

**Adelaide Park Lands Preservation Association, Inc.
 Submission to Natural Resources Committee
 Inquiry into Urban Green Space – 24 July 2020**



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1. Introduction

a) Climate change, COVID-19 and population pressures

This inquiry into urban green spaces is timely and important. The world is on track to suffer a climate catastrophe in coming years with increasing temperatures, extreme weather events increasing the frequency and/or severity of floods, fires, polar melting, and species extinctions.¹

Although climate change is a problem of a global scale, South Australia is not immune from its effects, but nor is this State powerless to address them.

It is incumbent upon the South Australian Government, no less than other governments around the world, to take firm and immediate steps to address these clearly foreseen risks.

Urban green spaces, in Adelaide and elsewhere, can assist in adapting and mitigating at least some of the effects of climate change.² Apart from climate change concerns, the availability of urban green spaces has also been shown to improve and maintain health and social outcomes.³

COVID-19 has impacted significantly on our lifestyles with more people working from where they live, increased loss of jobs and adjustments to communications and spatial distancing. The executive director of the United Nations Environment program has warned that the current pandemic may be characterised as “nature sending us a message”, with humanity placing too many pressures on the natural world.⁴

As the world population grows, there are frequent and increasing demands for a reduction in common green spaces (parks, playgrounds, gardens and lawns) for more high density living.⁵

For the reasons outlined above, protecting, restoring and enhancing urban green spaces must now be elevated to high priority as a public policy. The risks of failing to act are too great, and the benefits from acting now are too great to be ignored.

1 <https://www.ipcc.ch/sr15/>

2 https://www.researchgate.net/publication/43694566_Can_urban_green_space_combat_climate_change_Towards_a_subtropical_cities_research_a_genda

3 <https://www.euro.who.int/en/health-topics/environment-and-health/Climate-change/publications/2017/urban-green-space-interventions-and-health-a-review-of-impacts-and-effectiveness.-full-report-2017>

4 <https://www.theguardian.com/world/2020/mar/25/coronavirus-nature-is-sending-us-a-message-says-un-environment-chief>

5 https://www.euro.who.int/_data/assets/pdf_file/0010/342289/Urban-Green-Spaces_EN_WHO_web3.pdf

b) The Adelaide Park Lands

In Adelaide, the main urban green space resource is the Adelaide Park Lands that garland the city in a figure-8 loop around the CBD and North Adelaide.

The Adelaide Park Lands are world-unique. Adelaide is the world's only city built inside a Park. The Adelaide Park Lands were the world's first planned public park. Their establishment in 1837 came ten years before the world's next planned public park, at Merseyside in the UK.

Their historic significance is recognised by national heritage listing (since 2008)⁶ and potential world heritage listing, currently being investigated by the City of Adelaide and others.⁷

This unique resource gives Adelaide an advantage that no other city in the world can match. During summer heat waves the Adelaide Park Lands effectively lower the temperature in the CBD⁸ and also reduce electricity consumption in CBD buildings, especially those located close to the Park Lands.⁹

Over 183 years, the Adelaide Park Lands have been subjected to hundreds of accumulated losses.¹⁰ The rate of attrition shows no signs of easing. If anything, it has accelerated within the past decade.¹¹

c) Recommendations

This submission urges the Committee to make recommendations to State Government Ministers to ensure that the Park Lands are recognised and appreciated by the current generation, and protected for future generations.

The recommendations in the text are repeated in Appendix 2. They cover three areas:

1. State Heritage Listing;
2. New legislation to replace the *Adelaide Park Lands Act 2005* creating new governance arrangements for the Park Lands
3. Raising the public profile of the Park Lands by seeking with State Government support for:
 - a. World Heritage Listing, and
 - b. creation of the 'Adelaide Rainbow Circuit' – an unbroken illuminated walking/cycling/running trail around the entirety of the Park Lands

