

# Adelaide Park Lands Association

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## Riverbank Precinct Code Amendment

The Adelaide Park Lands Association rejects the re-zoning of any part of the Adelaide Park Lands.

If Parks were to be re-zoned for other purposes then they would lose their character as Parks. Re-zoning for the proposed purposes of entertainment, innovation, health etc would allow multiple developments over coming years to gradually replace Open Green Public spaces in each one of the four targeted zones.

Adelaide's figure-eight of Park Lands garlanding both the City and North Adelaide is a treasure found in no other city in the world.

It should be valued as such, not sacrificed as if it were merely vacant development sites.

Many areas of the Park Lands have been lost to development over recent decades and the current re-zoning proposal would have the effect of diminishing much further the Open Green Public areas of Park Lands - accelerating the loss of this priceless resource.

The Adelaide Park Lands Association endorses both of the attached two submissions made separately by:

- **Australia ICOMOS (PDF, 8 pages, 1.4 Mb)** and
- **Community Alliance SA (PDF, 9 pages, 387 Kb)**

Yours sincerely

Shane Sody, President

20 October 2021

[www.adelaide-parklands.asn.au](http://www.adelaide-parklands.asn.au)



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## **Australia ICOMOS Position Paper on the Adelaide Park Lands and City Layout National Heritage Place including comments on the Riverbank Precinct Code Amendment 2021**

12 October 2021

### **About Australia ICOMOS**

ICOMOS – the International Council on Monuments and Sites – is a non-government professional organisation that promotes expertise in the conservation of cultural heritage. ICOMOS is also an official Advisory Body to the World Heritage Committee under the World Heritage Convention. Australia ICOMOS, formed in 1976, is one of over 100 national committees throughout the world. Australia ICOMOS has over 750 members in a range of heritage professions. We have expert members on a large number of ICOMOS International Scientific Committees, as well as on expert committees and boards in Australia, which provides us with an exceptional opportunity to see best-practice internationally. We have a particular interest in Australia's World and National Heritage places.

### **Background to the Adelaide Park Lands and City Layout National Heritage Place, and the Riverbank Precinct Code Amendment 2021**

This paper has been prepared to address a range of long-term issues with the effective protection and management of the Adelaide Park Lands and City Layout National Heritage place. It also provides a response to the current Riverbank Precinct Code Amendment (2021).

In 2008 the Adelaide Park Lands and City Layout was entered in the National Heritage List maintained under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Its National Heritage values include,

The Adelaide Park Lands and City Layout is a significant example of early colonial planning which has retained key elements of its historical layout for over one hundred and seventy years...

The Adelaide Plan... reflected new town planning conventions and contemporary ideas about the provision of common or reserved land for its aesthetic qualities, public health and recreation...

The key elements of the Plan remain substantially intact, including the layout of the two major city areas, separated by the meandering Torrens River, the encircling Park Lands, the six town squares, the gardens and the grid pattern of major and minor roads.

The Park Lands, in particular, are significant for the longevity of protection and conservation and have high social value to South Australians who regard them as fundamental to the character and ambience of the city of Adelaide.

The national significance of the Adelaide Park Lands and City Layout lies in its design excellence. The Adelaide Plan is regarded as a masterwork of urban design, a grand example of colonial urban planning... Features within the Park Lands area included a hospital, Government House, a school, barracks, a store house, a market and a botanic garden and roads.

The tree planting designed and implemented since the 1850s and the living plant collection of the Park Lands, particularly within the Adelaide Botanic Gardens are outstanding features. The encircling Park Lands provide for health and recreation for the inhabitants while setting the city limits and preventing speculative land sales on the perimeter.

The emphasis on public health, amenity and aesthetic qualities through civic design and provision of public spaces were to have an influence on the Garden City Movement, one of the most significant urban planning initiatives of the twentieth century... (Adelaide Park Lands and City Layout, National Heritage place record 105758)

A copy of the full official values and boundary plan are provided at Appendix A.

