementary media (fire extinguishers)	B	2	M	N	NA	Aircraft Service Provider/Audit process	Active

<b>Helipad friction surface</b>	High wind, wet surface possible instability and risk of helicopter sliding	Heli Ops	B	5	H	Aluminium Offshore design, friction surface > $\mu$ .65	A	2	L	N	NA	Helipad Owner/ Helipad design/Audit Process/HLSO	Active
<b>Perimeter safety net, structural weakness</b>	Risk of a fall	Heli Ops	B	5	H	Aluminium Offshore safe design	A	2	L	N	NA	Helipad Owner/ Helipad design/Audit Process/HLSO	Active

**OPERATIONAL RISK ASSESSMENT**

<b>VFR flight ops in known rapidly changeable weather conditions. Weather becoming NON VMC whilst in flight, or at destination</b>	Loss of visual reference to ground or water, Helicopter Crash, potential for multiple fatalities	Heli Ops	B	5	H	Procedures for inadvertent flight from VMC to IMC Procedures for weather deteriorating below VFR minimums. Use of IFR qualified Pilots Location specific weather briefings. Planning for Alternates	B	2	M	N	NA	Service Provider/Audit Process	Active
<b>Aircraft component failures whilst in flight</b>	Possible forced landing, reduced capability, helicopter crash	Heli Ops	B	5	H	Remote audit of proposed helicopter and maintenance history, regulator audits and approval (completed)	B	2	M	N	NA	Service Provider/Maintenance Organisation/ Audit process	Active
<b>In Flight Fire</b>	Electrical, mechanical, dangerous goods fires, potential for loss of helicopter	Heli Ops	B	5	H	Nil Dangerous goods carried, training, awareness, fire warning and suppression devices	B	2	M	N	NA	Service Provider/Maintenance Organisation/ Audit process	Active

<b>Precautionary Landing</b>	Built up area/CBD, public areas, Loss of helicopter and life	Heli Ops	B	5	H	Audit process Ops & Maintenance. Air Crew Training. Flight Planning processes.	B	2	M	N	NA	Service Provider/Maintenance Organisation/Audit process	Active
<b>Bird hazard to be assessed</b>	Bird strike with helicopter, crew distraction	Heli Ops	B	5	H	NOTAM forecasts/Flight Planning, high intensity flashing lights	B	2	M	N	NA	Service Provider/Maintenance Organisation/Owner/Audit process	Active
<b>Operator Proficiency</b>	Inexperienced air and/or maintenance crew	Heli Ops	B	5	H	External audit process/crosscheck on crew	B	2	M	N	NA	Aircraft Service Provider/Audit process	Active
<b>Flight Planning/Fuel Calculation Error</b>	Emergency Landing	Heli Ops	B	5	H	Licensed Operator/Air Crew Training. Profile/Day VFR operation.	B	2	M	N	NA	Aircraft Service Provider/Audit process	Active
<b>Route Familiarity</b>	Inadvertent penetration of controlled air space/conflicting traffic	Heli Ops	C	2	H	Air Crew training/high minimum experience levels Use of IFR qualified Pilots	C	2	M	N	NA	Aircraft Service Provider/Audit process	Active
<b>Weather - Active Thunderstorm Activity</b>	Lightning/extreme turbulence Helicopter Crash, potential for multiple fatalities	Heli Ops	B	5	H	Assessment to be made before helicopter arrival Location specific weather briefings. Use of IFR qualified Pilots Location specific weather briefings. Planning for Alternates	B	2	M	N	NA	Aircraft Service Provider/Audit process	Active

<b>Approach to the Peregrine Helipad</b>	Conflicting traffic/collision risk	Heli Ops	B	5	H	Positive control from the ground	B	2	M	N	NA	Aircraft Service Provider/HLSO	Active
<b>Departure from the Peregrine Helipad</b>	Conflicting traffic/collision risk	Heli Ops	B	5	H	Positive control from the ground	B	2	M	N	NA	Aircraft Service Provider/HLSO	Active
<b>Landing Site Security</b>	Loose articles/Crowd Control	Heli Ops	B	5	H	HLSO will ensure that all loose articles have been secured or removed during helicopter operations	B	2	M	N	NA	HLSO	Active
<b>Emergency Landing Sites</b>	Lack of preselected emergency landing sites Helicopter Crash, potential for multiple fatalities	Heli Ops	B	5	H	Flight Planning Location specific weather briefings. Use of qualified pilots Location specific weather briefings. Planning for Alternates	B	2	M	N	NA	Aircraft Service Provider/Audit process	Active
<b>Emergency Response Plan</b>	Fire/rescue, medical & security Support function failure	Heli Ops	B	5	H	Pre-assessed and trained procedures Location specific weather briefings. Use of qualified pilots Location specific weather briefings. Planning for Alternates	B	2	M	N	NA	Aircraft Service Provider/Audit process	Active
<b>Conflicting Traffic</b>	Collision risk	Heli Ops	B	5	H	All aircraft in the vicinity operating on a common frequency/two crew operation	B	2	M	N	NA	Aircraft Service Provider/Audit process	Active

**EMERGENCY RESPONSE PLAN FORMAT**

**Emergency Response Plan**  
**VERSION 1** Next Amendment – 30<sup>th</sup> June 2013  
 Revision Date – 25<sup>th</sup> November 2012

EMERGENCY RESPONSE PLAN

XXX

FOR ALL EMPLOYEES, CONTRACTORS AND VISITORS

EMERGENCY CONTROL TEAM	TELEPHONE	MOBILE
Emergency Controller	(0X) XXXX XXXX	in English units equivalent to
Deputy Emergency Controller	(0X) XXXX XXXX	XXXX XXXX
Chief Pilot	(0X) XXXX XXXX	XXXX XXXX

EXTERNAL EMERGENCY SERVICES

XXXXXX OFFICE NUMBER.....	XXXX XXXX
XXX FAX.....	XXXX XXXX
Search and Rescue.....	XXXX XXXX
Police.....	XXXX XXXX
Fire & Chemical Spill Crews.....	XXXX XXXX
Ambulance.....	XXXX XXXX
Poisons Information.....	XXXX XXXX
Airport: SECURITY CENTRE.....	XXXX XXXX
ATSB (Chief Pilot to Notify).....	XXXX XXXX
24 hour Emergency Chemicals Information.....	XXXX XXXX

EMERGENCY CONTACTS

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**5. Response to public and agency request for implementation of procedures outlined in the HAI Fly Neighbourly Guide.**

*“The Fly Neighbourly Guide is a voluntary noise reduction program that seeks to create a better relationships between communities and helicopter operators by establishing noise mitigation techniques and increasing effective communication.”*

There is a defined Training Awareness Program that forms an integral part of the training.

**Fly Neighbourly Basics**

The Fly Neighbourly Noise Abatement Training Program, created by the FAA and endorsed by the HAI, teaches pilots and operators noise abatement procedures and situational awareness tools that can be used to minimise the effects of helicopter noise emissions that can affect communities, within the parameters of safe operations.

Pilots regularly implement the techniques and recommendations outlined in the HAI Fly Neighbourly Guide into their flight plan in order to reduce noise and other impacts on the locality.

**Fly Neighbourly training covers:**

- Background and regulatory genesis for noise research
- Noise basics
- Aeronautical decision making and standard operating procedures
- Flight techniques for noise abatement

**Principles of Fly Neighbourly Training**

- Climbing turns are quieter than level and/or descending turns
- Accelerating climbs are quieter than steady-state and/or decelerating climbs

- Collective climb is quieter than cyclic climb
- A higher altitude should be selected to reduce noise footprint
- Turn away from the advancing blade
- Steeper take-offs greatly reduce the noise footprint
- A steep approach glidepath reduces the size of the noise footprint
- Make smooth control inputs to reduce the noise footprint
- Maximise steady state segments
- Maintain the same airspeed during a turn

**This program will form part of the Service Provider external audit process and it will be confirmed through this process that the training is effectively implemented.**

**6. Further comments following review of the public can agency comments received during the notification process.**

**In the final analysis I believe all relevant parties need to understand that this proposed helicopter operation is strictly controlled under our Australian Civil Aviation Safety Regulations and in addition the quality and safety controls implemented as described in this document and the Flight Safety Group report, Reference: FS\_PC Infrastructure\_Peregrine CBD HO HLS\_25052019 have defined the maximum levels of safety necessary for a safe operation.**

**This is also supported by the ISO 9001:2015 Certification applicable to the Flight Safety Group.**

**See attached Certificate that provides the scope (extract below), covering the relevant certification approvals.**

## **Flight Safety Pty Ltd**

22 Eastern Ridge, Hidden Valley, Wallan, 3756, Victoria, Australia

has been approved by Lloyd's Register to the following standards:

### **ISO 9001:2015**

Approval number(s): ISO 9001 – 0048906

This certificate is valid only in association with the certificate schedule bearing the same number on which the locations applicable to this approval are listed.

#### **The scope of this approval is applicable to:**

External Aviation Safety Audit and Inspection, Risk Assessment, Consultancy and Training services. Helideck, Helicopter Landing Site, and Helipad – Layout Design Appraisal, Helicopter Landing Structure Suitability Assessment, Friction Testing, Safety and Operational Assessment and Certification.

Regards



**COLIN WEIR**

CEO | Flight Safety Group



# **APPENDIX D**

**DASH ARCHITECTS HERITAGE IMPACT ASSESSMENT SUPPLEMENT**

DASH (Danvers Schulz Holland) Architects was founded in 1964 and has since established itself as one of South Australia's leading practices in the provision of specialist heritage services.

DASH Architects has been at the forefront of the development of a sustainable paradigm for the conservation of cultural heritage within Australia. This approach is based on contemporary values and traditions, and recognises the importance of both tangible and intangible cultural significance within our community.

# Peregrine Head Office Redevelopment

## 270 The Parade, Kensington Park

### Local Heritage Impact Assessment

### Supplement – Helipad Proposal

DA163272 Issue –

13.10.20

---

## 1.0 Introduction

This Supplementary report has been prepared by Jason Schulz, Director of DASH Architects.

In August 2016 I was engaged by Shahin Brothers Pty and Shahin Group Pty Ltd to undertake a Heritage Impact Assessment (HIA) of the proposed redevelopment at 270 The Parade, Kensington Park. This engagement extended to the provision of heritage advice to the design team, MPH Architects, during the development of the proposal, as well as the preparation of a Heritage Impact Assessment to accompany the application.

The proposed development on the site was granted Development Authorisation by the Governor under Section 48 of the Development Act 1993 and notice of the decision was published in the South Australian Government Gazette on 16 May 2017. A subsequent variation application was submitted in November 2017 and approved by the Chief Development Officer as sub-delegate of the Minister for Planning as delegate of the Governor and gazetted on 3 May 2018.

A 2019 Supplementary Heritage Impact Assessment (HIA) was prepared in response to a Major Development Assessment for the provision of a helipad facility on top of the previously approved proposal.

This Supplementary HIA was reviewed by Heritage South Australia (Department for Environment and Water), who advised:

*Heritage SA noted that the submitted Heritage Impact Assessment addresses State Heritage places and their context, however does not address local heritage places or contributory items.*

*Review local heritage places and contributory items and provide commentary how the proposal relates to these items.*

This 2020 Local Heritage Impact Assessment has been prepared in response to this request.

**dash**architects

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ABN 82 059 685 059

## 2.0 Previous Local Heritage Assessments

### 2.1 Heritage Impact Assessment, DASH Architects, 11.08.16, Issue A

The original HIA prepared for the proposed development noted the following with regards to potential Local Heritage and Contributory Item impacts (selected extracts):

#### Locality

There are no heritage places on the Subject Site, however there are several State and Local Heritage places within the immediate locality, as illustrated in Image 1 below. Image 1 also identifies the adjoining RH(C)Z, and associated Contributory Items.

There are no heritage places on the Subject Site, however there are several State and Local Heritage places within the immediate locality, as illustrated in Image 1 below. Image 1 also identifies the adjoining RH(C)Z, and associated Contributory Items.