6 <http://www.environment.gov.au/heritage/places/national/adelaide-parklands>

7 <https://www.adelaidenow.com.au/messenger/city/adelaides-tourism-would-rise-up-to-30-per-cent-if-parklands-were-world-heritage-listed-report-says/news-story/bc678f8dcff306b48e6d2e64195df5c9>

8 Guan et al et al "Effective surface areas for optimal correlations between surface brightness and air temperatures in an urban environment" *Journal of Applied Remote Sensing* Vol. 9, 2015

9 Guan et al "Response of office building electricity consumption to urban weather in Adelaide, South Australia" (2014) *Urban Climate* 10 (2014) pp 42-55

10 <http://www.adelaide-parklands.asn.au/alienations>

11 <http://www.adelaide-parklands.asn.au/current-issues>

2. State Heritage listing

After the Adelaide Park Lands received National Heritage Listing in 2008, APPA lodged a nomination with the State Heritage Council in 2009, urging South Australia to follow the lead of the Commonwealth and declare that the Park Lands are worthy of State Heritage recognition.

No action was taken on this nomination for eight years. Eventually, a State "heritage assessment" of the Adelaide Park Lands and City Squares began in April 2017. A prolonged period of public consultation occurred from June to September 2017. Not surprisingly, the public was overwhelmingly in favour of heritage recognition:¹²



A consultant's report, dated May 2018, was considered by the State Heritage Council on 6 December 2018. The assessment is a comprehensive 91-page document that examines the history, features, and values of the Park Lands.¹³ Not surprisingly, the assessment found that the Park Lands easily meet the legal criteria for State Heritage recognition, on multiple grounds.

After considering the assessment, the State Heritage Council wrote to the Minister for Environment and Water (David Speirs, MP) "recommending the Adelaide Park Lands, Squares and City Layout be recommended to the Minister for Planning, for State Heritage Area consideration."

¹² <https://yoursay.sa.gov.au/decisions/adelaide-park-lands-and-city-squares-heritage-assessment/update/adelaide-park-lands-and-city-squares-heritage-assessment-summary-of-the-consultation-results-for-the-adelaide-parklands-and-city-squares-heritage-assessment-consultation>

¹³ <http://www.environment.sa.gov.au/files/sharedassets/public/heritage/her-gen-adelaide-park-lands-heritage-assessment.pdf>

Under the provisions of the *Heritage Places Act 1993*, the Heritage Council can only **identify** areas of State heritage significance and **promote** the establishment of State Heritage Areas, currently under the provisions of the *Development Act 1993*.

In practice this means that if the Heritage Council determines that an area be recognised as a State Heritage Area (as it has in the case of Adelaide Park Lands, Squares and City Layout) then it needs to ask the Minister for the *Heritage Places Act 1993* to request the Planning Minister to amend the relevant Development Plan to achieve this outcome.

On 28 December 2018, APPA wrote to both Ministers to urge that this be done.^{14 15}

We received a reply from the Minister for Planning, dated 17 April 2019.¹⁶ We also received a belated reply from the Minister for the Environment, dated 19 September 2019.¹⁷

However neither letter has advanced the cause of heritage listing. We wrote again to the Minister for the Environment, on 30 June 2020¹⁸ urging him to take immediate action on the Heritage Council's recommendation. At the date of this submission we had received only a formal acknowledgement of the receipt of our correspondence.

The facts are clear. The proposed State Heritage listing easily complies with legal criteria. The inaction by the State Government since December 2018 is insulting to the people of South Australia and the 1,747 who responded to the Government's consultation. It is a snub to Adelaide's world-unique treasure.

In the intervening period, the Adelaide City Council has started investigating potential World Heritage listing. It is ridiculous that Adelaide's world-unique asset is considered worthy of national and international recognition, yet its values are studiously ignored by our own South Australian State administration.

Accordingly **we urge the Natural Resources Committee to recommend to the Minister for the Environment** that he take immediate action on the State Heritage Council's recommendation of 6 December 2018 to recommend to the Minister for Planning that the Adelaide Park Lands be formally recognised as a State Heritage Area.