Many National Heritage places have a conservation or heritage management plan prepared to guide the management and conservation of the place. The 2013-2018 review of the National Heritage List (Department of the Environment and Energy 2019) noted that the management arrangements in place for the National Heritage listing for the park lands were the “2009 Management Strategy and development plans”. However, neither the current “Adelaide Park Lands Management Strategy 2015-2025”, nor the current Planning and Design Code (based on the former Adelaide City Development Plan) appear to be consistent with National Heritage management principles. These documents were never prepared to specifically address the management of the park lands’ diverse National Heritage values.

The Planning and Design Code (the Code) came into effect in Adelaide in 2021, replacing all Development Plans. The Code has several overlays that provide policy for heritage and historic places and areas, including for State Heritage Places, State Heritage Areas, Local Heritage Places and Historic Areas. There is no overlay for National Heritage places to help achieve an integrated approach, and no provisions in the SA planning system to identify if works are within the boundary of a National Heritage place, or to consider potential impacts on National Heritage places.

In September 2019 the South Australian Heritage Council considered the potential listing of the “Adelaide Park Lands, Squares and City Layout” as a State Heritage Area (SHA). It is understood that Heritage Standards will be prepared under the Planning and Design Code for the proposed SHA.

The history of the original area of park lands is complex, especially along North Terrace, where a series of developments have taken place over time. These have included railway facilities, a university and institute of technology, and a hospital from the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Later commercial, entertainment and sporting facilities have also been developed or re-developed, and more recently a new hospital constructed. A major high-rise building is to be built behind the Adelaide Festival Centre. It is noted that many of these facilities are outside of the National Heritage place, although within the Adelaide Park Lands Plan as defined under the *Adelaide Park Lands Act 2005*, and within the setting of the National Heritage place.

## **Overview of the Riverbank Precinct Code Amendment**

This amendment is proposed for the following reasons,

The State Government is progressing initiatives of State significance in the Riverbank precinct including the development of the proposed new Women’s and Children’s Hospital (nWCH). These initiatives are part of the State Government’s wider vision for the Riverbank precinct as a premier health, sporting, entertainment, education, and cultural boulevard and have been the subject of ongoing strategic consideration. (Plan SA, Riverbank Precinct Code, Amendment, draft for consultation, 2021, p. 6).

The amendment partly relates to the National Heritage listed area, as well as other areas which are part of the Adelaide Park Lands Plan as defined under the *Adelaide Park Lands Act 2005*. The total area of park lands impacted by the amendment is approximately 70 hectares. The amendment will apparently enable several substantial developments within the National Heritage listed park lands boundary, including:

- a multi-storey carpark and access road for the proposed Women’s and Children’s Hospital;
- a major entertainment building;
- expansion of a commercial innovation precinct; and
- a range of community, cultural, tourism, shop and licensed premises located ‘on-water and off-water’ on the northern banks of the Karrowirra Parri/River Torrens.

These are the current proposals, and it seems likely additional future developments may arise which will be facilitated by the Code amendment, as new land uses include:

- arena;
- community centre;
- consulting room;
- convention centre;
- educational establishment;

- entertainment venue;
- helicopter landing facility;
- hospital;
- hotel;
- licensed premises;
- land division;
- light industry;
- office;
- pre-school;
- shop;
- serviced apartments; and
- tourist accommodation.

In terms of built form, the Code amendment will allow 15-20 storey buildings and 53-71 metre building heights.

The Code amendment will also allow for land subdivisions within the National Heritage place and public notification will no longer be required for any development application except the demolition of a State or Local Heritage Place.

Additionally, a number of current uses that support the National Heritage values will be removed by the proposed Code amendment. These include a range of open space, recreation and sporting activities, as well as special events.