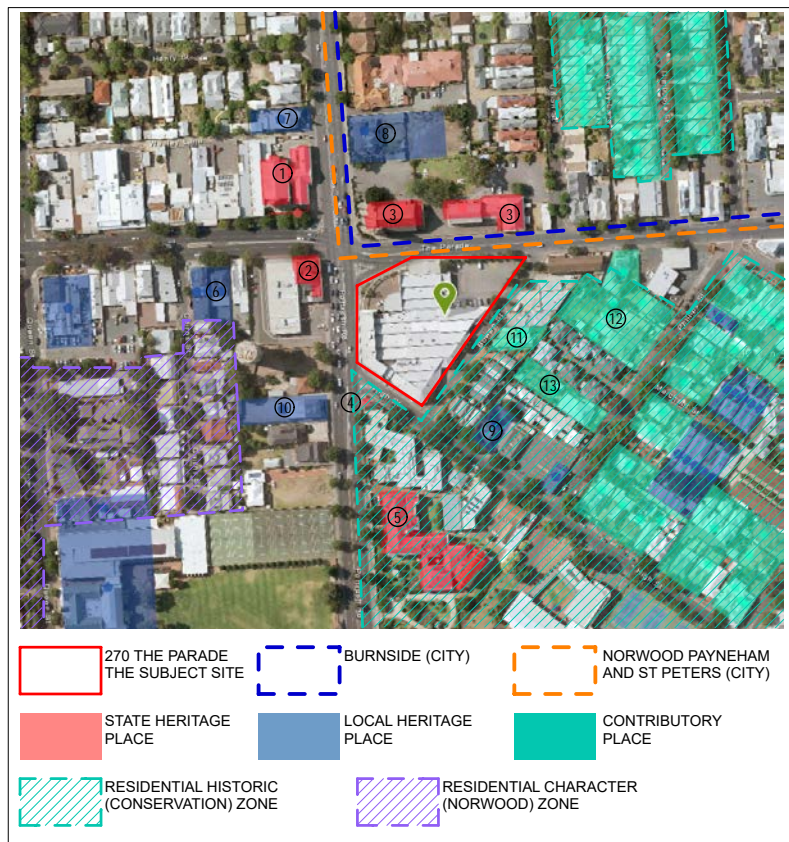


Image 1. Locality plan, showing nearby heritage places (State heritage in red, Local heritage in blue): Source: Base image sourced [www.location.sa.gov.au](http://www.location.sa.gov.au)

Local Heritage places identified in the above image include:

6. 250 The Parade, Norwood: Victorian Bluestone and Red Brick Dwelling (Norwood, Payneham and St Peters);
7. 271 Portrush Road, Norwood: Late Victorian Masonry Dwelling (Norwood, Payneham and St Peters);
8. 278 Portrush Road, Beulah Park: House – former Clayton Memorial Church Manse (Burnside);
9. 21 High Street, Kensington: Mid Victorian Bluestone Villa (Norwood, Payneham and St Peters);
10. 279 Portrush Road, Norwood: High Victorian Bluestone Dwelling 'Arena Community Club' (Norwood, Payneham and St Peters)

Contributory places identified in the above image include:

11. 8 Bowen Street, Kensington: Dwelling;
12. 3 Phillips Street, Kensington: Dwelling;
13. 15 Philips Street, Kensington: Dwelling.

The NPSP Development Plan provides the following policy guidance for development *adjacent* a Heritage Place:

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

*PDC 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;*
- (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);*
- (e) fencing and areas set aside for landscaping, particularly on the primary street frontage of an allotment, which complement the era, style and landscaping setting of the heritage place; and*
- (f) garages, carports or outbuildings set-back at a*

*greater distance from the primary street frontage than the main face of the primary building.*

*PDC 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*

*PDC 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.*

Without specific guidance within the Development Plan for the definition of the term “adjacent” I defer to that contained within the Development Act (1993) which states:

*adjacent land in relation to other land, means land—*

- (a) that abuts on the other land; or*
- (b) that is no more than 60 metres from the other land and is directly separated from the other land only by—*
  - (i) a road, street, footpath, railway or thoroughfare; or*
  - (ii) a watercourse; or*
  - (iii) a reserve or other similar open space;*

Based on the Development Act’s definition of adjacent land, the proposed development is ‘adjacent’ to only two Local Heritage place, namely:

- 21 High Street, Kensington: Mid Victorian Bluestone Villa (Norwood, Payneham and St Peters); and
- 279 Portrush Road, Norwood: High Victorian Bluestone Dwelling ‘Arena Community Club’ (Norwood, Payneham and St Peters).

#### Local Heritage Assessment

Both Local Heritage places are residential in form and character, with 21 High Street remaining in a Residential Historic (Conservation) Zone, while 279 Portrush Road is located within a Mixed Use (B) Zone.

It is notable and relevant that the locality of the Subject Site is characterised by several small Zones and Policy Areas, often with competing objectives. The Subject Site (for example) is a separate Zone in itself (Business Zone), which interfaces with two separate Councils and five other Zones, namely:

Councils:

- City of Norwood Payneham and St Peters; and
- City of Burnside

Zones:

- Mixed Use Historic (Conservation);
- Residential Historic (Conservation);
- Mixed Use (B)
- District Centre (Norwood); and
- Local Business

The Desired Character of the Business Zone notes:

*The Business Zone accommodates a range of existing business activities in premises of variable nature and quality, with opportunity for the development and consolidation of offices and consulting rooms with some retail showrooms as well as for the upgrading, expansion and consolidation of business activities*

The Kensington Policy Area's Desired Character (which consists of only the Subject Site)

*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...*

This Policy Area direction clearly establishes that the site should be developed as office / consulting room / retail accommodation and be of *massing and configuration which visually reinforces the corner.*

This is consistent with the proposed development.

The NP&SP Development Plan seeks development adjacent a Heritage place (be it Local or State) to *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).*

Having reviewed the locality, Zoning and Policy Area provisions, I am of the opinion that these policies are more relevantly applicable to the *adjacent* State Heritage provision, rather than the *adjacent* Local Heritages places, for the following reasons:

- The Local Heritage places noted above are remnant residential buildings within a locality that has evolved to be more commercial in nature;
- Development Plan policy clearly envisages a larger scale and more intensive development on the site than that represented by the Local Heritage listed early dwellings;
- Heritage influences over the context of the site are primarily

derived from the State Heritage places identified in Section 5 of this report, that the Local Heritage places identified above.

This is not to say that the design response to the identified Local Heritage places can be ignored, but rather (in my opinion) the response to State Heritage matters should be given greater weighting.

In this context, my discussion in response to the State Heritage impacts (Section 5) is similarly applicable to the Local Heritage provisions noted above, namely that the design has been developed with strong regard to the context of the surrounding State Heritage places. This regard has included:

- Mitigation of bulk and scale: through the provision of a visually 'monolithic' base and 'ephemeral' upper storeys (Obj 110 (b), PDC 345 (a))
- Setbacks: establishment of a visually strong base with setback upper storeys (Obj 110 (b), PDC 345 (b))
- Materiality: drawing reference from the stone and masonry from the surrounding historic context in the building podium (Obj 110 (b), PDC 345 (d))
- Design references: incorporating subtle design cues from the adjacent Clayton Wesley Church (Obj 110 (b), PDC 345 (c), (d)).

#### Residential Historic (Conservation) Zone Interface

The Subject Site is located across Bowen and High Streets from a Residential Historic (Conservation) Zone, Policy Area 12.8 Kensington 1.

When considering the design response to the proposal's interface with this RH(C) Zone it is also relevant to consider:

- The planning policy for the Business Zone Policy Area 6.7 (Kensington), which consists solely of the Subject Site; and
- The existing historic and residential character and amenity of Bowen and High Streets.

The NPSP Development Plan notes with regards to the Business Zone Policy Area 6.7 (Kensington):

#### *Desired Character*

*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.*

*ZPDC 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.*

*ZPDC 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.*

...while the Subject Site interfaces the RH(C) Zone across both High and Bowen Streets, there is only one Contributory Item located (in total) to these frontages, namely 8 Bowen Street. As a consequence, Bowen Street and High Street (at the interface with The Subject Site) have very limited historic character. Following an inspection of the locality the following was observed:

- The western side of Bowen Street is characterised by the Subject Site's existing warehouse and carpark facilities;
- The eastern side of Bowen Street is primarily warehouse facilities or modern townhouse accommodation (and the noted Contributory Item);
- The northern side of High Street is characterized by the Subject Site's existing office accommodation; and
- The southern side of High Street accommodates c1970 two storey structures associated with the adjacent Mary MacKillop Centre. These buildings do not interface with the street, but rather are set back behind a tall masonry wall.

In summary:

- The Development Plan seeks commercial development on the site that is of a massing and configuration that visually reinforces the primary intersections, while being compatible in design and scale with the character sought in the adjacent RH(C) Zone;
- The Development Plan seeks site service, deliveries, carparking and vehicular access to be provided off Bowen Street; and
- There is very limited historic or residential character at the interface of the RH(C) Zone with The Subject Site.



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;
- Existing buildings located across High Street do not immediately activate or interface with the public realm (being located behind a large masonry wall along the street boundary);
- The existing interface of the Subject Site with High Street is relatively poor;
- The proposed design responds to the broader (positive) context of the locality (as discussed in detail earlier).

Bowen Street has limited historic character, accommodating only a single Contributory Item (No 8). In addition to this, Bowen Street also has limited residential character, with just under half of the eastern side accommodating residential use (with the remainder being commercial), while the western side accommodates no residential use.

The Development Plan seeks carparking and vehicular access to be located away from Portrush Road, towards the rear of the site (Bowen Street). Despite providing basement parking, demands on the site (and limited existing off street parking) dictate that two above ground levels of parking are also required, which are similarly located along the Bowen Street interface. Floor to floor levels of this parking are atypically high to enable the potential for later adaptation to tenable space, at the request of ODASA through the Design Review Process.

The architects have noted the following with regards to their design response to this Bowen Street interface:

*The upper storeys are further set back from the podium edge to all main street frontages, with the greatest offset of 11m provided to Bowen Street and the opposing north/east projection towards The Parade and Portrush Road intersection. These setbacks significantly reduce the perceived mass of the building...*

*The podium upper third floor facing Bowen Street is setback an additional 4.5m to further reduce scale and impact on the adjacent residential properties both visually and in overshadowing...*

*The podium terraces incorporate a continuous landscaping planter to the façade to enhance both their, and wider community's amenity...*

This approach has considerable merit to addressing the immediate interface of the proposed development with Bowen Street, particularly in the context of the Development Plan seeking this street to accommodate the site's primary servicing, vehicular access and deliveries.

The proposed use of *vertical sandstone* (coloured) *fins*, upper level setbacks, *continuous landscaping* to the top of the podium, and the use of lighter *ephemeral* materials to the upper storeys also assist it lessen

character and amenity impacts associated with the disparity in scale of the proposed development with the *design and scale* of the *character sought in for the adjacent RH(C) Zone (ZPDC 4)*.

Final detailing and materials selections for the Bowen Street façade will, however, be critical the successful resolution of this residential interface. Such further resolution can be accommodate, and reviewed, as part of the approval's process under the Condition of Approval recommended in Section 5.3.2 above...

Local Heritage impacts are largely negligible, with only two adjacent Local Heritage places, both of which are remnant former residential buildings. The Development Plan seeks proposals adjacent such places to *demonstrate design consideration of their relationship with the heritage place*. This provision applies to both State and Local Heritage places, however for reasons noted in my assessment, I consider the State Heritage response to take precedent. In responding to the State Heritage contextual issues, however, the design also *demonstrates design consideration* to the identified Local Heritage places through the selection of materials, mitigation of bulk and scale, and design references.

Impacts on the historic character of the adjacent Residential Historic (Conservation) Zone are limited, as the immediate interface with the Subject Site accommodates only one Contributory Item.