14 <http://www.adelaide-parklands.asn.au/s/Letter-to-Minister-David-Speirs-RE-HERITAGE-LISTING.pdf>

15 <http://www.adelaide-parklands.asn.au/s/Letter-to-Minister-Knoll-re-Heritage-Listing.pdf>

16 <http://www.adelaide-parklands.asn.au/s/Letter-Minister-Knoll-2019-04-17.pdf>

17 <http://www.adelaide-parklands.asn.au/s/Letter-Minister-Speirs-re-State-Heritage-2019-09-19.pdf>

18 <http://archives.adelaide-parklands.asn.au/Submissions%20and%20Letters/Letter%20to%20Minister%20David%20Speirs%20re%20State%20Heritage%20Listing%202020-06-30.pdf>

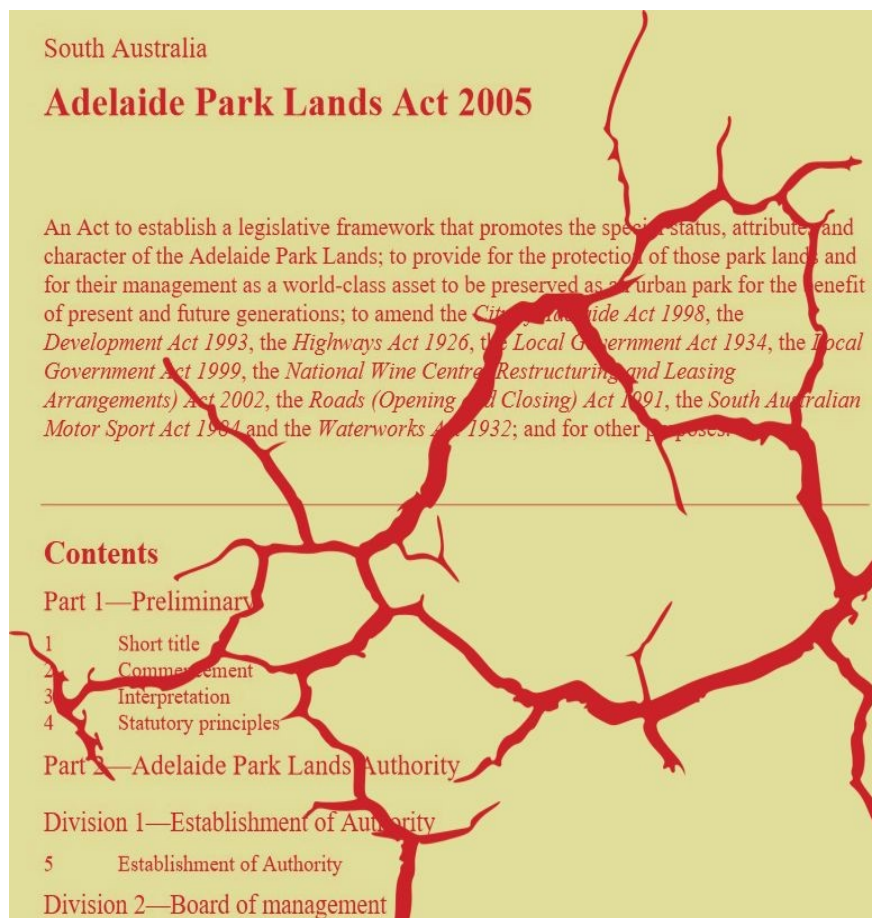
3. Replacing ineffective legislation

The Park Lands are managed pursuant to the *Adelaide Park Lands Act 2005* (“the APL Act”).

One of the statutory principles within the APL Act is that the Park Lands “should be held for the public benefit of the people of South Australia, and should be generally available to them for their use and enjoyment”¹⁹

The long title of the *Adelaide Park Lands Act 2005* states that it is an Act to (inter alia) “provide for the protection of those park lands and for their management as a world-class asset to be preserved as an urban park for the benefit of present and future generations.”