### **Key General Overarching Issues for the Adelaide Park Lands and City Layout**

The key issues affecting the park lands include:

- incremental and substantial development pressure within and adjacent to the National Heritage place, involving major developments in the past, current proposals and possible future developments that may have a cumulative adverse impact on the National Heritage values;
- the development of major buildings and roadways which erode the open and landscape qualities of the park lands, including the meaningful connectivity of the encircling park lands in the vicinity of Bonython Park, preclude the restoration of the park lands, impact on the grid layout, or which are unsympathetic in the setting of the park lands, any of which may adversely impact on the National Heritage values, including its social values; and
- the inclusion of uses which are not consistent with the general character of the park lands, or create an imbalance of uses which may affect the overall landscape character and the National Heritage values.

Of great concern is that the proposed Code amendment is only the latest example of development pressure on the park lands. There is no established carrying capacity for the park lands that defines the extent and character of sympathetic development, and such pressure will continue to arise over time.

It is understood that the proposed Code amendment may not be a matter (an action) that can be considered under the EPBC Act, which is focused on specific projects. In the latter case, the normal process involves undertaking a self-assessment (heritage impact assessment) of a particular action to determine if it is likely to have a "significant impact" on National Heritage values. The proponent determines if a referral under the EPBC Act is required.

An "action" is defined in the EPBC Act as: a project, a development, an undertaking, an activity or a series of activities, or an alteration of any of these things (section 523). Actions include, but are not limited to: construction, expansion, alteration or demolition of buildings, structures, infrastructure or facilities, earthworks and vegetation clearing. However, government authorisations for another person to take an action are not actions (section 524).

Additional concerns include:

- there is uncertainty in relation to the proposed approvals process following rezoning, noting the apparent overall lack of coherence between City planning, State planning legislation and policy,

and National Heritage considerations under the EPBC Act, and heritage impact assessment in relation to actions within the boundary of or impacting upon the setting of the National Heritage place and State Heritage Places;

- there is no conservation management plan for the National Heritage place, consistent with the National Heritage management principles and other requirements under the EPBC Act;
- there appear to be nine land managers for the park lands National Heritage place, it is unclear if they all have appropriate policies and processes to protect and manage the place, that they understand their obligations under the EPBC Act, and that these management systems provide for an integrated outcome; and
- heritage impact assessments for proposed works in or adjacent to the National Heritage place must be prepared by relevant heritage experts, they are not always publicly available, or available at an early stage to enable public scrutiny prior to development approval being granted.

### **Specific Additional Issues with regard to the Sub-Zones in the Code Amendment**

#### Health Sub-Zone

- Potential adverse impacts on National Heritage park lands, and State Heritage Places or potential places (eg. the olive grove).
- Construction of multi-storey carpark on park lands/loss of or impacts on park lands landscape.
- Permits new building heights up to 15 storeys or 53 metres which would impact on park lands landscape.
- Proposed land uses are inconsistent with park lands landscape.

#### Entertainment Sub-Zone

- Construction of arena on park lands/loss of or impacts on park lands landscape.
- Permits new building heights up to 20 storeys or 71 metres which would impact on park lands landscape.
- Proposed land uses are inconsistent with park lands landscape.
- Adverse impacts on Colonel Light's grid layout, which is a key component of the National Heritage listing.

#### Riverbank Sub-Zone

- Potential impacts on Pinky Flat as a place of significance to the Kurna community.
- May lead to development on park lands/loss of or impacts on park lands landscape.
- Proposed land and water uses are inconsistent with park lands landscape.

#### Innovation Sub-Zone

- No valid reason has been offered for the rezoning of this site from Adelaide Park Lands Zone to City Riverbank Zone (Innovation Subzone).
- May lead to development on park lands/loss of or impacts on park lands landscape.
- Proposed land uses are inconsistent with park lands landscape.
- Frome Park/Nellie Raminyemmerin Park cannot be disturbed as it contains a fully authenticated and documented Kurna Aboriginal burial site listed on the Register of Aboriginal Sites and Objects under the *Aboriginal Heritage Act 1988*. It also contains contaminated material to a depth of 1.5 metres.

### **Recommendations regarding the Future Protection and Management of the Adelaide Park Lands and City Layout**

Given all of this context, Australia ICOMOS is opposed to implementation of the Code amendment while more fundamental issues need to be addressed. Accordingly, Australia ICOMOS makes the following recommendations.

