

ParkLANDSnews

June 2011 Number 43



Contents

President's letter ...	2	7 ... Railway sheds and train wrecks
Issues on the table ...	2	7 ... Victoria Square—Praise from over the border
Annual General Meeting 2011 ...	3	7 ... SAJC gone from Vic Park but not forgotten
McAdelaide Stadium draws ever nearer ...	4	8 ... Rare butterfly re-discovered
State Heritage nomination now a heritage item itself ...	5	8 ... Acknowledgment of traditional custodians
Latest RAH name change ...	6	9 ... Local and state governments working together,
Park Lands Creek restoration ...	6	but not for the community

President's letter

Tim Horton's thought-provoking address to our April Annual General Meeting and observations on World Heritage potential were very welcome and I thank him for giving up his time to engage with our members. I would like to extend a warm welcome to Brian Mitchell, the Association's Secretary. It is a great relief to have Brian on the committee, with his experience, organisational ability and commitment to APPA's aims. I also thank retiring and ongoing committee members for their efforts on behalf of the Association and the Park Lands, and for their assistance in these challenging times.

It gives me great pleasure to announce Janet Subagio's re-discovery in Victoria Park of the rare Grassland Copper Butterfly. Janet's devotion to conservation of biological diversity deserves the highest praise. I thank her son Bima for photographing this momentous event in the history of the Park Lands, the Nature Conservation Society of South Australia and its ecologist Annie Bond and survey coordinator Andrew Allanson, and Butterfly Conservation SA's expert Mike Moore and Secretary Jan Forrest for advancing our understanding of the precious natural heritage of the Park Lands. Michael Sando and Kathleen Patitsas also must be included, for their efforts and assistance in the urgent gathering of survey data for Victoria Park in areas under threat of imminent land clearance. Sadly, the opportunity for Janet's discovery arose because of publicity surrounding Adelaide City Council's proposed destruction of

thousands of Victoria Park's remnant native plants. Incomprehensibly, Council decided in April to proceed with land clearance for construction of a sport-oriented major event venue rather than supporting existing diverse low-impact multi-use of the area by walkers, joggers, cyclists, dog owners, conservationists, model aircraft enthusiasts, and for informal sports. This followed a great loss of remnant native biodiversity, arising from Council's decision on the ETSA Utilities City West Project, rejecting the commendable option of a route via South Terrace bitumen and choosing land clearance of remnant vegetation in Park 21W (east of Goodwood Road) over disruption of on-street car parking.

Inaction by state and federal government agencies and the failure to provide real protection leave the Park Lands in clear and ever-present danger. The Park Lands are under attack as never before. Adelaide City Council's May decision to grant a nine-year lease of a strip of Council-managed Park Lands along the western end of North Terrace makes a mockery of the rule of law in South Australia. Not content with acting contrary to the Community Land Management Plan with which Council *must comply* (specifying return of the railyards to open space), the Council decision implicitly condoned state government avoidance of the scrutiny of both Houses of Parliament triggered by ten-year leases. Adding insult to injury, the draft lease agreement authorised a matter that Council did not consult on (use of Park Lands for an SA Health and Medical Institute construction compound) and sought to award ownership of fixtures on the leased area to the lessee despite any law that has the effect or deems that fixtures are the property of the owner of the land. The 'fixtures' in this case are a multi-storey underground carpark encroachment. According to Council Minutes, this alienation was supported by Councillors Abiad, Clearihan, Hamilton, Henningsen, Llewelyn-Smith, Malani and Deputy Lord Mayor Plumridge, and opposed only by Councillor Moran.

The latest example of the escalating attack against the Park Lands is government's disgraceful land-grabbing Adelaide Oval Redevelopment and Management Bill 2011. As the proponent of major developments on the Park Lands, the government is presiding over the greatest abuse of the Park Lands in the state's history. During this 175th anniversary year, it is timely to recall the founding principle that the Government of South Australia should not have management of land since this would deny a bad government of one means of corruption.



The Adelaide Park Lands are highly valued, not as disposable real estate or for commercial profit, self-interest or self-aggrandisement, but for the wellbeing of the urban population and as a technical masterpiece based on William Light's sensitivity to the genius of the place and his appreciation of the environment, landscape and future human needs. The interest and enthusiasm demonstrated by members of the public attending our History Festival walking tour, 'Landscape and legacy: Victoria Park's surprising survivors', demonstrates that the Association can contribute to a better understanding of the Park Lands, and this would be greatly facilitated by Council and government support for student field surveys and environmental studies.

In attending the recent Riverbank Masterplan workshop as the Association's representative, I was urged to encourage our membership to participate in the public consultation process that is commencing soon, offering the opportunity to put forward views on the future of the Riverbank. The public opportunity to make submissions on the Riverbank Master Plan is online at <http://www.infrastructure.sa.gov.au/major_projects/adelaide_riverbank_precinct/questionnaire>. I hope that everyone will take this opportunity to remind the project team that the Riverbank is Park Lands. I, in turn, recommended to the project team to be mindful of the ongoing goal of seeking World Heritage listing, pointing out that there were relatively few 'Ideal Cities' planned, and even fewer implemented. The figure-eight of Park Lands is unique and the city is a rare implementation of an Ideal City. I am encouraged to hope that rather than being universally viewed as constraints, conservation and World Heritage listing are viewed as being consistent with developing a sustainable society, and are simply a *different type of development* that offers superior opportunities.