If this is the purpose of the APL Act then it has spectacularly failed to achieve its purpose.²⁰



19 *Adelaide Park Lands Act 2005* s4(1)(b).

20 <https://indaily.com.au/news/local/2018/11/08/call-to-review-failing-park-lands-act/>

a) Ineffective to prevent new losses

The APL Act contains no provisions that ensure its supposed purposes are achieved. Over the past 15 years the APL Act has been impotent to prevent massive alienations and/or land use changes that have prioritised new buildings over urban green space. Examples include:

- Walker Corporation office tower and shops on Festival Plaza, Park 26;
- new Royal Adelaide Hospital, Park 27;
- SAHMRI building, Park 27;
- the O-Bahn busway bisecting Park 14;
- Botanic High School, Park 11; and
- Adelaide Oval Hotel; Park 26.

Many other proposed developments have been temporarily put on hold due to the economic downturn caused by COVID-19. When financial conditions improve, then unless the APL Act is substantially amended, the Act would still be irrelevant to prevent further Park losses such as the proposed:

- Adelaide Football Club commercial headquarters;
- a new multi-purpose stadium;
- a concert hall; and
- a fenced wildlife sanctuary.²¹

As demonstrated by the above, sites within the Park Lands often are picked off, or singled out for proposed ad hoc new uses to serve immediate or short-term needs, without regard to the cumulative effect of multiple losses on the integrity of the Park Lands as a whole or the value of urban green spaces. It is death by a thousand cuts, with no effective brake on this process. As each site is picked off, one by one, the integrity and value of the whole is undermined.

21 <http://www.adelaide-parklands.asn.au/current-issues>

b) Ineffective to achieve return of Park Lands

The APL Act also fails to facilitate return of any urban green space to the Park Lands when previous alienations are no longer needed for their original purposes. Section 23 provides:

23—Steps regarding change in intended use of land

- (1) If land within the Adelaide Park Lands occupied by the Crown or a State authority is no longer required for any of its existing uses, the Minister must ensure that a report concerning the State Government's position on the future use and status of the land is prepared within the prescribed period.
- (2) A report under subsection (1) must include information on the condition of the land and on the action (if any) that would be required in order to make the land suitable for public use as park lands.

Section 23 became relevant when a decision was made in 2008 to relocate the Royal Adelaide Hospital. After the new hospital (located within Park 27) became operational in 2017 the old hospital site in Park 11 was “no longer required for any of its existing uses”.

However a report prepared pursuant to section 23 in regard to the former Royal Adelaide Hospital site in Park 11 (the so-called “Lot Fourteen”) lagged years behind Government planning for the former RAH site. More than three years after APPA began asking about a Section 23 report on the former RAH site, the Minister without any public announcement, tabled a report in the House of Assembly on 28 February 2019.²²

The report was merely tokenistic compliance with Section 23. It claimed that “to make the land suitable for public use as park lands” would require:

- refurbishment of six existing heritage buildings; and
- demolition of all existing non-heritage listed buildings including bulk filling basements with imported material, and site remediation; and
- landscaping to the whole of the site including premium level pavements to North Terrace frontage to complete the cultural boulevard. (This last element is being undertaken at the Lot Fourteen site even in the absence of any Park Lands component to the re-development.)

The Minister’s Section 23 report claimed, without evidence, that the cost to complete this work would be \$300 million. The report failed to include:

- any explanation of why each of the dot points above was considered essential for Park Lands purposes. For example, no reason was given for suggesting that “imported material” would be required for filling basements;
- any discussion of less-expensive options; nor
- any explanation of how the Government calculated the supposed cost of \$300 million.

Clearly this report did not influence any of the decisions that the Government made (either before or after the report was tabled) about the so-called “Lot Fourteen”. The report contained little “information”, merely unsubstantiated assertions. Current plans for the so-called “Lot Fourteen” include no provision for any urban green space even though the entire site is within Park 11 of the Adelaide Park Lands. In the first real test of its use, Section 23 has proved to be effectively irrelevant.