1. The Code amendment process is deferred until a range of fundamental issues are addressed regarding the future protection and management of the park lands.
2. Kurna consultation is undertaken as part of any future proposed Code amendment affecting the Adelaide Park Lands.

3. An analysis be undertaken to establish the carrying capacity for the park lands which defines the extent and character of sympathetic development consistent with the protection of National Heritage values.
4. Consideration be given to undertaking a strategic assessment under the EPBC Act, as a higher level strategic planning process for the National Heritage place. This might include the carrying capacity analysis recommended above.
5. A review should be undertaken to establish how City, State and Commonwealth systems can achieve greater coherence in the protection and management of the National Heritage place, including with regard to heritage impact assessment. This would assist in identifying owner and proponent obligations under the EPBC Act.
6. Heritage impact assessments prepared by relevant heritage experts for proposed works in or adjacent to the National Heritage place should be prepared and made publicly available at an early stage to enable public scrutiny prior to development approval being granted.
7. A conservation management plan for the National Heritage place should be prepared, consistent with the National Heritage management principles and other requirements under the EPBC Act.
8. A system should be developed to ensure the integrated management of the National Heritage place amongst the various land managers within the area, and this should be documented in the conservation management plan.

## **Appendix A: Adelaide Park Lands and City Layout – National Heritage values and Boundaries**

The Adelaide Park Lands and City Layout was included on the National Heritage List in 2008 and was found to meet six of the eight heritage criteria under the EPBC Regulations.

### **National Heritage Values**

***Criterion (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.***

The Adelaide Park Lands and City Layout is the physical expression of the 1837 Adelaide Plan designed and laid out by Colonel William Light. It has endured as a recognisable historical layout for over 170 years retaining the key elements of the plan; encompassing the layout of the two major city areas separated by the Torrens River, the encircling Park Lands, the six town squares, and the grid pattern of major and minor roads. It is substantially intact and reflects Light's design intentions with high integrity.

The Adelaide Park Lands and City Layout is of outstanding importance because it signifies a turning point in the settlement of Australia. It was the first place in Australia to be planned and developed by free settlers, not as a penal settlement or military outpost. The colony of South Australia was established by incorporation as a commercial venture supported by the British Government, based on Edward Wakefield's theory of systematic colonisation. To be commercially successful, there needed to be contained settlement to avoid speculative land sales and this settlement needed to be designed and planned to attract free settlers and to provide them with security of land tenure. The city layout with its grid plan expedited the process of land survey enabling both rapid settlement of land and certainty of title. The wide streets, public squares and generous open spaces provided amenity and the surrounding park lands ensured a defined town boundary while still allowing for public institutional domains. These elements are discernable [sic] today.

The Adelaide Park Lands is also significant for the longevity of its protection and conservation. The Adelaide Municipal Corporation Act (1840) established the city council as the 'conservators' of the city and park lands. The establishment of the Park Lands Preservation Society in 1903, along with successive community organisations marks a continuing pattern in community support for safeguarding the significance of the Park Lands for the Adelaide community.

The Adelaide Plan was highly influential as a model for planning other towns in Australia and overseas. It is acknowledged by town planners and historians as a major influence on the Garden City Planning movement, one of the most important urban planning initiatives.

***Criterion (b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history.***

The Adelaide Park Lands and City Layout is rare as the most complete example of nineteenth-century colonial planning where planning and survey were undertaken prior to settlement. The historical layout as conceived in the 1837 Adelaide Plan remains clearly legible today. The place is also the only Australian capital city to be completely enclosed by park lands and is the most extensive and substantially intact nineteenth-century park lands in Australia.

***Criterion (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of: (i) a class of Australia's natural or cultural places; or (ii) a class of Australia's natural or cultural environments.***

The Adelaide Park Lands and City Layout is an exemplar of a nineteenth-century planned urban centre. It demonstrates the principal characteristics of a nineteenth century city including a defined boundary, streets in a grid pattern, wide streets, public squares, spacious rectangular blocks and expansive public open space for commons and public domains. The expression of these features with their generous open space reflects the early theories and ideas of the Garden City movement of an

urban area set in publicly accessible open space with plantings, gardens, designed areas and open bushland.