Kelly Henderson

ISSUES ON THE TABLE

- Adelaide Bowling Club's activities
- Alienated Park Lands
- Biodiversity survey
- Britannia intersection land grab
- Dying elms and other trees
- Flood mitigation works
- Heritage listing of 1889 Arbor Day plantings
- Land grabs at RAH site, railway yards, Adelaide Oval and for tram extensions
- 'Purple water' damage
- SACA expansionist ambitions
- Stadium Management Authority
- Watering regime during drought
- World Heritage listing

*Front cover: Dragon's Blood Tree (Dracena draco), possibly planted 1870s-90s, in Victoria Park.
Photo taken by Gunta Groves, 15 May 2010.*

ANNUAL GENERAL MEETING 2011

APPA's 24th Annual General Meeting was held on Sunday 17 April at the Box Factory Community Centre in Regent Street South, Adelaide.

President Kelly Henderson as Chairperson welcomed approximately 50 members to the meeting and introduced guest speaker Tim Horton, Commissioner for Integrated Design in the Department of Premier and Cabinet. Tim Horton's speech, entitled 'Magnificent corruptions—The challenge of stewarding vision', was supported by an interesting slideshow. Tim fielded numerous questions from members and remained for the rest of the meeting to better understand the concerns of the Association. Former APPA President and now Honorary Life Member, the Hon Ian Gilfillan, made a presentation to Tim on behalf of those attending.

Prior to the formal stages of the AGM, President Kelly Henderson made a presentation to Rachel Sanderson, the Member for Adelaide, thanking her for her assistance in making the visit to Adelaide of Prof Jan de Graeve in May 2010 so successful. Prof Jan de Graeve is Director of the International Federation of Surveyors and was invited to Adelaide to examine the site, survey instruments, artefacts and documents relating to William Light's Adelaide Plan and its World Heritage potential.

Apologies were received from 17 members and the minutes of the 2010 AGM were received and formally approved.

In her address, President Kelly Henderson reported a litany of Park Lands abuses over the previous year. Unfortunately, there was little cause for much celebration as more and more threats to the Adelaide Park Lands have continued to emerge.

Treasurer Philip Groves tendered the Treasurer's Annual Report for the financial year ended 31 March 2011 and reported a surplus of \$6406.86 for the year. (Members who would like a copy of the Income and Expenditure Statement and Balance Sheet may request one from the Secretary.) The Association's Honorary Auditor, David Carver, Managing Partner of BK Partners, Chartered Accountants, was formally thanked for his services and re-appointed for 2011–12. David received a certificate expressing the Association's gratitude for his services over the last five years.

The meeting adopted the outgoing committee's recommendation that contribution rates for the 2011–12 membership year commencing 1 July 2011 be maintained at the 2010–11 levels. (Renewal notices will be mailed to members around mid-June 2011.)

The new committee includes Kelly Henderson as President, Brian Mitchell

making yet another return (and a very welcome one) as Secretary, Philip Groves as Treasurer and Luciana Larkin, Kyle Penick and Michael Sando as committee members. The Association continues its search for a committee member/s to take on the roles of newsletter editor and website administrator.

Prior to the conclusion of the meeting, President Kelly Henderson called for members' input into ways in which the Association can celebrate its 25th anniversary in 2012. That appeal is repeated here. Your suggestions will be very welcome.

A special thank you to Gavin for his expertise in setting up the equipment for the meeting in trying circumstances and for recording it, and to Luciana and Bernard Larkin, who provided an excellent morning tea offering despite finding themselves having to re-locate the facilities at the eleventh hour due to circumstances beyond our control.

Philip Groves

Below: APPA President Kelly Henderson and Honorary Life Member Ian Gilfillan present Commissioner for Integrated Design Tim Horton with an aerial view of early Adelaide.

Photo taken by Gunta Groves, 17 April 2011.



McAdelaide Stadium draws ever nearer

Some 18 months after the triumvirate of the state government, the South Australian Cricket Association and the South Australian National Football League/Australian Football League announced its proposal to appropriate hundreds of millions of South Australian taxpayers' funds to turn the world-famous Adelaide Oval cricket ground into a concrete cauldron, SACA members finally had a 'vote' on the matter. The 2 May 'historic vote', as the vested interests have described it, was preceded by what is measurably the largest spin/propaganda campaign ever mounted in this state by the combined efforts of the state government, the business lobby, property development interests, and the two dominant and wealthiest sporting codes in Australia, namely cricket and football. The campaign was underpinned by South Australia's commercial media in a 14-month, one-sided blitzkrieg, the like of which has never before been seen in this state. Opponents of the proposal were showered in continuous and often extreme personal vilification, denigration, belittling and labelling—the kind we have come to expect from the vested interest lobby in Adelaide. *The Advertiser's* football writer Michelangelo Rucci even described SACA opponents of the proposal as 'dissidents'. The sheer scale of the media onslaught was unprecedented, and characterised by a total absence of fairness, objectivity and balance in the commercial media reporting and coverage.