## 2.2 Heritage Impact Assessment – Supplement, DASH Architects, 22.11.16

This HIA was prepared in response to some amendments to the original proposal, including:

- Basement area reduced in NW and NE corner by deleting storage and reducing secure carpark;
- Ground Floor floor-to-floor increased to 4500mm from 3600mm;
- Level 1 floor-to-floor increased to 4500mm to allow for tiered seating in training theatre;
- EOT added to Level 1;
- Level 2 deleted;
- Level 3, 4 and 5 floor-to-floor decreased to 3800mm from 4200mm;
- Level 4 and 5 floor area increased to include walking track with perimeter tenancy glazing as part of fritted glazed screen;
- Level 5 verandah over hang and atrium roof solid in lieu of glazed.

This 2016 Supplementary HIA noted with regards to potential Local Heritage and Contributory Item impacts (selected extracts):

### Local Heritage Impacts

As noted in my original HIA [of 11.08.16], Local Heritage impacts are largely negligible, with only two adjacent Local Heritage places, both

of which are remnant former residential buildings. The Development Plan seeks proposals adjacent such places to demonstrate design consideration of their relationship with the heritage place. These provisions apply to both State and Local Heritage places, however for reasons noted in my original assessment, I consider the State Heritage response to take precedent.

In responding to the State Heritage contextual issues, the design also demonstrated design consideration to the identified Local Heritage places through the selection of materials, mitigation of bulk and scale, and design references.

The proposed amendments remain consistent with this design response, while the reduced height (in particular of the podium) assist in the transition of scale between the proposal and surrounding single storey Local Heritage places.

#### Residential (Historic) Conservation Zone

As noted in my original assessment, character impacts on the adjacent Residential (Historic) Conservation are limited to the site's Bowen Street interface. As noted, the design response sought to lessen such impacts associated with a notable development of this size through the establishment of a clear podium level, material selections, general articulation and upper level setbacks.

The proposed amendments further mitigate such impact as a result of the reduced overall height of the proposed development, and in particular the building's podium. Once again, materials and finishes selections remain consistent with the original design intent.

## 2.3 Heritage Impact Assessment – Supplement, Helipad Proposal, DASH Architects, 07.06.19, Issue A

#### Heritage Impact Assessment

...a comparison between the currently approved scheme, and the proposed changes to the roof top level arising from the proposal... show that the proposed changes are not visible from the primary setting of the Clayton Wesley Church (when viewed from The Parade).

The minor changes to the rooftop configuration have resulted in sections of the proposed helipad being visible from Portrush Road looking north and south however such changes are inconsequential to the setting of the State Heritage Place. Similarly, amendments to the top of the eastern atrium are largely not visible from any of the nearby heritage places (State or Local) and therefore have no consequential impacts to their settings....

As noted in Section 4.0 above, the overall height of the current proposal remains consistent with the approved development. While minor changes to the rooftop configuration have resulted in differing glimpses of the affected infrastructure, such changes are, in reality, inconsequential.

The most notable change to the proposal is when viewed from the east (looking west down High Street). While this vantage does enable views of the rooftop changes, such views are again inconsequential to any heritage impacts as:

- There are no heritage places within the context of these views;
- The changes to the roof top level remain setback from the façade edge, resulting in limited, if any views of these changes from either Bowen Street, or the Contributory Items on this interfacing roadway.

From other views, some edges of the rooftop elements have encroached towards to the facades, other have regressed. Further the lowering of the louvred plant screen, curving of the edged (from square plant enclosures to circular helipad / slab) and open framing of their upper portion will result in an overall reduction of their visual presence when viewed from surrounding areas.

All other aspects of the proposal built form remain consistent with the existing approval...

For these reasons I do not consider the proposed helipad application to impact on:

- the setting of the Local Heritage listed dwelling at 279 Portrush Road, as the proposal's design response to the relevant Development Plan provisions remains consistent with the approved scheme; or
- the historic character of the interfacing Residential (Historic) Conservation Zone, as the proposed changes will generally not be visible from Bowen Street, or the Contributory Items therein.

## 3.0 Local Heritage Impact Assessment

The scope of the Local Heritage Impact Assessment addressed by this current supplement [13.10.20] pertains to the proposed Helipad amendment. Local Heritage impacts associated with the proposed helipad were largely undertaken in the Supplementary Assessment dated 07.06.19(A), refer Section 2.3 for extracts.

This 07.06.19(A) assessment, based on the detailed analysis of the locality, relevant Development Plan provisions, and setting of affected Local Heritage places noted:

*The minor changes to the rooftop configuration have resulted in sections of the proposed helipad being visible from Portrush Road looking north and south however such changes are inconsequential to the setting of the State Heritage Place. Similarly, amendments to the top of the eastern atrium are largely not visible from any of the nearby heritage places (State or Local) and therefore have no consequential impacts to their settings....*

*While minor changes to the rooftop configuration have resulted in differing glimpses of the affected infrastructure, such changes are, in reality, inconsequential.*

*For these reasons I do not consider the proposed helipad application to impact on the setting of the Local Heritage listed dwelling at 279 Portrush Road, as the proposal's design response to the relevant Development Plan provisions remains consistent with the approved scheme.*

Having reviewed this assessment I see no reason to amend its findings.

The manner by which the building, upon which the helipad is proposed, responds to the relevant Local Heritage Development Plan provisions has been previously assessed, and approved.

Any potential heritage impacts arising from the proposed helipad amendments will be limited to the change in visual appearance of the approved scheme, and the extent to which such changes impact on the *heritage value* of the adjacent Local Heritage places (CW Obj 110, CW PDC 247). Given views of the proposed Helipad from the adjacent Local Heritage places will be very limited, and therefore have no consequential impacts on setting, or in turn *heritage value*.

## 4.0 Residential (Historic) Conservation Zone Impact Assessment

The scope of the R(H)CZ Assessment addressed by this current supplement is also limited to that associated with the proposed Helipad amendment. Potential R(H)CZ impacts associated with the proposed helipad amendment were again largely undertaken in the Supplementary Assessment dated 07.06.19(A), refer Section 2.3 for extracts.

This assessment was based on the detailed analysis of the locality, relevant Development Plan provisions, and historic character interface between the R(H)CZ and the Zone of the proposed development ( Business Zone). It noted:

*While minor changes to the rooftop configuration have resulted in differing glimpses of the affected infrastructure, such changes are, in reality, inconsequential.*

*The most notable change to the proposal is when viewed from the east (looking west down High Street). While this vantage does enable views of the rooftop changes, such views are again inconsequential to any heritage impacts as:*

- *The changes to the roof top level remain setback from the façade edge, resulting in limited, if any views of these changes from either Bowen Street, or the Contributory Items on this interfacing roadway.*

*From other views, some edges of the rooftop elements have encroached towards to the facades, other have regressed. Further the lowering of the louvred plant screen, curving of the edged (from square plant enclosures to circular helipad / slab) and open framing of their upper portion will result in an overall reduction of their visual presence when viewed from surrounding areas.*

*For these reasons I do not consider the proposed helipad application to impact on the historic character of the interfacing Residential (Historic) Conservation Zone, as the proposed changes will generally not be visible from Bowen Street, or the Contributory Items therein.*

Having reviewed this assessment I see no reason to amend its findings.

As noted, the Helipad amendment is proposed to an existing approval, and affects the roof top level only. The approved development is located within a Business Zone that interfaces with a R(H)C Zone to its eastern side (Bowden Street).

When considering this interface I refer back to my Heritage Impact Assessment for the approved development (dated 11.08.16, Section 2.1) that found:

*Bowen Street has limited historic character, accommodating only a single Contributory Item (No 8). In addition to this, Bowen Street also has limited residential character, with just under half of the eastern side accommodating residential use (with the remainder being commercial), while the western side accommodates no residential use.*

*Impacts on the historic character of the adjacent Residential Historic (Conservation) Zone are limited, as the immediate interface with the Subject Site accommodates only one Contributory Item.*

Given there are unlikely to be any consequential views of the proposed Helipad from Bowden Street, or the single Contributory Item located therein, I do not consider there to be any impacts to the setting of the said Contributory Item, or broader historic character of the R(H)C Zone.

# **APPENDIX E**

**GOVERNMENT AGENCY AND COUNCIL SUBMISSIONS**

**COMBINED GOVERNMENT AGENCY COMMENTS – Peregrine Helicopter Landing Facility PER**

During the consultation period the PER was circulated to a number of SA and Commonwealth agencies that were deemed relevant. Please find below a table providing issues raised that require points of clarification and/or additional information to be provided in the Response Document in order to enable a comprehensive assessment of the proposal, prior to formal decision.

#	Topic / Issue	PER section / reference	Description of issue raised	Requirement for applicant in Response Document	A/B/C
<b>Environmental Protection Authority</b>					
1.	Noise assessment		<p>Two methods of noise assessment have been utilised by the EPA to determine compliance with the General Environmental Duty (GED), contained in the <i>Guidelines for the use of the Environment Protection (Noise) Policy 2007</i>.</p> <p><b>1. Noise Policy Guidelines</b> Regarding the Guidelines, the EPA notes the proposal is anticipated to:</p> <ul style="list-style-type: none"> <li>• be “very loud” in an absolute and relative sense and considered by the EPA to be highly intrusive to a wide extent;</li> <li>• be well above average background noise levels and consistent with the highest instantaneous maximum noise level provided by any short-term activity; and</li> <li>• affect conversations, reading, studying or watching television for a significant number of people, however would not interfere with sleeping as the proposal is not contemplating usage at night or very early hours of the morning.</li> </ul> <p>The EPA identified the noise of the proposed helicopters is expected to include multiple noise characteristics, including significant tonal noise, highly dominant impulsive and modulating characteristics. On this basis, the EPA concluded the following:</p> <ul style="list-style-type: none"> <li>• the local area is not considered to have similar noise generating activities nor would the duration, level of noise</li> </ul>	<p>Provide commentary how the proposed helicopter landing facility addresses the General Environmental Duty identified in the <i>Guidelines for the use of the Environment Protection (Noise) Policy 2007</i>.</p> <p>Provide justification and mitigation measures where the proposal is not able to comply with the General Environmental Duty.</p>	A



			<p>and character of the activity be expected or typical for the area;</p> <ul style="list-style-type: none"> <li>• the spatial impact and intrusive nature of helicopter noise is commonly recognised;</li> <li>• it is generally accepted that helicopter noise should specifically avoid being introduced to areas close to noise sensitive land uses;</li> <li>• a reasonable person is not likely to tolerate the introduction of noise from the proposal into the predominately residential area, regardless of the level of use;</li> <li>• each proposed flight is considered by the EPA to be of high intensity and intermittent frequency, the intermittence of the noise would further contribute to the annoyance experienced;</li> <li>• it is improbable and impractical to reduce the noise impact of the proposal, unless the noise source is changed or additional limitations are placed on the level of use;</li> <li>• the predominate community view would be that helicopter noise is incompatible with the predominantly residential use in the area; and</li> <li>• the proposal would cause unreasonable noise impacts over a wide area, despite the proposal to limit operations.</li> </ul> <p>In summary, the EPA indicated that the proposal does not comply with the GED.</p> <p><b>2. Victorian EPA Noise Guidelines and Australian Standards</b> The EPA noted the Guidelines identify the following:</p> <ul style="list-style-type: none"> <li>• LAeq should not exceed 55dB for a residence;</li> <li>• LAmax should not exceed 82dB at nearest residence; and</li> <li>• a minimum 150 or 200m separation distance between helicopter landing facility and residence (based on helicopter weight) is recommended.</li> </ul> <p>In comparison, the EPA note the following:</p>		
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			<ul style="list-style-type: none"> <li>the maximum predicted noise levels for each proposed helicopter type range between 85dB-95dB; and</li> <li>this noise reaches hundreds of residences.</li> </ul> <p>In summary, the proposal would not meet the Victorian Guidelines for noise levels and separation distances.</p> <p>On this basis, the proposal does not comply with the GED and EPA recommends that the proposed helicopter landing facility should not be approved.</p>		
2.	Indoor noise levels		<p>The EPA highlighted the <i>Australian Standard – AS 2021:2015 Acoustics – Aircraft noise intrusion</i> identifies acceptable indoor noise levels, being between 50-60dB(A) for dwellings and schools. The EPA has concluded the helicopter facility would not meet the indoor noise levels in AS 2021:2015 at many properties based on the Sonus Noise report.</p>	<p>Provide commentary regarding the proposal's ability to meet the Australian Standard AS 2021:2015 <i>Acoustics – Aircraft noise intrusion</i> indoor noise levels.</p> <p>Quantify the number of residences impacted based on the Australian Standard for indoor noise levels and provide evidence through spatial mapping.</p>	A
3.	Impacted locality assumptions		<p>The PER identified information which determined the locality impacted by the helicopter noise. The EPA considered that the area potentially impacted by the take-off / landing component of the facility would extend for a radius of 2.3km from the landing facility.</p> <p>In determining the locality impacted by noise generated by helicopter activities, the EPA identified <i>Eco-Action Kangaroo Island Inc v Kangaroo Island Council &amp; Others [2012]</i> as being a relevant piece of case law, which considered that once a helicopter had reached cruising height, the impact on the ground under it is the same as it would be regardless of where the helicopter had taken off from. The EPA noted that the Australian</p>	<p>Reinvestigate take-off/ landing impacts of the proposal for a radius of 2.3km from the helicopter landing facility and provide evidence through mapping.</p>	A