***Criterion (f) the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period.***

Adelaide Park Lands and City Layout is regarded throughout Australia and the world as a masterwork of urban design. Elements of the Adelaide Plan that contribute to the design excellence are the use of the encircling park lands to define the boundary of the development of the city and to provide for health, public access, sport, recreation and public institutional domains, thereby meeting both economic and social requirements. Designing the city layout to respond to the topography was highly innovative for its time with the northern sections of the city located and angled to take advantage of the rising ground while retaining the Torrens River as a feature within the Park Lands. The judicious siting and wide streets maximised views and vistas through the city and Park Lands and from some locations to the Adelaide Hills. The plan features a hierarchy of road widths with a wide dimension to principal routes and terraces and alternating narrow and wide streets in the east-west direction. Light's planning innovation is supported by substantial historical documentation.

The formal organisation, delineation and dedication of the Park Lands space was a pioneering technical achievement of William Light in the Adelaide Plan.

The overall landscape planting design implemented by several successive landscape designers/managers incorporated designed vistas, formal avenues, plantations, gardens, use of specimen trees, botanically important living plant collections particularly at the Adelaide Botanic Garden and the strategic placement of buildings and statuary in their settings.

The creativity of the city and parkland design is clearly legible in the contemporary landscape viewed from the air or from the Adelaide Hills. The civic design of Adelaide was used as a model for founding many other towns in Australia and New Zealand and it is cited in later seminal Garden City planning texts including 'Garden Cities of Tomorrow' by Ebenezer Howard.

***Criterion G the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.***

The Adelaide Park Lands has outstanding social value to South Australians who see it as fundamental to the character and ambience of the city. The Park Lands with their recreation areas, sports grounds, gardens and public facilities provide venues for individual and group activities and events, meetings and passive and active recreation. The Park Lands also have significant social value due to the range of important civic, public, and cultural assets and institutions within it.