²² https://gallery.mailchimp.com/8d5ffe71c995a1cbceb0bbd6d/files/3b8cb46e-2fbf-4903-bd78-f19658df2bdc/Report_pursuant_to_section_23_of_the_Adelaide_Park_Lands_Act_2005.pdf

c) An “Authority” without any authority

The APL Act establishes a statutory body, the Adelaide Park Lands Authority, which, despite its name has no authority to make decisions about any part of the Park Lands. The Authority’s functions are limited to:

- policy advice;
- raising public awareness of the Park Lands;
- provision of “comments and advice” to the City of Adelaide and the Minister;
- administering the “Adelaide Park Lands Fund” into which no resources are ever placed; and
- production of a Park Lands Management Strategy which is routinely overlooked or sidestepped by both the City Council and the State Government whenever either administration wishes to facilitate developments (such as those itemised above) that would not be supported by the Strategy.

d) What alternatives?

At the very least it is necessary to conduct an urgent review of the APL Act. APPA would welcome an opportunity to participate in such a review.

APPA recommends new legislation to amend or replace the Adelaide Park Lands Act 2005, to include a new model of Governance for the Park Lands. The new legislation must set in place:

- a hard limit on alienation of the Park lands,
- an effective mechanism for clawing back (for use by the public, as Parks) areas of the Park Lands that have previously been lost to alienation; and
- a new management model, at arms length from both the State Government and the City Council. APPA suggests a model such as New York's Central Park Conservancy be examined, as an option.

4. Raising the public profile of the Adelaide Park Lands

The urban green space of the Adelaide Park Lands will be protected only when sufficient numbers of South Australians demand such protection. This will happen only when a sufficient number of South Australians become aware of the world-unique nature of their urban green asset. Therefore, it is time to raise the profile of the Park Lands in their entirety.

There are many ways of doing this, but this submission will concentrate on just two.

a) Support for World Heritage Listing

The Adelaide Park Lands are of world significance for two reasons:

- The creation of the Park Lands in 1837 constituted the world's first planned public park; and
- Adelaide is the world's only city built inside, or entirely garlanded, by a Park or Parks.

In October 2018, a report prepared for the Adelaide Park Lands Authority²³ estimated that if the Park Lands were to achieve international recognition by being added to UNESCO's list of World Heritage sites, Adelaide could expect a boost in tourism of between 20% to 30%. Although international tourism is presently in effective hibernation caused by the COVID-19 pandemic, tourists eventually will return. Achieving World Heritage listing is not a quick or simple process. Accordingly, it would be prudent to explore this option, in anticipation of an eventual recovery in international tourism.

Prior to local government elections in November 2018, all City Council election candidates questioned supported this idea.²⁴ Some months later, the City Council endorsed a recommendation from the Park Lands Authority and allocated \$100,000 in its 2019-20 budget to Investigate this matter further.

APPA recommends that the State Government (through the Capital City Committee) engage with the City of Adelaide, the Commonwealth, and others to explore the likelihood of lodging an application for UNESCO World Heritage Listing of the Adelaide Park Lands.

23 https://dmzweb.cityofadelaide.com.au/agendasminutes/files08/Agendas/APA/2018/2018_10_18APA.pdf

24 <https://www.adelaidenow.com.au/messenger/city/adelaides-tourism-would-rise-up-to-30-per-cent-if-parklands-were-world-heritage-listed-report-says/news-story/bc678f8dcff306b48e6d2e64195df5c9>

b) Adelaide Rainbow Circuit

One of the difficulties in raising awareness of the world-unique nature of Adelaide as a “City in a Park” (and hence the difficulty of growing public support for the protection of their urban green spaces) is the fact that each one of the 30 Parks that together make up the Adelaide Park Lands is cut off from its neighbouring Parks by a road, railway line and/or other infrastructure.

Accordingly, a new idea has been quietly gathering support in 2020. Business SA Chief Executive and former Lord Mayor, Martin Haese is among the many people urging the commencement of a feasibility study into what could become a world-unique tourism icon for Adelaide.