			Noise Exposure Forecasts (ANEF) charts are generated with the same approach.		
4.	Comparison of noise impacts to other noise sources		<p>The EPA noted that the direct comparison to other noise, such as road traffic noise is problematic given the unique character, duration and wide extent of helicopter noise.</p> <p>The EPA noted that communities will find the introduction of new or unfamiliar noise into an established residential area more noticeable and impacting, in comparison to typical noise sources such as roads.</p>	Provide a more appropriate comparison for the noise impacts, including evidence or modelling to demonstrate the different experiences of noise eg. on Portrush Road, in dwelling etc.	A
5.	Aircraft type, flight paths and noise contours		The EPA notes that a helicopter can potentially have multiple flight tracks based on operating parameters and local conditions. The maximum predicted noise contours provided are useful in assessing noise impacts in close proximity, however the EPA highlights that they do not provide a holistic picture of the potential noise impacts due to limited spatial extent and modelling one flight path.	Model additional flight paths based on likelihood of use.	B
6.	Air Quality		<p>The EPA reviewed the Air Quality Impact Assessment and is generally satisfied that the inherent conservatism built into the air dispersion modelling and impact assessment is appropriate, specifically the NO<sub>x</sub> as NO<sub>2</sub> assumptions.</p> <p>The EPA note further information on the air dispersion modelling parameters has been provided, specifically regarding the 'Low Wind' option. This information appears to be a scientifically defensible best estimate.</p> <p>The EPA confirm that based on the modelling, the predicted air quality impacts associated with the proposal will comply with the Air Quality Policy.</p>	For noting	C
7.	Avgas usage		The EPA notes that the PER has clarified that Avgas will not be used at any stage without assessment for lead dispersion and EPA approval.	For noting	C

Government Architect					
8.	Ground floor plane		The variation includes ground floor plane amendments as a result of site survey work undertaken, however plans were not submitted. Provision of plans will allow a review of the new entrance stair and ramp configuration and ensure universal access and the arrival experience is appropriate.	Submit ground floor plans which identify the amendments made to the external stairs and ramp at the main entry. A complete and consistent set of plans should be provided.	A
9.	Overall building height		The Government Architect noted the overall building height remains as per the previous authorisation at 34.85m, however site level survey work has confirmed the RL of the building levels are 1.35m above the RL of the previously authorised building levels.	Confirm the impact of this RL change. Specifically, detail how the relationship of the building and podium levels and overlooking of the rear Bowen Street properties has been changed.	A
10.	Rooftop infrastructure		The Government Architect notes the proposal results in a number of elements that contribute to visual clutter at the rooftop which is inconsistent with the original design intent. To review the visual impact of the rooftop infrastructure, the height of any infrastructure within the cooling tower set down area is to be provided.	Confirm the height of any infrastructure within the cooling tower set down area.  Provide commentary which demonstrates how the proposal delivers the original design intent. Consider how the proposal may be designed or screened to reduce the visual clutter on the rooftop.	B
11.	External materials		Ensure simplicity of form and material to minimise visual bulk, consistent with the original design intent.	Confirm the proposed atrium soffit lining treatment and the material composition of the upper fascia of the atrium.	B.

Heritage South Australia					
12.	Local heritage places and contributory items		Heritage SA noted that the submitted Heritage Impact Assessment addresses State heritage places and their context, however does not address local heritage places or contributory items.	Review local heritage places and contributory items and provide commentary how the proposal relates to these items.	A
13.	State heritage places	5.2.2	Heritage SA concurs with the statements within the Heritage Impact Assessment that the variation to propose a helicopter landing facility is not considered to impact on the nearby State heritage places given the changes will generally not be visible from the context of the heritage places.	For noting	C
14.	<i>Heritage Places Act 1993</i>		The following requirements of the <i>Heritage Places Act 1993</i> are applicable: a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified. b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.	For noting	C
15.	<i>Aboriginal Heritage Act 1988</i>		The following requirements of the <i>Aboriginal Heritage Act 1988</i> are applicable: If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the <i>Aboriginal Heritage Act 1988</i> .	For noting	C
CASA					
16.			No comment on the PER		

<b>Air Services Australia</b>					
17.			No comment on the PER		
<b>DPTI Transport</b>					
18.			No comment on the PER		
<b>Department for Environment and Water</b>					
19.			No comment on the PER		



**Environment Protection Authority**  
GPO Box 2607 Adelaide SA 5001  
211 Victoria Square Adelaide SA 5000  
T (08) 8204 2000 F (08) 8204 2020  
Country areas 1800 623 445

EPA 418-238

Mr Robert Kleeman  
Unit Manager Policy and Strategic Assessment  
Department of Planning, Transport and Infrastructure  
GPO BOX 1815  
ADELAIDE SA 5000

Dear Mr Kleeman,

### **Peregrine Corporation Mixed Used Development Variation 2 - Major Development**

Thank you for providing the Environment Protection Authority (EPA) with the opportunity to comment on the Public Environmental Report for Peregrine Corporation's Helicopter Landing Facility at 270 The Parade, Kensington in accordance with Section 46 of the *Development Act, 1993*.

The EPA acknowledges that development authorisation was originally granted under section 48 of the *Development Act 1993* for the Peregrine Mixed Use Major Development at 270 The Parade, Kensington on 26 April 2018.

The EPA understands this major development variation seeks approval for activities and works associated with a proposed helicopter landing facility to be constructed and operated as part of the previously approved major development and comprises the following:

- Establishment of a helicopter landing facility on the roof of the approved seven storey mixed use development building.
- Use of the helicopter landing facility for helicopter movements for a maximum of ten days per calendar year and restricted to daytime hours (7am to 10pm).
- Limiting helicopter movements to activities associated with the approved use of the building, specifically no commercial flights or no flights unrelated to Peregrine corporation activities.
- Built form changes to the approved building, including the construction of an aluminium fabricated helipad, adjacent concrete slab (not for general helicopter use but for emergency use only) amendments to the building entrance design and levels, and revised design of the atrium roof.

The EPA has reviewed the Public Environmental Report (PER), prepared by the proponent in response to the Guidelines for the preparation of the Public Environmental Report. The PER includes a number of technical details (included as appendices), the following of which are pertinent to the EPA's assessment:

- Aviation specialist advice report prepared by Flight Safety, dated May 2019.
- Helicopter Noise Assessment Report prepared by Sonus, dated March 2019.
- Helipad Air Quality Impact Assessment prepared by Air Quality professionals, dated 21st March 2019.
- Supplementary Noise report prepared by Sonus, dated 30 September 2019.

## ENVIRONMENTAL CONSIDERATIONS

The *Development Act 1993* requires the PER to identify its consistency with key policies and/or legislation identified within the Guidelines, including the *Environment Protection Act, 1993*, the *Environment Protection (Noise) Policy 2007* (the Noise Policy) and the *Environment Protection (Air Quality) Policy 2016* (the Air Quality Policy). The PER Guidelines also require a critical assessment of neighbourhood interface issues, including environmental impacts (air quality and noise) on the neighbouring environs.

In reviewing the PER, the EPA has considered the potential noise impacts and air quality associated with the construction and ongoing operation of the proposed helicopter landing facility.

The 'General Environmental Duty' (GED) set out in Section 25 of the *Environmental Protection Act, 1993* (the EP Act) has been used as the primary assessment tool by the EPA as the Noise Policy does not apply to the assessment of aircraft noise. However, the EPA 'Guidelines for the use of the Environment Protection (Noise) Policy 2007' contain relevant criteria for the subjective assessment of noise against the GED. This forms one of two assessment methods used by the EPA to determine compliance of the proposed helicopter landing facility with the GED.

The second assessment used by the EPA compares the predicted noise levels of the proposed helicopter landing facility against assessment standards used by the Victorian EPA and the Australian Standard AS2021:2015 Acoustics - Aircraft noise intrusion - Building siting and construction.

## NOISE IMPACTS

### Helicopter noise impacts compared to other noise sources

Noise by definition is unwanted sound. The effects of noise can range from minor to very serious depending on the noise level, nature, duration and the receiver's sensitivity.

Noise emitted from helicopter operations is recognised as being particularly intrusive when compared to other sources of noise such as road traffic noise. Noise from helicopters comes from main and tail rotor and complex interactions with these rotors and their interactions with air vortices produced by the blades. Helicopters produce a distinctive 'chop chop' impulsive noise, tonal noise can come from the tail rotor, and the noise will significantly modulate due to movement. The impact and annoyance of aircraft noise on the community is influenced by a number of factors, including the sound characteristic (impulsive, tonal and modulating), frequency and duration of the noise, and the spatial setting (i.e. helicopter noise from landing sites within a residential area would be particularly noticeable to people who are not accustomed to such noise on a regular basis).

The proponent advocates that the application is acceptable by comparing maximum noise from the proposed helicopters to maximum local environmental noises (largely traffic noise along main arterial roads). Maximum noise levels from event-based noise (i.e. helicopters landing and taking off is a limited, relatively short term, event with high noise levels) is a reasonable indicator to use. However, a direct comparison to other noise, such as road traffic noise, is problematic given the unique character and duration of aircraft noise, and the particularly wide extent of helicopter noise impacts for any given flight event.

Communities will find the introduction of new or unfamiliar noise source(s), such as helicopter operations, into an established residential area not accustomed to aircraft noise on a regular basis more noticeable and impacting than sources typical to that setting, such as road noise. This is



recognised as a general phenomenon by the EPA which is applied through the Noise Policy as a 5dB(A) more stringent noise goal for new development proposals with a noise impact compared to existing development.

### **Aircraft type, flight paths and noise contours**

The PER proposes the use of the following three helicopter types, namely a BELL 206, EC 130 and a AW109/H109.

The supplementary noise report prepared by Sonus nominates an arrival and departure flight path and profiles for helicopter operations below normal cruising height, along with maximum noise contours from landing and take-off for each proposed helicopter. The predicted noise contours have been provided for the one nominated flight path and extending out to a distance of approximately 300 metres.

The EPA notes that unlike approach and departure flight paths for fixed wing aircraft, which would align with a runway, a helicopter can potentially have multiple flight tracks based on operating parameters and local conditions. As such, the EPA considers the maximum predicted noise contours provided are useful in assessing noise impacts in close proximity to the subject land, but do not provide a holistic picture of potential noise impacts due to their limited spatial extent (i.e. extending to only 300m) and modelling only one flight path.

### **Locality impacted by aircraft noise**

In determining the locality impacted by noise generated by the proposed helicopter activities, the EPA has considered the ERD Court judgement “Eco-Action Kangaroo Island Inc v Kangaroo Island Council & Others” [2012] SAERDC 14.