The SACA constitutional requirement of 75 per cent of members who vote to vote 'yes' to the proposal on 2 May to validate the SACA Board of Management's endorsement of the \$535m taxpayer package was widely considered to be difficult, if not impossible, to attain. Despite this, of the 19 203 SACA members eligible to vote, some 12 539 members took part in the vote, with 10 078 (80.3 per cent) voting in favour of the proposal, and 2461 (19.63 per cent) against.

I suspect the 6664 or 34.7 per cent of members who did not vote were of the opinion that the proposal was so absurd that no member would be stupid enough to vote for it, and they simply abstained from the process. Far from the hysterical reporting that an overwhelming 80 per cent of SACA members supported the proposal, the actual percentage of the SACA membership voting for the proposal was an underwhelming 52.5 per cent, with a combined total of 47.5 per cent of members voting against the proposal or abstaining from the process altogether.

As the voting result became known, SACA members, of which this writer is one, became the toast of the vested interest lobby. All the hatred and insults were set aside, and SACA members were transformed from being old Adelaide, backward looking, self-serving elitists into the saviours of South Australia's economic and sporting future! There is still conjecture as to what the outcome might have been if members of SANFL and the two AFL clubs in Adelaide had been allowed a vote on this proposal.

Rumours of McDodgy proxy voting have emerged since the election, and they have not been dispelled by the SACA management refusing to provide any detailed breakdown of the voting. Of course, SACA members were effectively voting blind for a proposal they had little detail about. They really voted to confer on the SACA Board of Management the constitutional ability to enter into any agreements or contracts with the state government, the Adelaide Oval Stadium Management Authority Limited, or any other entities the SACA Board of Management sees fit to deal with. This was tantamount to providing the Board with a blank cheque on a 'trust us' basis. After 140 years and innumerable constitutional changes being achieved without the need for proxy voting, the SACA Board of Management suddenly had an overwhelming need to call a Special General Meeting in July 2010 to introduce proxy voting for SACA members. According to the SACA information pack, this amendment to the SACA constitution would 'mean that members' rights are brought up-to-date with best corporate practice and the *Associations Incorporation Act 1985 (SA)*'. Unfortunately, the lack of information in the information book sent to members prior to the 2 May 2011 Special General Meeting fell far short of the detail members should have received under best corporate practice governance.

A correspondent to *The Advertiser* letters pages soon after the election had this succinct message for SACA members: 'Forgive them, Sir Don, for they know not what they have done'. I expect SACA members will soon find out what they have done, but like a coroner's finding, it will all be too late.

What, you may ask, does the SACA vote portend for the Adelaide Park Lands? In a civilised world, it should matter little. The Adelaide City Council, as custodians of the Park Lands on behalf of the people of South Australia, would transfer or redraft the existing lease to the newlyweds, the

SACA and the SANFL. And, hopefully, the ACC would charge a leasing fee that is commercially realistic for this massive sporting consortium, rather than the existing lease fee of \$28 000 paid by the SACA. (This is not an error; I repeat, \$28 000 pa!) But this is Adelaide. Behind the scenes, the state government, SACA and the SANFL are riddled with players with form. A veritable rogues gallery of players with form. Just for starters, we have a former Labor Premier whose government all but bankrupted South Australia, a current Labor Premier who was in the Cabinet of former Premier Bannon and who is doing his darndest to emulate him, and other serving ministers who date from the State Bank disaster. Then we have a discredited former Liberal Premier who left office in disgrace, having presided over the Hindmarsh Stadium redevelopment fiasco. The SA taxpayer continues to receive only a peppercorn return on this development. And not to mention the privatisation of water and electricity which this former Premier inflicted on South Australia.

The SACA and SANFL management has now recently taken to making soothing noises about the Park Lands surrounding Adelaide Oval. Both parties now have nothing but 'care and respect' for the Park Lands. This contradicts SACA's long-standing history of treating the surrounding Park Lands with utter contempt, with many of its acts previously documented by this Association. The SANFL's 'not negotiable' demands for total control of the Adelaide Oval Park Lands precinct, new car parking above and below the Park Lands, with all revenues going to the SANFL, remain on the table. Of course, we are yet to see details of the planned expansion of the Oval's eastern boundary that would require the excision of much of Creswell Garden and parts of Pennington Gardens West.

Behind the scenes, if not completely out of sight, is the Adelaide City Council and its statutory responsibilities for the National Heritage Listed Park Lands.

We do know the ACC has advised the state government and the Stadium Management Authority that it has resolved to provide in-principle support for a governance arrangement for Adelaide Oval based on a lease to a new entity, upon terms and conditions to be agreed, and subject to the ACC retaining management control of the precinct. The ACC also advised that it would not object to a new 60-year lease if the legislation was amended for that purpose. It is

'Behind the scenes, if not completely out of sight, is the Adelaide City Council and its statutory responsibilities for the National Heritage Listed Park Lands.'

understood the ACC has also advised that its position of maintaining management and control of the precinct includes the operation of car parking within the precinct and the retention of car parking revenue as city income.

The ACC position has been ignored by all of the parties and the media. Its position has not been clearly and publicly enunciated partly because of this, but also because of an ACC administration led by CEO Peter Smith and his predilection for secret meetings and briefings, which dovetails with the state government's preferred modus operandi that makes the Ku Klux Klan appear open and transparent.