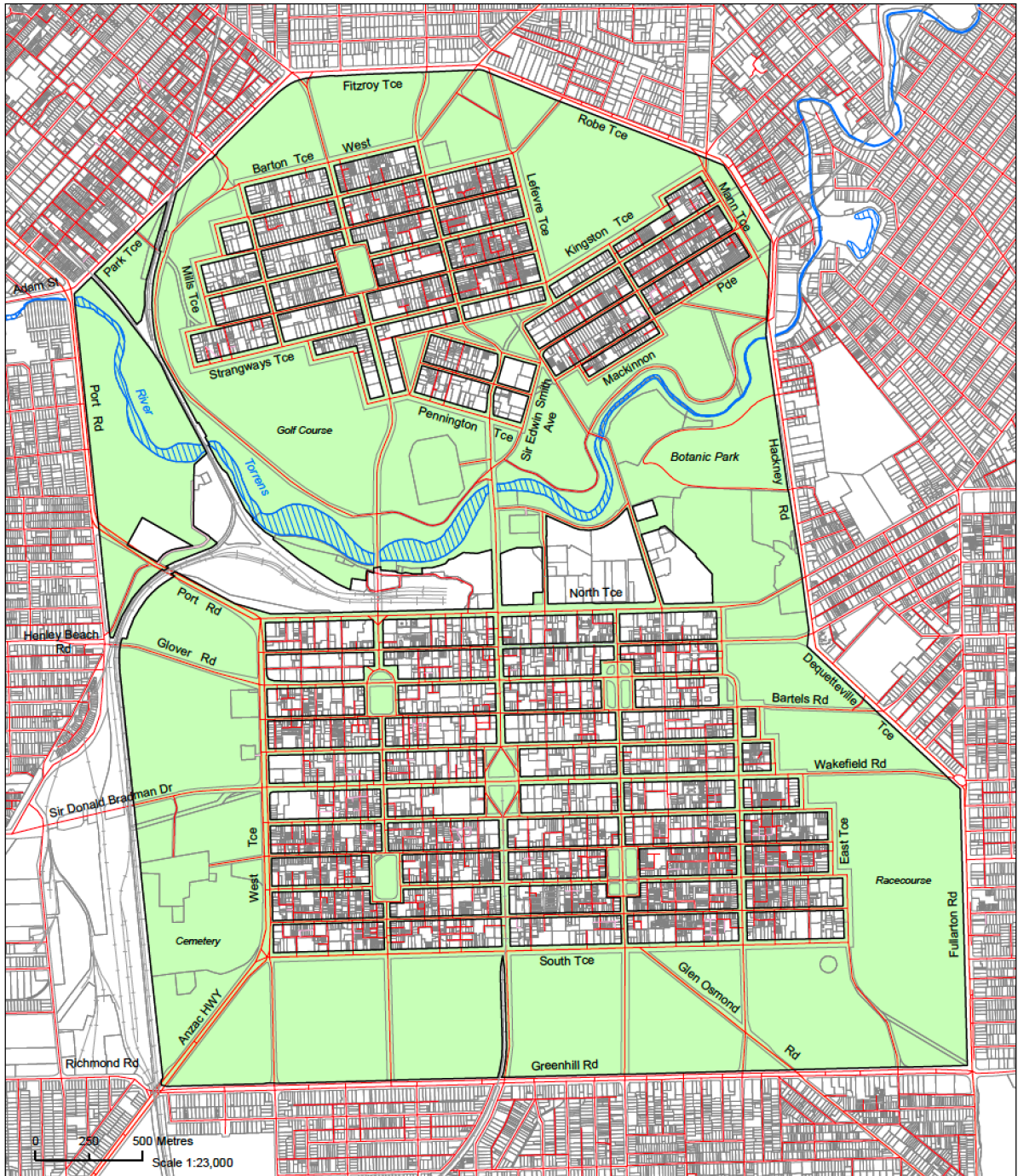
The present Adelaide Parklands Preservation Society is the latest in a long history of community groups dedicated to protecting the Adelaide Park Lands. These have included the Park Lands Defence Association (1869-87), the Park Lands Preservation League (1903, 1948) and the National Trust of South Australia. The longevity of the involvement of community groups in campaigning for the protection and safeguarding of the Park Lands is exceptional.


***Criterion H the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.***

Colonel William Light is most famously associated with the plan of Adelaide. He bore the ultimate responsibility, as recorded in his surviving publications and letters.



# Boundary Map



<p><b>LEGEND</b></p> <p> Listed place</p> <p> Australian Government Department of the Environment, Water, Heritage and the Arts</p>	<p><b>The Adelaide Park Lands and City Layout</b></p> <p>National Heritage List</p> <p>Place ID: 105758 File: 3/03/001/0279</p>	<p>Data Sources: Cadastral for Australia (SA) - Cadastre RoadNet Comprehensive - Roads RoadNet Comprehensive - Railways © 2008 MapData Sciences Pty Ltd, PSMA Produced by: Heritage Division Canberra, GDA94, 7/11/2008 © Commonwealth of Australia, 2008.</p>
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Community Alliance SA Inc  
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Engaging for Reform



20<sup>TH</sup> October 2021

SUBMISSION BY CASA

RE:

Consultation: Riverbank Precinct Code Amendment  
Period: 15 September to 27 October 2021

Feedback to:

[https://plan.sa.gov.au/have\\_your\\_say/general\\_consultations/  
public\\_feedback\\_on\\_initiated\\_code\\_amendment?aid=Riverbank\\_Precinct\\_Code\\_Amend-  
ment](https://plan.sa.gov.au/have_your_say/general_consultations/public_feedback_on_initiated_code_amendment?aid=Riverbank_Precinct_Code_Amendment)