In this judgment, her Honour Judge Cole, considered if any impacts beyond the “take-off and landing component” of the proposed development should be taken into account. Judge Cole noted:

*“The Development Act 1993 sets up a land use planning system. It does not seek to control activities which are not related to land. In my view, the proposed helicopter flights can only reasonably be characterised as a use of the land whilst the helicopter is on or over the land. The impact of the helicopter flight can be assessed beyond the limits of the land for so long as those impacts can reasonably be said to arise from the use of the land by the helicopter, but no further. In other words, once a helicopter has reached a cruising height, so that the impact on the ground under it is the same as it would be regardless of where the helicopter had taken off from, the assessment of the impact of the helicopter flight is no longer the assessment of a change in the use of the land. It is no longer an assessment which is called for under the Development Act 1993.”*

This is also consistent with the approach adopted when modelling aircraft noise predictions at airports, through the generation of Australian Noise Exposure Forecasts (ANEF) Charts. These ANEF charts are produced in accordance with Australian Standard AS2021:2015 Acoustics - Aircraft noise intrusion - Building, siting and construction spatially define, by way of mapped noise contours in a locality impacted by aircraft noise, as a land use planning assessment tool.

The PER includes the following information which assists in determining the locality impacted by helicopter noise:

- Aircraft will commence their descent from 1,000ft (cruising height) approximately 2.3km from the helicopter landing facility.
- Departing aircraft will reach cruising height of 1,000ft approximately 1.3km from the helicopter landing facility.
- Maximum power settings for pre-landing/hover will last 45 seconds and during take-off phase for approximately 60 seconds.
- Ground based (helipad) noise - Engine shutdown on landing will take approximately 3 minutes and engine start up and departure will extend to 5-10 minutes.

On the basis of the information provided in the PER, the EPA considers that the area potentially impacted by the 'take-off and landing' component of the proposed development could extend for a radius of 2.3km from the helicopter landing facility.

### **Noise Assessment**

The EPA has undertaken two methods of noise assessment to determine compliance with the GED.

#### *Assessment Method 1 (Noise Policy Guidelines)*

The EPA has assessed the variation in accordance with the process titled 'Assessment of noise using the general environmental duty' contained in the 'Guidelines for the use of the Environment Protection (Noise) Policy 2007'.

Each of the subjective GED assessment questions (in italics) contained in the guidelines and the EPA's corresponding assessment response is provided below.

- a. Is the noise loud either in an absolute sense, or relative to other noise that might be present or expected in the area?*

The projected noise from the proposed helicopter landing facility is very loud in an absolute sense and, relative to other noise in the area, would be highly intrusive and will spread across an unusually wide area.

- b. Is the noise well above the background noise level—that is, during lulls in the noise, is there a significant difference?*

The noise is projected to be well above average background noise levels and consistent with the highest instantaneous maximum noise level provided by any short term activity in the local environment. The noise is likely to be highly intrusive and will affect a large number of people.

- c. Does the noise include any annoying characteristics, such as fluctuating volume, a tone, a beat or impulse, or a characteristic that is not present or expected elsewhere in the area?*

Helicopters include multiple annoying noise characteristics, including significant tonal noise, as well as highly dominant impulsive and modulating characteristics. There is unlikely to be anything in the local area with similar characteristics, at the projected noise levels, nor would there be a reasonable expectation of any similar noise across the wider area that would be impacted by the helicopter movements. Helicopter noise is widely recognised as being at a level and character that is far more intrusive than other more typical activities likely to occur in the area, such as traffic noise. The combination of these annoying noise characteristics would be experienced across a wide area.

- d. *Is the noise occurring at a time when nuisance is likely, such as during evenings, night or the very early morning hours?*

The noise would not occur at night or in the very early morning hours but is likely to occur from 7am onwards, at any time during the day and in the evening until possibly 10pm.

- e. *Is the activity of a duration, volume or characteristic that is significantly different to that expected or typical in the area?*

The activity is unique and the duration, level of noise and character would be significantly different to anything that would be expected or typical across a much larger area than almost any other activity. Helicopter noise is widely recognised as being at a level and character that is far more intrusive than other more typical activities likely to occur in the area, such as traffic noise. Further, the spatial impact of the activity is likely to cross a number of suburbs and council areas which is an unusual and special feature of the proposed activity. As each helicopter flight event is of high intensity and intermittent, the intermittency of the noise would further contribute to the annoyance experienced by people. This means that despite each event lasting for a period of perhaps 10-15 minutes, people will consider an entire day of activity as an ongoing annoyance, with their reaction reinforced by each event.

- f. *Is the noise adversely affecting people's activities such as conversation, reading, studying, watching television or sleeping?*

The noise would be at a level which is likely to affect conversation, reading, studying or watching television for a very large number of people, but should not interfere with sleeping.

- g. *How do other people in the vicinity react to the noise impacts?*

There are a number of worldwide examples that suggest a high likelihood that a large number of people would react negatively to the noise impacts of the proposed activity regardless of any proposed limitation of use. It is likely that the predominant community view would be that helicopter noise is incompatible with the predominantly residential use in the area.

- h. *How easy is it to reduce the noise?*

It is improbable and impractical to reduce the noise impact from the activity if approved. Unless the noise source (the helicopter) is changed or additional limitations are placed on the level of use, then the only option to reduce the impact of noise is to individually treat each individual sensitive receiver's property which would not be a practical solution.

- i. *How common is such a noise in other similar environments?*

Helicopter noise is not commonly associated with predominantly large residential areas interspersed with some commercial uses. It is a generally accepted principle that helicopter noise should specifically avoid being introduced to areas in close proximity to noise sensitive land uses such as residential and commercial activities, and in particular activities such as schools and retirement villages.

- j. *Will the noise be clearly audible within a habitable room during normal sleeping hours with windows open if the occupant desires? Clearly audible means that the noise is audible during the normal course of the appropriate activity while the listener is making no special effort to hear the noise.*

No.

*k. Could a reasonable person tolerate the noise given the time of day and the duration of the emission and/or the fact it is not typical of activities conducted in the area?*

No. A reasonable person is not likely to tolerate the introduction of noise from a new helicopter landing facility into a predominantly residential area, regardless of the level of use (i.e. limitation of the number of days as proposed). However, it is acknowledged that helicopter noise does occur from time to time across many parts of the Adelaide metropolitan region, including in this locality.

*l. Is the noise loud enough to interfere with normal speech or to disturb normal daytime outdoor recreation during the day?*

Yes. Helicopter noise is widely recognised as being particularly loud and annoying. As normal human conversational speech is approximately 60dB(A), the worst case predicted 70-85dB(A) indoor noise level associated with the range of proposed helicopters would interfere with normal indoor conversations. The predicted worst case outdoor noise levels of 85-95dB(A) associated with the range of proposed helicopters would also have adverse impacts on outdoor recreational activities during the day.

*m. Other factors considered relevant for consideration*

The activity would only occur for 10 days a year but would have a noise impact over a very wide area during those days.

The EPA notes that the Noise Policy fulfils two roles, namely the assessment of noise from an existing source and, for planning purposes, the assessment of noise from a proposed source. Therefore, the subjective criteria listed above are relevant for the purpose of guiding an assessment against the GED.

Unique factors specific to the proposed helicopter landing facility have been considered, including the intended limited use of the activity (10 days use per year, daylight operations, no commercial or public flights, nominated aircraft type) and the large area which will be impacted by helicopter noise. The large spatial area of impact means that the interests of a large number of noise impacted premises must be balanced against the commercial interests of the proponent.

For the reasons outlined above, the EPA considers that the proposed helicopter landing facility would cause unreasonable noise impacts over a wide area, despite the proposed limited operation and, as such, does not comply with the GED.

*Assessment Method 2 (Victorian EPA Noise Guidelines and Australian Standard)*

### **Victorian Guidelines**

The EPA has undertaken an assessment of the proposed helicopter landing facility using the Victorian EPA Noise Guidelines (which includes specific criteria for helicopter landing facilities) and AS 2021:2015.

The EPA considers the Victorian EPA Noise Control Guidelines as a suitable assessment tool to assist in determining compliance with the GED. These guidelines contain three separate components to the noise level criteria applying to helicopter landing facilities:

- an LAeq,T (measured over the entire daily operating time of the helipad shall not exceed 55dB(A) for a residence);
- an LAmx shall not exceed 82 dB(A) at the nearest residential premises; and
- operations shall be limited to 7am and 10pm.

The guidelines also recommend a minimum 150 or 200 metre separation distance between the helicopter landing site and residential premises based on helicopter weight.

The EPA has reviewed the maximum predicted noise level contour maps produced by Sonus for each proposed helicopter type. The predicted maximum noise levels associated with use of the AW109/H109 helicopter is 95dB(A), the Bell 206 is 90dB(A), and the EC 130 is 85dB(A) at hundreds of residential properties near the proposed helicopter landing facility at Kensington. Such noise levels would not meet the relevant Victorian EPA Noise Control guidelines. The proposed development would also not meet the recommended minimum 150m separation distance to residential premises contained in the Victorian EPA Noise Control Guidelines.

### **Australian Standard**

The Australian Standard AS 2021:2015 Acoustics - Aircraft noise intrusion - Building, siting and construction provides guidelines for determining the extent of aircraft noise intrusion on building sites.

The standard is used in conjunction with ANEF charts produced for a range of airports throughout Australia. Further, Appendix E to AS 2021:2015 (Method for determining building site acceptability for light general aviation aerodromes without ANEF charts) provides acceptable aircraft noise levels for various types of buildings based on land use and the number of flights per day.

Whilst AS2021:2015 is designed to determine the suitability of various types of buildings impacted by aircraft noise, the standard provides guidance on acceptable indoor noise levels for various building types and activities (as outlined in table 3.3 of the standard). Typical noise sensitive receivers located within proximity of the proposed helicopter landing facility at Kensington would include dwellings, schools and commercial buildings. Such building types would have acceptable indoor noise levels in the range of 50-60dB(A) when assessed against the criteria contained in Table 3.3 of the Australian Standard. However, assuming a typical 10-15dB(A) noise level reduction between outdoor and indoor noise levels for most types of residential buildings, the proposed helicopter landing facility would not meet the indoor noise levels contained in AS 2021:2015 at many properties, based on the maximum predicted noise level contours presented in the Sonus Noise report (i.e. indoor noise levels would be 80-85dB(A) from the AW109/H109 helicopter, 75-80dB(A) from the Bell 206 helicopter and 70-75dB(A) from the EC 130 helicopter).

### **AIR QUALITY**

The EPA has reviewed the 'Helipad Air Quality Impact Assessment' prepared by Air Quality professionals, dated 21st March 2019 and is generally satisfied that the inherent conservatism built into the air dispersion modelling and impact assessment is appropriate, particularly with regard to the assumption of all NOx as NO<sub>2</sub>.

The EPA previously requested further explanation regarding the 'Low Wind' option with the volume source being effective in providing a reasonable approximation of the operation of a helicopter on a helipad at 35 metres above ground level and the likely dispersion to provide accurate estimates at ground level. The air dispersion modelling report provides further elaboration on the parameters of

the model presented and appears to be a scientifically defensible best estimate of ground level air quality impacts.

Based on the modelling contained in the 'Helipad Air Quality Impact Assessment' report, the EPA is satisfied that the predicted air quality impacts associated with the proposed development will comply with the Air Quality Policy.

Furthermore, clarification was previously sought by the EPA on the potential use of Avgas, as it was not clear in earlier draft documentation. The PER states that the *"three helicopters models under consideration are equipped with gas turbine engines and use lead free JET A1 fuel. AVGAS is only used in piston engine aircraft"*. The EPA accepts that Avgas will not be used at any stage without assessment for lead dispersion and EPA approval.

## CONCLUSION

The EPA acknowledges that metropolitan Adelaide is subject to varying levels of aircraft noise associated with airport operations, hospital emergency helipads and commercial flightpaths (overflight).

The EPA actively supports the use of land use planning to achieve the appropriate separation of aircraft activities from noise sensitive receivers.