There is no case whatsoever for any form of secret briefings and meetings. The Adelaide Park Lands are owned by the community, and the taxpayers of South Australia are being relieved of half a billion dollars (and counting) to provide one sporting organisation with a lifeline from financial ruin, and the other with a taxpayer funded 'uplift' to transfer its activities to the city, at the same time retaining its own substantial freehold assets at West Lakes.

All eyes are now fixed firmly on the ACC. Will the Councillors stand up against a bullying state government and the obscene demands of SACA and the SANFL over their plans for the community-owned Adelaide Park Lands? And who exactly is holding the state government to account for its profligate use of public funds for the exclusive benefit of the two wealthiest sporting bodies in Australia?

At least the new Liberal Member for Adelaide, Rachel Sanderson, has declared her position on the Adelaide Oval redevelopment when she encouraged the 'no' vote—unlike her colleagues who continue to occupy the policy-free zone, and not just on the Adelaide Oval and Park Lands issues.

Coupled with the impending financial disaster of the new RAH, are we witnessing the unfolding of a State Bank-like scandal?

STOP PRESS: The latest

On 18 May 2011, after another confidential meeting with the ACC the previous evening, Infrastructure Minister Patrick 'Cow Pat' Conlon announced

the Adelaide Oval Redevelopment and Management Bill 2011.

The ACC reaction to the proposed Bill was both immediate and furious. Lord Mayor Stephen Yarwood roused himself sufficiently to immediately depart on a three-week European 'study tour', leaving Councillors who care about their responsibilities as custodians of the Park Lands furious about the contents of the Bill. Councillors who thought they had reached an understanding with the government, which would have left Council with the care and control of the precinct surrounding the Adelaide Oval, learnt that this rotten to the core state government had obviously been playing them for suckers.

This low-down act seeks to vest the care, control and management of the Adelaide Oval 'Core Area' in the Minister and directs that 'Any development' undertaken within that area is 'authorised' by force of section 6(1). It is no more or less than a land-grabbing Bill which would exempt the area from the relevant provisions and protections of the *Local*

Continued p 9

STATE HERITAGE NOMINATION NOW A HERITAGE ITEM ITSELF

This February marked the 25th anniversary of the first State Heritage nomination of the Adelaide Park Lands on 26 February 1986. This first nomination was made by Kathleen Patitsas, a teacher, artist and city resident.

In their efforts to avoid working out the details and having chronically under-resourced heritage in South Australia, governments and bureaucrats have engaged in a contemptible epic marathon of avoidance and obfuscation whilst fast-tracking government-dictated destruction of historic Park Lands features.

The denial of State Heritage recognition for South Australia's most significant site has made the State Heritage Register into a political list instead of a record of the community's valued heritage. The Register will not regain any credibility until it records the Adelaide Park Lands amongst its entries.

At a Saturday morning function at Ayers House, hosted by the Adelaide and Inner Suburbs Branch of the National Trust of South Australia, President of APPA Kelly Henderson presented Kathleen Patitsas with a copy of *Art of William Light* to mark the anniversary of her nomination.

The National Trust of South Australia's Register of Heritage at Risk describes the Park Lands as 'the most distinctive and unique asset of Adelaide's cultural landscape'.

Perhaps it's time to apply for heritage listing of Kathleen Patitsas' State Heritage nomination!

Kelly Henderson

Right: Kelly Henderson, President of the Adelaide Park Lands Preservation Assoc, with Kathleen Patitsas, teacher, artist, city resident and first nominator of the Adelaide Park Lands for State Heritage listing. Photo taken 12 February 2011.



Latest RAH name change

The new RAH hospital planned for the alienated Park Lands railyards has now undergone a third name change.

The original announcement by the state government was the 'Marjorie Jackson-Nelson Hospital'. After prolonged public disquiet over the loss of the Royal Adelaide Hospital name, the government relented and reinstated it and the hospital was then variously referred to as the 'new Royal Adelaide', the 'new RAH' and the 'NRAH', depending on how fond you were of acronyms.

The latest name change is brought about by revelations from leaked documents from Macquarie Bank that reveal some of the true costs associated with this project, costs that have the potential to financially cripple the state for decades to come. The state government is rumoured to have now re-named the new hospital 'Macquarie Hospital', believing this will enable it to shift the blame for the huge burden being incurred by taxpayers to the private consortium investors linked to Macquarie Bank. SA taxpayers don't seem to be questioning why they should be paying a public-private partnership a return of 15 per cent per annum for the life of the project (35 years), when their government could be borrowing the funds at around 6 per cent per annum. By the time South Australians finish paying for this monstrous fiasco, it will be all but impossible to calculate the true cost, which is precisely what our present government is relying on.

Philip Groves

Still searching for an editor for the Park Lands News

This important communication with members and the public can't survive without an editor. Please contact a member of the committee if you can help.