## INTRODUCTION

The Community Alliance SA Inc. (CASA) was formed as an umbrella organisation for 25 resident action groups in South Australia. CASA was formed in 2011 following a number of controversial Ministerial Development Plan Amendments (DPAs) that caused widespread community concern. We advocate for our member groups, including lobbying for reform of government, planning and related legislation, and for genuine community engagement. Ten years on, we now represent 30 resident groups and growing. Ten years on, our economy, environment and communities are facing significant challenges that were unknown back in 2011 or 2016 when the Planning Development and Infrastructure Act was promulgated. SA now has a state wide planning system to replace local council based Development Plans. CASA's aims include to advocate for a sustainable and democratically based planning system, increase accountability and community confidence in decision making; defending the community's rights to informed participation in their system of government, and **protecting and safeguarding our heritage for future generations**. Our overall aim is to 'put people back into Government and Planning.

Please find our submission as follows:

## CONSULTATION FEEDBACK

- The consultation relating to matters contained in the document Draft for consultation, Riverbank Precinct Code Amendment, Chief Executive, Attorney General's Department (approved 10/9/21) does not comply with the Community Engagement Charter as prescribed under the provisions of the Planning, Development and Infrastructure Act because the engagement is not well informed or sufficiently transparent.

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CASA Riverbank Code Amendment submission

- The consultation assumes high-level professional planning knowledge, which is unreasonable and has potential to alienate the ‘broader South Australian community’ and thus discourages some respondents from participating. Many members of the public have contacted CASA bewildered by the method of access to information on line, and confused by the complexity of the information.

The general public, despite the substantial documentation provided, find the portal access to the details difficult. There is also inability to comprehend that PlanSA’s fundamental proposals seek to replace existing desired planning outcomes for the Adelaide Park Lands Zone in the current Planning and Design Code with alternative desired planning outcomes for existing and re-zoned land on which major built form development is proposed. The content also disregards previous planning and concept reports and does not clarify on what basis the authority to propose changes relies.

- Although this consultation purports to encourage feedback that has potential to influence the outcome, in reality the scope is tightly restricted by PlanSA. Moreover, this restricted scope is not prominently highlighted.
- The ‘consultation’ is, in effect, an ‘information-only’ notification to the SA public that purports to be a ‘consultation’. This is a disingenuous, non-respectful process.
- It is evident that this code revision proposal is at a final draft stage, ready to quickly implement, and the suggestion that it is merely ‘a work in progress’ with no schedule indicates that the consultation is not genuine. The public consultation (‘engagement’) did not occur early enough to allow for feedback that might genuinely influence the proposed planning policy. CASA has issue with the fact that ‘stakeholders’ do not include a concurrent series of public information sessions when pre-consultation workshops were occurring,
- Insufficient information is presented about the content of the strategic reviews preceding this proposal, such as the Renewal SA and State Planning Commission investigations.

## WHY DO WE HAVE PARK LANDS?

CASA rejects the Code Amendment in its lack of recognition of the cultural and historical relevance in retaining Park Lands for public use. This move to rezone riverbank areas as sub-zones is rejected. The subzones if adopted will take precedence over the underlying Adelaide Park Lands zone’s Desired Outcomes. The Code reflects an appalling attitude and approach by a state government entrusted with the custodianship of the protection of Adelaide Park Lands for our present and future generations, including all those within the community sharing a connection and public interest within its boundaries.

As stated by historian Patricia Sumerling in her introduction to ‘The Adelaide Park Lands- a social history;

‘ the Adelaide Park Lands are unique in Australia, with no known counterparts elsewhere in the world. They date from 1837, when the new town of Adelaide and its dormitory of North Adelaide - completely encircled by Park Lands, as Colonel William Light, the first Surveyor General intended – were surveyed. The uniqueness of the Adelaide Park Lands was recognised on 7 November 2008 when they received Australia’s highest heritage honour by being

included in the National Heritage List. The Park Lands surround the city in a green swathe of parks, gardens, ovals and sportsgrounds of approximately 931 hectares (2300 acres) with some acres of around half a kilometre wide swaddling the two parts of the city like a figure of eight. In all the city and the Park Lands comprise areas measuring 13 square kilometres (five square miles). Like a buffer one, the Park Lands separate the approximately 422 hectares (1042 acres) that make up the city from the sprawling metropolitan area...