The EPA has undertaken an assessment of the proposed helicopter landing facility at Kensington to determine whether predicted noise impacts comply with the General Environmental Duty (GED), as contained in section 25 of the EP Act, and whether the predicted air quality impacts comply with the Air Quality Policy.

Whilst the EPA is satisfied that the proposed helicopter landing facility will have acceptable air quality impacts, the EPA considers that noise impacts will not meet the GED.

Therefore, on the basis of local noise nuisance concerns, the EPA recommends that the proposed helicopter landing facility and associated helicopter activities should not be approved.

If the Minister for Planning is inclined to support the proposed development, the EPA should be consulted further about suitable conditions of planning consent prior to any potential approval being granted.

For further information on this matter, please contact Greg Ahrens on 82049289 or [greg.ahrens@sa.gov.au](mailto:greg.ahrens@sa.gov.au).

Yours sincerely



Kathryn Bellette  
**DIRECTOR STRATEGY AND ASSESSMENT**  
**ENVIRONMENT PROTECTION AUTHORITY**  
13/3/2020



City of  
Norwood  
Payneham  
& St Peters

13 March 2020

The Hon. Stephan Knoll MP  
C/O Mr Robert Kleeman  
Unit Manager Policy and Strategic Assessment  
Planning & Land Use Services  
Department of Planning, Transport and Infrastructure

by email: [Robert.Kleeman@sa.gov.au](mailto:Robert.Kleeman@sa.gov.au)  
[majordevadmin@sa.gov.au](mailto:majordevadmin@sa.gov.au)

Dear Minister Knoll

I refer to the Public Environment Report (PER) submitted by the Peregrine Corporation for a helicopter landing facility at 270 The Parade, Kensington, which has been referred to the Council for comment and report pursuant to Section 46C(5)(a) of the *Development Act 1993*.

The Council considered the PER at its meeting held on 2 March 2020 and resolved the following:

*That pursuant to Section 46C(5)(a) of the Development Act 1993 and Section 63E(b) of the Development Regulations 2008, the Council provides the following comments to the Minister for Planning, the Hon. Stephan Knoll MP and the Department of Planning, Transport and Infrastructure, in respect the Public Environment Report submitted by the Peregrine Corporation for a helicopter landing facility at 270 The Parade, Kensington:*

- 1. The Council considers that the public safety risks associated with the development are manifestly unacceptable and have not been adequately addressed in any of the documentation which has been provided by the applicant or the Department of Planning, Transport and Infrastructure.*
- 2. The Council considers that the proposed helicopter landing facility will have a significant adverse impact on the amenity for residents living in the surrounding residential area, through noise from helicopters using the landing facility.*
- 3. The Council considers that any authorisation which attempts to limit the use of the helicopter landing facility to ten (10) days per year is problematic and an improper use of a planning condition, as it would seek to limit the use of a facility that is clearly designed for far more intense usage and avoids dealing with the fundamental question of whether the use is appropriate in the first instance.*
- 4. That a copy of the staff report be provided to the Minister for Planning, to be considered in his assessment of the proposed helicopter landing facility.*
- 5. In the event that the Governor approves the development, the Council advises that it will give consideration to issuing an order to the owner of the land pursuant to Section 69 of the Development Act 1993, to not operate the facility due to a risk to safety arising out of the use of the helicopter landing pad.*

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In accordance with part 4. of the Council resolution, attached is a copy of the relevant section of the minutes of the Council meeting held on 2 March 2020, containing the staff report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Thomson', with a long horizontal flourish extending to the right.

Mark Thomson  
**MANAGER, DEVELOPMENT ASSESSMENT**

Attach: Staff report to the Council meeting 2 March 2020



## 11.9 PEREGRINE CORPORATION HELICOPTER LANDING FACILITY PROPOSAL – 270 THE PARADE, KENSINGTON – FINAL DEVELOPMENT REPORT

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**REPORT AUTHOR:** Manager, Development Assessment  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4501  
**FILE REFERENCE:** S/04198  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to provide information to the Council in respect to a proposal by the Peregrine Corporation for a helicopter landing facility at 270 The Parade, Norwood and to enable the Council to provide formal comments on the proposal to the Minister for Planning and the Department of Planning, Transport and Infrastructure (DPTI).

### BACKGROUND

On 26 November 2015, the Chief Executive Officer of DPTI, acting as a delegate for the Minister for Planning, declared a mixed use development for 270 The Parade, Kensington, as a '*Major Development*', pursuant to Section 46 of the *Development Act 1993*. A *Major Development* is defined as a development or project of major environmental, social or economic importance.

On 16 May 2017, following the relevant assessment process, the Governor of South Australia approved the mixed use development.

On 19 September 2018, the Minister for Planning varied the Major Project declaration which was made on 26 November 2015, by amending it to include a helicopter landing facility on the roof of the building which was approved as a mixed use development on 16 May 2017.

Following the variation of the Major Project declaration, a Development Application for a mixed use development was lodged by the Peregrine Corporation with the Minister for Planning. The Application was forwarded to the State Commission Assessment Panel (SCAP), to determine what level of detailed assessment (assessment pathway) would be required for the proposal.

The three levels of detailed assessment, which can be required by the SCAP, are:

**An Environmental Impact Statement (EIS)** - required for the most complex proposals, where there is a wide range of issues to be investigated in depth;

**A Public Environmental Report (PER)** - sometimes referred to as a 'targeted EIS', required where the issues surrounding the proposal need investigation in depth but are narrower in scope and relatively well known;

**A Development Report (DR)** - the least complex level of assessment, which relies principally on existing information.

In this instance, the SCAP determined that the development proposal would be subject to the preparation of a Public Environment Report and subsequently issued Development Guidelines, which set out the level of assessment required and what issues that assessment should address.

The Development Guidelines for the Public Environment Report, were subject to public consultation in January 2019.

On 27 September 2016, the Council received a letter from DPTI, advising that consultation on the Public Environmental Report (PER) for the helicopter landing facility proposal, would undergo public consultation from 29 January 2020 until 13 March 2020. The letter also requested that the Council consider the PER and provide any comments by 13 March 2020. A copy of this letter is contained in **Attachment A**.

At the conclusion of the public consultation period, the Applicant will be provided with an opportunity to respond to the submissions, following which, the Minister for Planning (or his delegate), will prepare an Assessment Report, taking into account:

- (a) any submissions made; and
- (b) the proponent's response; and
- (c) any other comments provided by the Council, or other Authority or body; and
- (d) other comments or matters as the Minister thinks fit.

The final determination of the proposed development rests with the Governor of South Australia, pursuant to Section 48 of the Development Act 1993. In addition and importantly, the Application is not assessed against the relevant provisions of the Council's Development Plan. Rather, it must be assessed against Development Guidelines, which have been prepared and released by the SCAP, following public consultation on the draft Guidelines.

That said, as part of determining the Application, the Governor must have regard to, among other things, the extent to which the proposal is consistent with the relevant provisions of the Council's Development Plan. However, that is not the only consideration of relevance in the assessment. The Governor must also give regard to:

- the Development Act and Regulations;
- If relevant, the Building Code of Australia;
- the South Australian Planning Strategy;
- the *30-Year Plan* for Greater Adelaide;
- the Integrated Land Use and Transport Plan;
- the Public Environment Report (PER) and the Minister's Assessment Report, following the public consultation period; and
- where relevant, any other government policy and/or legislation.

A copy of the Public Environment Report, including plans and associated technical reports, is contained in **Attachment B**.

#### **RELEVANT STRATEGIC DIRECTIONS & POLICIES**

Not Applicable. This matter relates to the consideration of a development proposal, against prescribed criteria.

#### **FINANCIAL AND BUDGET IMPLICATIONS**

Not Applicable.

#### **EXTERNAL ECONOMIC IMPLICATIONS**

With respect to economic effects of the proposed helicopter landing facility, the PER states:

*"The overall economic contribution from the development is a made up from the sum of many small parts, and the helipad is one of those parts.*

*Located on the roof of the new building, the helipad is an important component for Peregrine to service its business needs. The need for quick, accessible transport is paramount to ensuring a pleasurable experience for overseas and interstate business guests."*

It is understood that the proponent intends for overseas and interstate business guests to be flown to regional destinations of South Australia, including The Bend Motorsport Park, which is owned by the Peregrine Corporation. It is difficult to understand how there would be an advantage to the experience of those guests, in those flights departing from or arriving at Kensington, as opposed to the Adelaide Airport.

In any event, as it is proposed that the helicopter landing facility would be operated only up to ten (10) days per year, the economic benefit gained from any improvement to the experience of guests is difficult to understand or quantify.

## **SOCIAL ISSUES**

Amenity related impacts of the proposed development are considered in the Discussion section of this report.

## **CULTURAL ISSUES**

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Environmental impacts associated with the helicopter landing facility are likely to primarily relate to noise and air emissions associated with helicopter movements to and from the site. The PER includes an Environmental Noise Report and a Sustainability Assessment. Environmental impacts of the proposed development are set out in the Discussion section of this report

Clause 8(3) of Schedule 1 of the *Environmental Protection Act 1993* prescribes the following as an activity of environmental significance, with certain exclusions:

### *Helicopter Landing Facilities*

*the conduct of facilities designed for the arrival and departure of helicopters, but excluding—*

- (a) facilities at an aerodrome licensed under Part 6; or*
- (b) facilities at which helicopter arrivals or departures take place on not more than 10 days per year; or*
- (c) facilities that are situated more than 1 kilometre from residential premises not associated with the facilities; or*
- (d) facilities at the site of an activity authorised under the Mining Act 1971, the Petroleum Act 2000, the Petroleum (Submerged Lands) Act 1982 or the Roxby Downs (Indenture Ratification) Act 1982.*

Therefore, as it is proposed that the helicopter landing facility will not be operated more than ten (10) days per year, it does not involve a prescribed activity of environmental significance, as defined by the *Environmental Protection Act 1993*.

In addition, the *Environment Protection (Noise) Policy 2007* does not apply to the proposed helicopter landing facility, as Clause 6(a) of the Policy provides that the Policy does not apply to a noise of a class set out in Schedule 1. Item 3 of Schedule 1 lists "aircraft or railway noise" as noise excluded from the Policy.

## **RESOURCE ISSUES**

Not Applicable.

## **RISK MANAGEMENT**

The PER includes a report which has been prepared by an Aviation Specialist. The report considers the impacts of the Helicopter Landing Facility on the locality, including safety risks. These risks are set out in the Discussion section of this report.

## **CONSULTATION**

- **Elected Members**  
The Council has until 13 March 2020 to comment on the PER.
- **Community**  
The Public Environment Report was subject to public consultation from 29 January 2020 until 13 March 2020. This process was managed by DPTI staff.
- **Staff**  
Manager, Development Assessment
- **Other Agencies**  
Not Applicable.

## DISCUSSION

The following commentary on the Development Application is not a comprehensive assessment of the proposal, as the Council is not considering this matter, as the relevant planning authority, charged with assessing and determining the Development Application. Rather, the commentary is focussed on key issues and impacts arising from the development proposal.

### Procedural Concerns

It has been proposed that the helicopter landing facility will be operated for up to ten (10) days per year. In lieu of any other explanation for applying a limit of ten (10) days, it is most likely that this limitation has been chosen to avoid the proposal constituting an activity of environmental significance pursuant to the *Environmental Protection Act 1993*.

DPTI staff have foreshadowed that in the event that an approval is granted to the helicopter landing facility, a condition will be imposed, purporting to limit the use of the facility to ten (10) days per year, with an onus on the Applicant to keep record of the usage. No limitation has been proposed for the number of times per day that the landing facility may be used on each of those ten days.

There are several legal authorities which are critical of planning authorities granting an approval to a development, whereby the obvious operating capacity of the development is sought to be 'capped' by way of condition. Whilst these legal authorities relate to assessments under the regular planning scheme (as opposed to the Major Development scheme), the criticism is in staff's view equally applicable.