Gunta Groves (guest editor for just this edition)

NEXT NEWSLETTER COPY DEADLINE:

31 July 2011

Always in search of pithy articles, educational information and comment on current issues

Park Lands Creek restoration

During recent years, considerable efforts have been made by the Adelaide City Council (ACC) to replant native vegetation in several sections of the Park Lands. An earlier article on this topic was published in the APPA newsletter in March 2009 (No 34, p 3) and dealt with extensive replanting beside the River Torrens, below the weirs. Since then, there has been considerable growth of many of the shrubs and trees. After heavy rains, the river level rises, inundating the soil and encouraging restoration of the site.

More recently, remedial work has been done on the Park Lands Creek after it enters the Park Lands near the corner of Greenhill and Fullarton roads and south of Victoria Park. The creek has been widened considerably and its banks and borders replanted. This has converted a deep, narrow channel, infested with woody and smaller weeds, into a wider and shallower stream now lined with many species of plants. The plants that have been chosen for the site occur naturally on the Adelaide Plains. The first stage of the project had been funded by the Natural Resources Management Board and the planting was carried out by ACC staff. The project, which is part of a wider flood mitigation scheme, has been halted because some environmental issues have arisen. It is to be hoped that these issues can be resolved and the excellent work of restoration resumed and completed, so

that eventually the creek is rehabilitated for its entire length in the Park Lands.

Sedges, forbs (or 'phorbs'), shrubs and trees have been planted, in a random fashion, which gives a natural appearance to the sites. Sedges, which include *Carex fascicularis*, *C pumila*, *C tereticaulis*; and *Cyperus exaltatus*, *C vaginatus*, have been planted along the course of the stream, as they would occur naturally in a relict creek. Sedges will help to slow the flow of water after heavy rain. Amongst the forbs planted on the banks are *Cullen sp*, *Goodenia amplexans*, *G ovata* and *Olearia ramulosa*. There is a variety of shrubs: acacias include *Acacia acinacea*, *A myrtifolia*, *A retinoides*; *Allocasuarina verticillata*; *Callistemon seeberi*; *Leptospermum continentals*, *L lanigerum*; and two tree species: *Eucalyptus camaldulensis* (river red gum) and *E leucoxyton*. Some river red gums are regenerating naturally. The good rainfall in 2010 has assisted growth. Already, some natural revegetation has occurred.

David Hansman

Acknowledgment: It is a pleasure to thank Ms Talitha Kaehne, ACC for providing a comprehensive plant list.

Below: Replanted vegetation on the banks of Park Lands Creek, south-west of the poplar copse in Bakkabakkandi. Photo taken by David Hansman, 12 September 2010.



Editor's note: From research information supplied by Kelly Henderson, the area referred to above may have consisted of very shallow, very broad, almost imperceptible depressions (100–200m wide) that may have absorbed high rainfall or resulted in ephemeral surface flows. The research on the original landscape of Adelaide, which examined the earliest surveying maps, discovered that there was no watercourse mapped in the south-east corner of the Park Lands, a feature that would have certainly been depicted if it existed, given the settlers' reliance upon surface water and other identifications of water courses and surface water in the earliest maps of the Adelaide Plains.

Railway sheds and train wrecks

Earlier this year, with Premier Mike Rann watching on, the old railway sheds on the alienated Park Land railyards were demolished to clear the North Terrace site in readiness for work to commence on the new RAH.

The government subsequently admitted that it had failed to obtain the appropriate planning approval from the Adelaide City Council for this demolition work, even though state planning laws contain significant penalties for unauthorised demolition. Penalties involve court action and/or substantial fines.

Responsibility for the project rests with Infrastructure Minister 'Cow Pat' Conlon, who was quoted as saying the government's non-observance of planning law was, in his view, a 'mere technicality', and that the sheds were of no heritage value. The Minister's knowledge and qualifications in heritage matters are known only to him. His dismissive and arrogant approach reinforces the style that has come to characterise the Rann Government's concept of governance, namely the trampling of planning law, consultation and due process.

Although it is seemingly too late to prevent the commencement of a new hospital that is increasingly looking like a bottomless financial train wreck, this behaviour by the Rann Government presages but one of the increasing government onslaughts on the Adelaide Park Lands. Over half a billion dollars (and counting) of taxpayers' funds are committed to turn the Adelaide Oval into McAdelaide Stadium for commercial sporting interests, and an adjoining

proposal to 'upgrade' the Park Lands Riverbank precinct at Elder Park into a Disneyland-on-the-Torrens, this time for the principal benefit of a New Zealand casino operator. These proposals are also riddled with Minister Conlon's 'mere technicalities'.

The 'address in reply' from Lord Mayor Yarwood (with conflicting views from an Adelaide City Councillor)

Leaping to the defence of the government for its failure (or should that more accurately be described as thumbing its nose at planning law and procedures), Lord Mayor Yarwood said the oversight by the government was not worth losing any sleep over. Some of us may beg to differ over the Lord Mayor's take on the observance of planning laws. As the elected head of Council, and as a planner by profession himself, he is expected to uphold Council policy and the requirements of the *Local Government Act*. Is it too much to ask that he displays some accountability and professionalism?

By contrast, Councillor Ann Moran, who has seen many Lord Mayors of vastly differing competencies come and go, was of the opinion that the Council should have thrown the book at the state government, just as they would any other developer flouting planning laws.

May Lord Mayor Yarwood continue to sleep peacefully as developers pick up on his cue that Council is content (with the exception of some Councillors) to look the other way and to resolve breaches of planning law with a retrospective rubber stamp.