The idea is being promoted by private citizen Jason Redman who has been quietly building support for the idea with community and sporting groups and the City Council. Mr Redman sees the plan as an opportunity to simultaneously link a number of worthwhile goals: boosting active tourism, highlighting Adelaide's Kurna and European heritage, promoting better health, and encouraging connections between Adelaide's existing near-city attractions and park lands features.

The proposal would include a network of new bridges and/or tunnels to take runners, pedestrians and cyclists under, or over each of the roads that cut through the Park Lands. In addition to that infrastructure, the proposed circuit would also feature sustainable solar-driven lighting on the pathways, to encourage its use both day and night. These pictures give some examples of what might be possible, drawn from pathways in other parts of the world:



There is enormous potential for this vision to create greater recognition and appreciation of Adelaide's Park Lands - not just locally, but around the world. APPA endorses Mr Haese's view that such a unique track could “act as a catalyst for long-term Park Lands preservation, much more than advocacy alone.”

APPA recommends that the State Government and the City of Adelaide jointly approach the Commonwealth to explore a feasibility study and funding options for the proposed "Adelaide Rainbow Circuit" an unbroken cycling/ walking/ running loop around the entire Adelaide Park Lands.

Appendix 1 - Adelaide Park Lands Preservation Assn

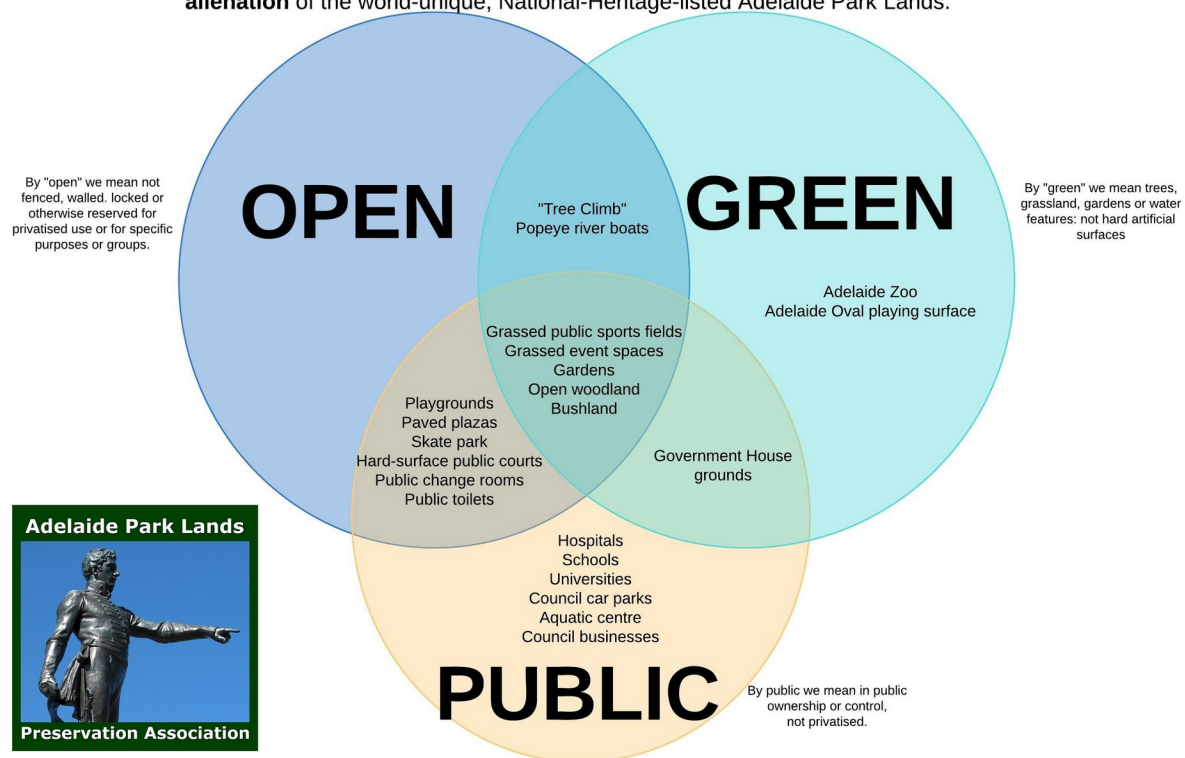
The Adelaide Park Lands Preservation Association Inc (APPA) was founded in 1987 as a non-profit community based 'watchdog', offering South Australians a focal point to help preserve and restore the Adelaide Park Lands. Our **proactive activities** to raise awareness of the Park Lands include:

- sponsorship of a biennial Park Lands Art Prize²⁵ (2020 prize money \$38,500)
- regular (at least monthly) guided walks;²⁶
- publication (in partnership with the National Trust) of "trail guides" to facilitate self-guided walks in the Park Lands;²⁷
- daily publication on social media of the #adelaideparklands #picoftheday;
- publication of a Park Lands video of the month;
- campaigning for "restoration" of Park Lands areas that have been previously alienated.²⁸

Our **reactive work** focusses on lobbying to prevent further alienation of Park Lands. There are at least 200 locations within the Park Lands that have been alienated from public use.²⁹ APPA's published diagram (below) proposes an easily-understandable distinction between uses that are consistent with the concept of Park Lands and those that are inconsistent. Hardly a month goes by without additional inconsistent land uses being proposed, considered or authorised.³⁰

PARK LANDS ARE OPEN, GREEN, PUBLIC (at least 2 out of 3)

If a proposed building or other permanent land use can't fit into at least two of these overlapping circles, then it's an **alienation** of the world-unique, National-Heritage-listed Adelaide Park Lands.



Consistent with the above diagram, APPA does not object to temporary fenced events within Park Lands, but clearly the duration and area of any public exclusion from Park Lands is relevant to whether a fenced land use would be consistent with the concepts of "public" and "open".

25 www.parklandsart.com

26 www.adelaide-parklands.asn.au/guided-walks

27 <https://adelaidecityexplorer.com.au/tours/browse/>

28 www.adelaide-parklands.asn.au/restoration

29 www.adelaide-parklands.asn.au/alienations

30 www.adelaide-parklands.asn.au/current-issues

Appendix 2 - Recommendations

The Adelaide Park Lands Preservation Association urges the **Natural Resources Committee to recommend:**

1) to the Minister for Environment and Water (to whom the *Heritage Places Act 1993* is committed) that he take immediate action on the State Heritage Council's recommendation of 6 December 2018 to recommend to the Minister for Planning that the Adelaide Park Lands be formally recognised as a State Heritage Area.

2) to the Minister for Minister for Transport, Infrastructure and Local Government (to whom the *Adelaide Park Lands Act 2005* is committed) new legislation to amend or replace the Act, to include a new model of governance for and administration of the Park Lands. The new legislation ought to set in place:

- a hard limit on alienation of the Park Lands,
- an effective mechanism for clawing back (for use by the public, as Parks) areas of the Park Lands that have previously been lost to alienation; and
- a new management model, at arms length from both the State Government and the City Council. APPA suggests a model such as New York's Central Park Conservancy be examined, as an option.

3) to the Premier, and to Minister for Minister for Transport, Infrastructure and Local Government (to whom the *City of Adelaide Act 1998* is committed) that the State Government (through the Capital City Committee) engage with the City of Adelaide, the Commonwealth, and others to explore the likelihood of lodging an application for UNESCO World Heritage Listing of the Adelaide Park Lands.

4) to the Premier, and to Minister for Minister for Transport, Infrastructure and Local Government (to whom the *City of Adelaide Act 1998* is committed) that the State Government and the City of Adelaide jointly (through the Capital City Committee) approach the Commonwealth to explore a feasibility study and funding options for the proposed "Adelaide Rainbow Circuit" an unbroken cycling/ walking/ running loop around the entire Adelaide Park Lands.