In *McKenzie Constructions P/L v DAC and Others No. SCGRG-98-1429 Judgment No. S386 [1999] SASC 386* (24 September 1999), the full court of the Supreme Court said:

*"The primary question with which planning authorities are concerned is the question of land use, whether a proposed development, including a change of use, is compatible with the relevant provisions in the Development Plan and the orderly and proper planning of the locality. It is only when that question has been answered in the affirmative that the authority should concern itself with questions of management, and indeed there has been an alarming trend on the part of some planning authorities to use planning conditions to bring the management of the land, once planning approval has been given, under planning control and in some cases thereby to usurp the functions of other government or semi-government authorities."*

In *Remove-All-Rubbish Pty Ltd v City of Salisbury (supra)*, the Supreme Court said:

*"The primary concern of a planning authority is to control land use and the first question to be addressed should always be whether in the circumstances the proposed development is at least prima facie a suitable and appropriate use of the subject land having regard to the provisions of the Development Plan. To approach a planning decision by framing conditions designed to make a proposal suitable and appropriate is to bypass the primary question."*

In *DAC v Lawry*, which involved a proposal to divide land comprising a tourist/caravan park, the key planning issue was whether, post division, if the allotments were sold to individual owners or investors, those persons would seek to use them as permanent holiday homes, which would take them out of the pool of available tourist accommodation (the land being in a zone that promoted tourist accommodation, and discouraged permanent dwellings).

To get around that issue, the ERD Court imposed a number of conditions, including the following:

3. *No community lot, except for Piece 90, shall be occupied by its owner for more than four weeks in any three-month period.*
1. *No community lot, except for Piece 90, shall be occupied by any person other than its owner for more than two weeks in any three-month period.*
7. *The operator and caretaker shall keep records of all rentals and occupation of community lots for inspection by the Development Assessment Commission and the Mid-Murray Council so as to ensure compliance with the foregoing conditions.*

On appeal, a single judge of the Supreme Court (Bleby J) found that the conditions were invalid: *DAC v Lawry* [2011] SASC 14. The Judge said:

*While the ERDC also imposed a condition [7] requiring the operator and caretaker to keep records of all rentals and occupation of community lots for inspection by the DAC and the Mid-Murray Council "so as to ensure compliance with the foregoing conditions", such a condition is of doubtful validity. It purports to impose a personal obligation on a person who has no interest in the land. Furthermore, it places no obligation on the community lot holder to make any information available to the operator and caretaker. In short, the ability to police and enforce any of the above conditions becomes impracticable, quite apart from the validity of some of them*

The Judge then went on to summarise some fundamental principles regarding conditions, including that:

- conditions can only regulate incidental aspects of a development;
- conditions can't restrain the very nature or essence of a development;
- the planning authority can't hedge a development with conditions which are unworkable, unenforceable and seek to confine the development in a kind of strait jacket which will constrain the development from being used in the ordinary way;
- the use of conditions should only be contemplated where the planning authority has first determined that the fundamental land use is appropriate; and
- conditions can't be used to make acceptable what would otherwise be an unacceptable development.

On further appeal, the Full Court of the Supreme Court agreed with the Judge that the ERD Court's approach involved impermissible use of conditions.

By analogy, a condition that seeks to limit the use of the helipad to ten (10) days would require someone to keep records of use and to make those records available to the SCAP and/or the Council. The impracticality of policing and enforcing is obvious.

Accordingly, it would be improper for the Governor to grant approval to the proposed helicopter landing facility, which comprises two (2) helipads on the building and represents a large investment by the applicant, on the strength of assessing the impacts of its use up to ten (10) days per year. Clearly, the facility has the capacity to be operated far more frequently than ten days per year. The primary question of whether the impacts of the use of the landing facility generally should first be considered. Only if those broad impacts are considered acceptable, should there be some attempt to apply management and/or operating conditions.

### Safety Risk

Section 5.1.1 of the PER sets out the risks associated with operating the proposed helicopter landing facility and refers to a separate report prepared by an aviation specialist.

In the preamble to the Aviation Specialist Advice report (page 3), the author purports that the report will:

*"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 the following."*

However, nowhere in the report is there any overall evaluation of the risks associated with the proposed helicopter landing facility. Rather, the report documents the various risk management responses which are proposed, such as the design of the landing pad, emergency response plans, alternative landing facility options etc.

As the report does not constitute an objective evaluation of the resultant risk, it is considered that DPTI and ultimately the Governor, are not in a position to make an informed decision on the application based upon the information which has been provided.

Council representatives attended the public information session held at the Norwood Concert Hall on 18 February, where the author of the Aviation Specialist Advice report, Mr Colin Weir, advised that:

*“there has only been one emergency landing in this area in the past five years”*

and

*“the majority of incidents involving helicopters occur in proximity to take off / landing”*

Mr Weir was also asked to outline his experience with helicopter landing facilities in built-up residential areas and was only able to reference an example which was in fact within a major airport.

Despite the various responses to risk measures proposed in the Aviation Specialist Report, there is clearly an inherent risk of an incident, including a crash, occurring in proximity to the proposed helicopter landing facility. The consequences of such an incident would be catastrophic, given the significantly built-up surrounding residential area and the high volume of traffic along The Parade and Portrush Road. Applying a typical risk rating matrix, the resultant level of risk, based on a ‘possible’ likelihood and ‘severe’ consequences is extreme as set out in Table 1 below:

**TABLE 1: RISK MATRIX**

LIKELIHOOD	IMPACT				
	Catastrophic	Critical	Major	Moderate	Minor
Almost Certain	Extreme 1	Extreme 4	High 8	High 10	Substantial 15
Likely	Extreme 2	Extreme 5	High 9	Substantial 14	Medium 20
Possible	Extreme 3	High 7	Substantial 13	Medium 19	Low 23
Unlikely	High 6	Substantial 12	Medium 17	Low 21	Low 24
Very Unlikely	Substantial 11	Medium 16	Medium 18	Low 22	Low 25

Source: City of Norwood Payneham & St Peters Work Health & Safety Risk Management Aide Memoire

It is well established in the management of risk that where at all possible, the most appropriate response to an identified risk is to eliminate the risk. In this instance, elimination of the risk to the surrounding community is possible, by not constructing the helicopter landing facility. Alternative locations exist for the applicant to travel via helicopter, including the Adelaide Airport and the absence of a helipad on the approved building in no way impedes the proper and orderly use of the building for its intended commercial use as approved on 16 May 2017.

In the event that the Governor approves the helicopter landing facility, the Council should give careful consideration to implementing Section 69 of the *Development Act 1993* to order that the owner of the land not operate the facility. In this respect, Section 69 states the following:

*An authorised officer may make an emergency order under this section if the authorised officer is of the opinion that the order is necessary—*

- (a) because of a threat to safety arising out of the condition or use of a building or an excavation; or*
- (b) because of a threat to any State heritage place or local heritage place.*

*An emergency order may require the owner of any building or land to do any one or more of the following things:*

- (a) evacuate the building or land;*
- (b) not to conduct or not to allow the conduct of a specified activity or immediately terminate a specified activity;*
- (c) carry out building work or other work.*

### Noise and Vibration

The PER includes a report by Sonus Acoustic Engineers, which compares the predicted noise levels from helicopters using the proposed landing facility with existing background noise levels. Background noise levels were recorded in Bowen Street over a one week period, showing average background daytime noise levels of approximately 70dB(A). On three (3) occasions during the one week survey, there were unusual spikes in noise to a level to approximately 95-100dB(A). No explanation is given in the report as to what may have caused those peaks.

The report states that the predicted noise levels from the proposed helicopter types (Eurocopter AS350B2 and Bell 206 Jetranger) would be 87dB(A), measured at the closest residences. However, BlueSkyRotor.com, a website which quotes data from the manufacturers datasheets, lists the three helicopter models proposed for use as having 'noise at takeoff, limit' levels ranging from 92-94 dB(A).

During the public information session held at the Norwood Concert Hall on 18 February 2020, the author of the Sonus report, Mr Chris Turnbull, stated that the 95-100dB(A) peaks in background noise which were recorded in Bowen Street, were likely associated with a car driving past. The inference from this comment, was that the noise expected from the operation of the helicopter landing facility would be akin to that of a car driving along Bowen Street.

In this respect, it is understood, based on previous acoustic advice received by the Council, that a car driving past would typically generate noise in the order of 70dB(A). It is also understood that noise is measured on an exponential scale and that a level of 90dB(A) is four (4) times louder than 70dB(A). It therefore would appear misleading to suggest that noise from the operation of the helicopter landing facility would be akin to that of a car driving along a street.

It is respectfully suggested that the noise peaks measured in Bowen Street were more likely caused by a very loud and unusual occurrence, such as emergency vehicle sirens or a loud motorbike passing in close proximity to the measuring device. In any event, this type of noise would be very brief in comparison to the duration of noise caused by a helicopter landing, passengers boarding or alighting and then the helicopter taking off.

The resultant noise would be highly disruptive to the residential amenity of dwelling occupiers in the locality.

The Sonus report also addresses vibration and states that for vibration from a helicopter to impact on sensitive land uses in the vicinity of the proposed development, the vibration would need to travel down the proposed building structure and through the ground to residences. It concludes that ground vibration from helicopters at the development will be insignificant. The report does not, however, address the potential for vibration caused by rotor wake, which is understood to be a potential issue in close proximity to a helicopter landing facility.

### Air Emissions

The PER includes an Air Quality Impact Assessment by Air Quality Professionals. The assessment report concludes that the predicted concentrations of pollutants which are likely to result from the proposal at nearby sensitive receptors are all below the applicable design ground level criteria (DGLC) published in the South Australia Environment Protection (Air Quality) Policy 2016.

### Property Damage / Heritage Impact

The Aviation Specialist Advice Report includes a section titled 'The impacts of rotor blade downwash and rotor wake on building cladding' (page 18). However, this section does not make any assessment of the potential impacts on surrounding buildings. Rather, it appears to describe the calculations which have been used to design the helipad.

During the public information session held at the Norwood Concert Hall on 18 February 2020, the author of the Aviation Specialist Advice report, Mr Colin Weir, responded to a question regarding the potential for damage to surrounding buildings from rotor downwash and/or rotor wake, advising that there was no cause for concern because those forces only occur during a 'hover' which occurs directly over the landing pad.

This concern does not, in staff's opinion, appear to have been adequately addressed in the PER. Whilst it may be the case that the forces only occur during a 'hover', it seems possible that for one reason or another (such as a delay in readiness at the landing pad), a helicopter may be required to hover in a location other than directly above the landing pad. In those circumstances, there could be significant risk to nearby buildings, including State and Local Heritage Places located adjacent the subject land.

The PER includes Buttery Reserve as one of the potential emergency landing site options. It is understood that the purpose of identifying Buttery Reserve and numerous other open space areas in the surrounding area within the PER, is to demonstrate that there are various locations available for an emergency landing, should the need ever arise. The use of those open space areas does not form part of the proposal and it is understood that pursuant to relevant aviation law, no approval from a land owner is required for the pilot of an aircraft to land in the event of an emergency. Notwithstanding, the open space areas which have been identified as potential emergency landing sites do not appear to be appropriate. Using sites such as school ovals and public parks and reserves as emergency landing sites would put the users of those spaces at significant risk.

## **OPTIONS**

The Council can determine to provide or not provide comments on the development proposal. However, given the scale and intensity of the proposed development and the likely impacts to public safety, residential amenity, building damage and heritage detailed in the body of this report, it is recommended that the Council make a submission to DPTI and the Minister for Planning.

## **CONCLUSION**

The Public Environment Report does not adequately address concerns regarding risk to the public or property associated with the proposed helicopter landing facility. In particular, the Aviation Specialist Advice Report simply outlines the measures which are proposed to manage risk, rather than containing an overall evaluation of the resultant risk. This is not a sound approach to assessing risk.

Helicopter crashes do happen and when they do, it is most often associated with take-off or landing. Locating a helicopter landing facility in a significantly built-up urban environment results in an inherently high risk, due to the catastrophic nature of the consequences in the event of a crash occurring.

The PER also does not adequately address the potential for property damage to nearby buildings, with the Aviation Specialist Advice Report seeming to only address the design of the landing pad.