Philip Groves

VICTORIA SQUARE Praise from over the border

The former chief executive officer of Melbourne's Federation Square, Peter Seamer, has said Victoria Square is one of the best urban spaces in Australia, and should be left in its present form.

During a visit to Adelaide in April 2011, Mr Seamer warned South Australians that the proposed development for Victoria Square could ruin it. Quoted in *The Advertiser* on 16 April, Mr Seamer

said 'Victoria Square is a magnificent place and I think its great the way it is. It's one of the really good urban spaces in Australia and you're really luck to have it'. Mr Seamer suggested the Festival Theatre plaza was a more fitting place for a development along the lines of Melbourne's Federation Square and that, in his opinion, Victoria Square was no place for major development and big screens for event watching.

Philip Groves

SAJC gone from Vic Park but not forgotten

We are not about to forget the ill-fated attempt by the SA Jockey Club to expand its activities in Victoria Park.

Its ambitions included a largely state government funded corporate entertainment complex that would have facilitated the staging of commercially-run conferences, events, wedding receptions, business functions and the like, which have absolutely no right to operate on community owned Park Lands and which alienate large tracts from normal free usage. It was not beyond the possibility that the SAJC would have even installed what it euphemistically refers to as a 'community sporting club', known to the rest of us as a pokie venue. After all, the SAJC raises about half of its income from this socially destructive activity. Fortunately, the South Australian community saw off this potential SAJC threat to Victoria Park.

Spare a thought then for the residents of Cheltenham and Woodville as they prepare to stave off plans by the SAJC to develop a pokie venue at the new St Clair housing estate. The Cheltenham Park Residents Association is not impressed by the SAJC passing itself off as a community sporting club as it endeavours to transfer the pokie licence for 40 machines from the now sold Cheltenham Racecourse to a new facility at St Clair.

It seems the SAJC is not content with the windfall gain of tens of millions of dollars it received from the sale of the Cheltenham Racecourse, courtesy of a state government that had pledged it would not re-zone this valuable open space asset. Now the SAJC plans to impose its gaming activities on the citizens of Cheltenham, Woodville and surrounding areas.

We wish the Cheltenham Park Residents Association every success in resisting the SAJC's attempt to impose its version of a community sporting club on their residential estate. And isn't it about time the taxation department scrutinised the activities of bodies like the SAJC which appear to attract very generous taxation treatment for what is blatantly commercial profit-making activities, far removed from their core reason for being?

Philip Groves

RARE BUTTERFLY RE-DISCOVERED

The discovery of the Grassland Copper (*Lucia limbaria*) in Victoria Park/ Bakkabakkandi is major news.

Many years ago, as a member of Butterfly Conservation SA Inc (BCSA), I had learnt about this butterfly, which has a Conservation Status of 'Rare' in South Australia.

I first saw the butterfly's only native food plant, Native Sorrel (*Oxalis perennans*) when I worked as a Trees For Life Bushcarer in the adjoining Tuttangga (Park 17). In a fascinating symbiotic relationship, small ants attend the larvae as they feed on the host plant above ground and both the larvae and the pupae in the tunnels and galleries below.

I had long felt that I would never see this butterfly alive in my lifetime.

In late February this year, no protection had been provided for the valuable remnant vegetation in Victoria Park during the Clipsal 500 preparations so I went to look for the expected emergence of the delicate flowers of the remnant Garland Lily (*Calostemma purpureum*). There, to my utter amazement, feeding on the tiny yellow flower of a Native Sorrel plant, I saw a butterfly that I knew must be the Grassland Copper, but I just could not believe my eyes! In my state

of stunned disbelief, rather than fumble with a camera, I did a quick annotated sketch, jumped on my (green) bicycle, raced home and grabbed my BCSA book, *Attracting butterflies to your garden*, to see that my sketch exactly matched the photo of the Grassland Copper! The photographs taken on the following day and visits by BCSA's expert lepidopterists confirmed the identification of *Lucia limbaria*, and its wondrous presence in the CBD of Adelaide.

Soon after, the Grassland Copper was found in an area further to the south (and with several other species of butterflies) where it is likely that the Grassland Copper had been established but unseen for some time.

The location of my find is in an area that the Adelaide City Council is landscaping into playing fields. It is unlikely that Adelaide would be remembered for the loss of a sports field, but it could be celebrated for the careful conservation of this rare and beautiful butterfly.

Janet Subagio

*Right: Grassland Copper (*Lucia limbaria*) in Victoria Park. The top photo shows the butterfly on Native Sorrel (*Oxalis perennans*).*

Photos taken by Bima Subagio, February 2011.



*Editor's note: Other common names for *Lucia limbaria* are Chequered Copper and Small Copper.*

Acknowledgment of traditional custodians

The following information is provided in response to a request at the AGM that a newsletter article should inform members about the response to a question from the floor on Unley Council's amendment of its acknowledgment of traditional custodians.

The meeting of the Unley Council on 23 August 2010 passed a resolution to amend its acknowledgment of traditional custodians of the Adelaide Plains, in accordance with a Motion on Notice by Councillor Mike Hudson.¹ Background information explained that the motion was brought forward:

... as a result of ... proposed legal actions by representatives of the Ramindjeri people. They claim that the Ramindjeri are traditional occupiers of all the land lying between the southern bank of the Torrens River to at least the southern most tip of the Fleurieu Peninsula. This proposal is not designed to do anything other than to forestall our involvement in any possible future litigation, given a potential Native Title claim over the Adelaide Plains south of

the Torrens River from any another [sic] Aboriginal group besides the Kurna people. Council should not be placed in the awkward position of being seen to favour any one group above another.²

The Motion on Notice by Councillor Hudson was that:

1. The City of Unley's present Council meeting acknowledgment of the Kurna people as the traditional custodians of the Adelaide Plains be amended to read: 'We acknowledge that the land we meet on today is the traditional land of the Aboriginal people and that we respect their spiritual relationship with their country.

We also acknowledge that the Aboriginal people are the custodians of the Adelaide region and that their cultural and heritage beliefs are still important to the living Aboriginal people today.'

2. This amended acknowledgment also be used at all appropriate functions, ie citizenship ceremonies, meetings of the City of Unley Development Assessment Panel, etc.³

A Native Title application by the Ramindjeri people⁴ over land from the

River Torrens south to the Fleurieu Peninsula and Kangaroo Island, including adjacent coastal waters, as foreshadowed to Unley Council, was lodged with the Federal Court on 26 October 2010, and is currently in public notification providing an opportunity for people whose rights may be affected to register their interest before 19 July 2011.⁵ This application overlaps with Native Title applications by the Kurna⁶ and Narrindjeri⁷ peoples. Details of all SA Native Title applications can be found by searching the National Native Tribunal website.⁸

Kelly Henderson

1. Corporation of the City of Unley, Agenda Item 727, p 29 of Council Agenda Reports for 23 August 2010, see <http://www.unley.sa.gov.au/webdata/resources/files/Item_727_FCM_August_2010.pdf>

2. Ibid

3. Agenda Item 727, Minutes of the Corporation of the City of Unley held on Monday 23 August 2010, p 16, see <http://www.unley.sa.gov.au/webdata/resources/files/Minutes_Council_August_2010.pdf>

Continued p 9

4. Federal Court file No SAD162/2010; Ramindjeri People Native Title Claim, SA National Native Tribunal file No SC10/3-1

5. NNTT Claimant application summary, see <http://www.nntt.gov.au/Applications-And-Determinations/Search-Applications/Pages/Application.aspx?tribunal_file_no=SC10/3>

6. Federal Court Proceeding SAD SAD6001/00 (Garth Agius and Others on behalf of the Kurna people Native Title Claim v State of South Australia); Kurna Peoples Native Title Claim, NNTT file No SC00/1 (accepted for registration on 22 August 2001)

7. Federal Court Proceeding SAD6027/98; Ngarrindjeri and Others Native Title Claim, NNTT file No SC98/4 (accepted for registration on 13 January 2000)

8. <<http://www.nntt.gov.au/Applications-And-Determinations/Search-Applications/Pages/Search.aspx>>

Government Act, the Adelaide Park Lands Act and the Development Act. Put simply, if this Bill were to come into force, the Park Lands precinct surrounding the Adelaide Oval will become a car parking wasteland, great swathes of mature trees will vanish, and numerous developments for cricket and football interests will dot the area. The implications for the rest of the Adelaide Park Lands doesn't bear thinking about.

Minister Conlon has the gall to say the legislation is necessary because the Adelaide City Council cannot be trusted, citing the ill-fated commercial development proposal for Victoria Park. This appalling behaviour by the Rann Labor Government typifies why our Director of Public Prosecutions (DPP) has long called for an Independent

Commission Against Corruption (ICAC) to be established in SA. The government's answer is to not re-appoint the DPP. An ICAC is too good for this government. In some parts of the world they don't have ICAC's, just bloody revolutions!

Focus now moves to the Legislative Council as it is clear the Adelaide City Council was never going to succeed by negotiating in good faith with a state government whose depth of rottenness knows no bottom. This Bill does not require amendments, as some people of goodwill are suggesting, but killing off. It is the manifestation of an abuse of power by a government bereft of any standards of morality and good governance. Any Members of the Upper House supporting this Bill will be forever tainted as well.

Philip Groves

Local and state governments working together, but not for the community

How does a peppercorn rental of \$1 per annum for a strategic parcel of the community-owned and National Heritage listed Adelaide Park Lands benefit them or the community?

The short answer is it doesn't and, therefore, it shouldn't happen. The long answer, I'm afraid, is very long but I hope to give you some insight into this unholy alliance between the Adelaide City Council and the state Labor government.

The parcel of land is a long narrow strip fronting the western end of North Terrace and the beginning of Port Road. It is part of Tulya Wodli (Park 27) and the only bit of Park Lands still under the custodianship of the Adelaide City Council (ACC) in the area now designated as the 'hospital precinct'. This strip is also the location for a monument commemorating the first survey point for Light's survey of the City of Adelaide.

At the Adelaide Park Lands Authority (APLA) Board meeting of 15 April 2011, Board members discussed this parcel of land in relation to the South Australian Health and Medical Research Institute (SAHMRI), which is also to be built in the 'hospital precinct' and which required the land for a site compound during construction. The Board members unanimously voted for the following resolution in which the Board:

- ...
- (2) *Advises Council whilst it is appreciative of the value of the*

Institution it regrets its positioning within designated Park Lands.