The Sonus acoustic concludes that the proposal will not impact on residential amenity, as "*the predicted maximum levels are regularly exceeded in the existing noise environment*". This statement is made based on a survey of background noise levels which revealed three peaks in a week, with no information being provided in respect to what caused those peaks or the duration of those peaks. It would be very surprising if those peaks were sustained for any length of time comparable to a helicopter landing and taking off.

Many of the impacts addressed in the PER are said to be acceptable due to the proposed infrequency of use. It is understood that there is an intention to attempt to ensure that the stated frequency will be adhered to by way of condition of approval. Based on the several legal authorities quoted in this report, such an assessment approach is fundamentally flawed and enforcement would be highly problematic.

## **COMMENTS**

Nil



## RECOMMENDATION

That pursuant to Section 46D(5)(a) of the *Development Act 1993* and Section 63E(b) of the *Development Regulations 2008*, the Council provides the following comments to the Minister for Planning, the Hon. Stephan Knoll MP and the Department of Planning, Transport and Infrastructure, in respect the Public Environment Report submitted by the Peregrine Corporation for a helicopter landing facility at 270 The Parade, Kensington:

1. The Council considers that the public safety risks associated with the development are manifestly unacceptable and have not been adequately addressed in any of the documentation which has been provided by the applicant or the Department of Planning, Transport and Infrastructure.
  2. The Council considers that the proposed helicopter landing facility will have a significant adverse impact on the amenity for residents living in the surrounding residential area, through noise from helicopters using the landing facility.
  3. The Council considers that any authorisation which attempts to limit the use of the helicopter landing facility to ten (10) days per year is problematic and an improper use of a planning condition, as it would seek to limit the use of a facility that is clearly designed for far more intense usage and avoids dealing with the fundamental question of whether the use is appropriate in the first instance.
  4. That a copy of the staff report be provided to the Minister for Planning, to be considered in his assessment of the proposed helicopter landing facility.
  5. In the event that the Governor approves the development, the Council advises that it will give consideration to issuing an order to the owner of the land pursuant to Section 69 of the *Development Act 1993*, to not operate the facility due to a risk to safety arising out of the use of the helicopter landing pad.
- 

At 8.11pm Mayor Bria sought leave of the meeting to make a personal explanation. Mayor Bria declared that he had a perceived conflict of interest as his daughter is a student and his wife is a Volunteer at Mary MacKillop College which is situated in close proximity to the proposed Peregrine development. In addition, he also referred to comments he was quoted as making in The Advertiser on 23 October 2018, voicing his strong opposition to the proposed helipad. As such, Mayor Bria left the Chamber after calling for the appointment of an Acting Mayor for this item.

Cr Moore returned to the meeting at 8.11pm.

### Appointment of Acting Mayor

*At 8.12pm Cr Mex moved:*

*That Cr John Minney be appointed Acting Mayor for this Item.*

*Seconded by Cr Dottore and carried unanimously.*

Mayor Bria left the meeting at 8.13pm.

Cr Minney assumed the Chair.

*Cr Whittington moved:*

*That pursuant to Section 46D(5)(a) of the Development Act 1993 and Section 63E(b) of the Development Regulations 2008, the Council provides the following comments to the Minister for Planning, the Hon. Stephan Knoll MP and the Department of Planning, Transport and Infrastructure, in respect the Public Environment Report submitted by the Peregrine Corporation for a helicopter landing facility at 270 The Parade, Kensington:*

- 1. The Council considers that the public safety risks associated with the development are manifestly unacceptable and have not been adequately addressed in any of the documentation which has been provided by the applicant or the Department of Planning, Transport and Infrastructure.*
- 2. The Council considers that the proposed helicopter landing facility will have a significant adverse impact on the amenity for residents living in the surrounding residential area, through noise from helicopters using the landing facility.*
- 3. The Council considers that any authorisation which attempts to limit the use of the helicopter landing facility to ten (10) days per year is problematic and an improper use of a planning condition, as it would seek to limit the use of a facility that is clearly designed for far more intense usage and avoids dealing with the fundamental question of whether the use is appropriate in the first instance.*
- 4. That a copy of the staff report be provided to the Minister for Planning, to be considered in his assessment of the proposed helicopter landing facility.*
- 5. In the event that the Governor approves the development, the Council advises that it will give consideration to issuing an order to the owner of the land pursuant to Section 69 of the Development Act 1993, to not operate the facility due to a risk to safety arising out of the use of the helicopter landing pad.*

*Seconded by Cr Mex and carried unanimously.*

Resumption of Chair

Mayor Bria returned to the meeting at 8.46pm and resumed the Chair.

26 March 2020

The Honourable Stephan Knoll  
Minister for Planning

**Attention: Robert Kleeman**  
Unit Manager Policy and Strategic Assessment  
Planning and Land Use Services  
Department of Planning, Transport and Infrastructure

**SENT VIA E-MAIL: [majordevadmin@sa.gov.au](mailto:majordevadmin@sa.gov.au)**

Dear Minister Knoll

**PEREGRINE MIXED USE MAJOR DEVELOPMENT VARIATION 2 – COMMUNITY  
FEEDBACK – COUNCIL RESPONSE**

I refer to the Peregrine Mixed Use Major Development Variation 2. I understand, from discussions with staff within your agency that the Department of Planning, Transport and Infrastructure (DPTI) is still in the process of collating and reviewing the submissions from the public notification process, and providing them to the Applicant and that it does not foresee any issues with including City of Burnside's comments as a late submission on this occasion.

The Council considered a Report at its meeting of 10 March 2020 and resolved to make a detailed submission in relation to the Public Environment Report (PER) submitted by the Peregrine Corporation. For your reference Council resolved as follows:

**C12483**

*That Council:*

1. *Note the Report.*
2. *That pursuant to Section 46C (5) (a) (ii); of the Development Act 1993 and Regulation 63D (1).of the Development Regulations 2008, the City of Burnside provides a detailed submission to the Minister for Planning, the Hon Stephan Knoll and the Department of Planning, Transport and Infrastructure in respect of the Public Environment Report submitted by the Peregrine Corporation for a helicopter landing facility at 270 The Parade, Kensington SA.*
3. *That the submission address the following:*
  - 3.1 *Council's concern that the risks to public safety associated with the proposed Development are totally unacceptable and have not been addressed by the documentation provided by the Applicant or the Department of Planning, Transport and Infrastructure.*

- 3.2 *Council considers that the multiple sites identified as Emergency Lay Down areas across Burnside are surrounded by homes, aged care facilities, schools and public reserves in a densely populated area and as such are therefore manifestly unsuitable areas for this purpose. The catastrophic failure of a helicopter taking off or landing at 270 The Parade presents an unacceptable risk to the safety of the residents, students and businesses who inhabit and use the areas of Beulah Park, Kensington Park and Kensington Gardens in particular, during the daylight hours that a helicopter would use the sites.*
- 3.3 *Council considers that a helicopter landing facility will have a significant adverse impact on the residential amenity for residents living in the adjacent suburb of Beulah Park in particular, and to the area more broadly, due to the noise emanating from Helicopters using a landing site at 270 The Parade Kensington.*

The Council's submission is made under two headings as set out below.

### **RISK TO PUBLIC SAFETY**

Council expresses concern that the risks to public safety associated with the proposed Development are unacceptable and have not been addressed by the documentation provided by the Applicant or the DPTI.

Council considers that the multiple sites identified by the Applicant as 'Emergency Lay Down' areas across Burnside are surrounded by homes, aged care facilities, schools and public reserves, in a densely populated area, and as such are manifestly unsuitable areas for this purpose. The catastrophic failure of a helicopter taking-off or landing at 270 The Parade presents an unacceptable risk to the safety of the residents, students and businesses who inhabit and use the areas of Beulah Park, Kensington Park and Kensington Gardens. This is in particular during daylight hours that a helicopter would use the sites.

While there is already a risk of helicopter emergencies inherent in the general public, it is believed that the risk will be enhanced with the introduction of this proposal, particularly as it was confirmed at the public briefing, that helicopters are more likely to be involved in an incident, within close proximity to taking-off or landing, compared with during its general flight path.

Across all aircraft, incidents are more likely to occur at the beginning or end of the flight when the aircraft is 'low and slow'; and when there is less time for a pilot to successfully react. Apart from pilot error, the most common reasons for helicopter crashes are lack of fuel and mechanical failure. Mechanical failure is the peril most feared because of its severity.

While a twin engine passenger jet can fly on one engine, the failure of a key helicopter component, such as the rotor and rotor shaft, main gearbox or tail rotor, can prove fatal. In no other form of aircraft is so much stress placed on single components.

Airliners are required to have, what regulators call, redundancy in vital components. This means that, as far as practicable, there needs to be alternative methods of propulsion and flight control so that if one system fails, another takes over.

Helicopters lack redundancy in most vital components. Although there may be two engines on larger helicopters, their power is directed to the main rotor through one gearbox and one rotor drive shaft. An airliner can lose an engine yet continue to fly safely. In contrast, helicopters do not have the same safety mechanism.

It is reiterated that the relevant site is not in an airport or other like open area with sufficient room surrounding the landing pad to cater for emergencies. There may be sufficient

opportunities in reserves in proximity to the building but not at the actual point of take-off and landing.

The second (concrete) proposed landing pad is acknowledged. However, there is no explanation as to why this would add to safety in any meaningful way. This comment is made based on the close proximity to the substantive landing pad. Without further explanation, the concrete landing pad, on the face of it, appears to be more suited to a second facility than an emergency facility.

**In summary, the Council considers that airports should be used for helicopter landings and take-offs and that the proposed building at 270 The Parade should not be used for this purpose.**

### **IMPACT ON AMENITY**

Council considers that a helicopter landing facility would have a significant adverse impact on the residential amenity for residents living in the adjacent suburb of Beulah Park and on the area more broadly, due to the noise emanating from helicopters using a landing site at 270 The Parade.

Despite noise modelling, it should be accepted that helicopters do make significant noise, wake and vibration which will have a high impact on residents due to the proximity of the site in relation to surrounding residents, particularly with new apartments and infill occurring in the vicinity. That is, this impact will be exacerbated by fear and anxiety in relation to helicopters in close proximity to built-up residential and populous area.

The proposal is for helicopters to only be used in daylight hours, and in any event not outside the hours of 7am and 10pm. There seems to be some incongruence between these two measures. According to the South Australian Government, the latest official sunset this summer was 8.33pm, running between 1 January and 13 January.

Even if sunset is not taken to mean the end of daylight hours, it is commonly understood that daylight, during the longest days of the year, would not extend much beyond 9pm, if at all.

There is a reference, on page 37 of the PER, that daylight hours means EPA defined daylight hours. At the time of writing of the report, no reference could be found in relation to the EPA and its definition of daylight hours.

Helicopters are not proposed to be used on more than ten days throughout any year. This does not necessarily equate to ten (or twenty) flights per year as multiple flights can occur on any of these days. When queried during the public session, an answer could not be given with respect to how many flights would occur on any of the days, and instead the number would only be constrained by the span of hours.

The number of flights would be also driven by the location and number of destinations and business efficiencies, noting that the stated benefit of the land facility is that it will greatly assist Peregrine Corporation in the efficient conduct of its business operations (page 38 of the PER).

Due to the impact on the residential amenity of the area, Council reiterates its view that airports should be used for helicopters landing and take-offs, and that the proposed building at 270 The Parade should not be used, or is suitable, for this purpose.

**If the proposal is supported**, it should be done so with a clearly defined span of hours, a maximum number of flights on each of the ten days, in the context of a publicly available monitoring and compliance system, with adequate reporting and control / complaint mechanisms.

Thank you for taking the time to consider Council's submission.

Yours sincerely



**Chris Cowley**  
Chief Executive Officer

# APPENDIX F

## PUBLIC SUBMISSIONS

Please find all public submissions at [https://plan.sa.gov.au/state\\_snapshot/development\\_activity/major\\_projects/majors/kensington](https://plan.sa.gov.au/state_snapshot/development_activity/major_projects/majors/kensington) in the Assessment stages and documentation table.