- (3) *Advises Council that APLA acknowledges the need for the site compound on the provision that:*
- *The proposed hoarding and site compound is maintained in a satisfactory manner during the entirety of construction;*
 - *The hoarding and site compound is removed from the Park Lands as soon as practical as the construction develops;*
 - *The Park Lands Tulya Wodli (Park 27)—(North Terrace) is returned to a state to Council's satisfaction upon completion of the works; and*
 - *SA Health does not receive a reduction in fees for occupying and travelling across Park Lands.*

The Council chose to disregard the Board's advice on not reducing fees and, on 3 May 2011, voted to give a lease of nine years for a rental of '\$1.00 per annum (exclusive of GST) payable on demand'. The lease allows SA Health to use the strip of land for construction compounds and, more importantly, for building upon and underneath. The term of nine years was carefully chosen to avoid parliamentary scrutiny of the deal because a lease of ten years and longer invokes one of the provisions of the *Adelaide Park Lands Act 1995*. Under Division 3—Grants of occupancy 21(2), the Act requires a lease or a licence for a term of 10 years or more (and 'taking

into account any right of renewal') to be submitted to the Presiding Members of both Houses of Parliament. This gives a House of Parliament an opportunity to disallow the lease, which is not something the Rann Labor Government would want to happen just at this time. The Council initially voted on the granting of a lease that excluded allowing a construction compound for the SAHMRI but, on 3 May, this was changed so that the lease allowed the SAHMRI compound as well.

The most reprehensible aspect of this lease is that it allows the new hospital building to extend into the Park Lands beyond the 'hospital precinct' which has had a Torrens Title created over it to allow SA Health to say it 'owns' that part of the Park Lands. The history of this aspect of the lease goes back to 2009.

At an APLA Board meeting on 27 August 2009, the Board advised that Council should seek:

- (1) ... *to ensure that the land identified as H105100 S6027 along the North Terrace/Port Road frontage of the proposed new Royal Adelaide Hospital site is retained as public open space in keeping with its Park Lands status and the direction within the Adelaide Park Lands Management Strategy for the 'development of a wellness theme around the proposed Royal Adelaide Hospital, including parks and plaza that support activities and respite and strengthen the Park Lands setting ...*

Then, on 27 January 2011, the APLA Board was given an agenda that included considering in confidence 'Clarification of built form on Park Lands adjacent NRAH'. Somehow commonsense prevailed and the requirement for secrecy was waived so that the meeting could carry on with members of the public present.

The recommendation in front of the Board was the following:

In order to progress and finalise the Park Lands lease Agreement, the Adelaide Park Lands Authority clarifies its previous advice to Council on 27 August 2009 (reproduced in Attachment A to Item 6 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 27 January 2011) regarding the future of the Park Lands fronting the new hospital site, by exempting those recommendations from applying to sub-surface structures through the inclusion of the following clause:

- (a) *Recognising that these recommendations do not apply to any sub-surface structures required in association with the hospital, in particular an underground car park, or to the proposed open portico associated with the facilities [sic] main entrance.*

This recommendation proposed that the Board allow a building to go up on the leased Park Lands along North Terrace, and an underground car park to intrude into the Park Lands, and that the original August 2009 recommendation be modified to allow this to happen.

The underground car park intruding into the Park Lands was introduced into the agenda in this way:

Further development of the hospital design has resulted in the need for the associated underground car park to encroach on the land below the hospital frontage (being subject to the lease agreement between Council and the State Government) to achieve parking requirements of the hospital facility ...

What was being proposed was a large permanent portico structure with huge expanses of access paving and a large underground car park.

Board members engaged in a relatively short discussion. Unfortunately, I was unable to convince my colleagues on the Board (apart from Dr Anne Sharp) to see it my way. I argued that if your neighbour can't build his underground car park under your property, then nor can the SA Health Partnership (the winning consortium developing the site) put its underground car park under the community-owned Park Lands. I considered that this proposal endangered the Park Lands and their heritage status, and allowed an illegal act to occur.

In addition, the Act that constituted the Adelaide City Council stated that:
... it shall not be lawful for the City Council to sell, alienate, or lease the said reserves, [the Park Lands] or in any way or manner to use them, or suffer them to be used, contrary to the purposes for which they have been so set apart ...

The Park Lands have certainly not been set apart for parking cars.

Apart from Anne Sharp and myself, everyone else agreed with the recommendation and seemed happy to go along with these two new incursions into the Park Lands. This unfortunate decision has set a precedent for car parking underground at the Adelaide Oval and any other future development on the Park Lands.

So, for a princely sum of \$1 per annum (which may or may not be collected by the ACC), the SA Health Partnership gets a slice of the Park Lands on which to put an entrance building and under which it excavates to create a car park. Sweet deal!

Gunta Groves
Adelaide Park Lands Authority Board member

If you would like to keep in touch with what the APLA Board is dealing with each month, please contact me at <ggroves@chariot.net.au> or telephone 8336 8424 and I can put you on my list for receiving my monthly newsletter.

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