Michael Williams, author of the *Making of the South Australian Landscape*, claimed the significance of the Adelaide plan lies not only in its unique character and formalisation of functional zones, but also in its use as a model for over two hundred towns and villages in Australia, and for several towns larger than these in New Zealand.<sup>1</sup>

Over time the area of the Park Lands has reduced from 931 hectares to around 233 hectares with government and institutional buildings, rail terminal and conferences centres constructed along North Terrace. One main aspect of this process of civic change is the retention of open spaces in a linear manner both north and south of the River Torrens.

## OVERVIEW OF DRAFT CODE AMENDMENT

The proposed rezoning will involve up to 70 hectares of Park Lands space. It includes

1. Four sub-zones vaguely titled generically with little detailed explanation.
2. Significant change in desired land uses, allowing a wide range of developments not currently contemplated by the Planning and Design Code. New proposed land uses include land division, light industry, accommodation, shops, high-rise buildings and other new land uses inconsistent with existing land uses contemplated by the Adelaide Park Lands Zone.
  - Large scale buildings on Pinky's Flat (Tarntanya Wara Park (Park 26).
  - Large multi- storey buildings or residential apartment buildings.(City Riverbank)
  - A large indoor Riverbank Arena in Helen Mayo Park (Park 27).
  - A multi-storey car park in Kate Cocks site (also Park 27)
  - A second hospital at the western end of the Royal Adelaide Hospital site which the hospital's Master Plan reserves as open space to strengthen the continuity of the Park Lands.
  - The transfer of Park Land areas into the state government's proposed new City Riverbank Zone will remove policies which protect the open, accessible landscaped character of the Adelaide Park Lands.
3. As the City Riverbank Zone envisages high-rise buildings, the transfer is totally at odds with the Adelaide Park Lands principles within the Code.

## THE PROPOSED AMENDMENT IS CONTRARY TO THE CURRENT PLANNING AND DESIGN CODE PROVISIONS FOR THE ADELAIDE PARK LANDS ZONE.

The Desired Outcomes in the Code seek:

<sup>1</sup> Sumerling, P (2003) *The Adelaide Park Lands, a social history*. Wakefield Press, Adelaide SA p.ix-x

A unique publicly accessible and well connected open space system, including the formal city squares, that creates a distinctive landscaped park setting for the City of Adelaide

A range of passive and active recreational activities with a high level of amenity, including a safe and connected walking and cycling network, natural areas, sporting fields and club facilities, formal cultural gardens, public artwork and passive recreation areas, as well as opportunities to support a variety of temporary events, such as festivals, concerts and sporting events.

Comment: the above wording refers to the open space system, providing a range of passive and active recreational activities. The proposed land uses are not supportable, given that the current park lands are able to revert to a well connect open space system that is unique and publicly accessible.

#### Structure of the Amendment

The proposed sub-zones : The intent is that these sub-zones will negate current Planning and Design Code provisions for the Adelaide Park Lands Zone, and include

#### 1. Riverbank Sub-zone.

The Code Amendment proposes:

- Rezoning land west of the Royal Adelaide Hospital from the Adelaide Park Lands Zone to City Riverbank Zone (Health Subzone) to support the development of the new Women's and Children's Hospital.
- Rezoning land west of Montefiore Rd from Adelaide Park Lands Zone to City Riverbank Zone (Entertainment Subzone) and a portion of land already in City Riverbank Zone from Health Subzone to Entertainment Subzone. This will support the development of entertainment-related uses, such as an arena.
- Rezoning land near and on which the Adelaide Botanic High School currently sits, from Adelaide Park Lands Zone to City Riverbank Zone (Innovation Subzone), to better reflect current use.
- Applying a new Riverbank Subzone in the Adelaide Park Lands Zone to the southern and northern side of the River Torrens in the location between Kintore Avenue and the Torrens Weir to accommodate appropriate small-scale development such as cafes and shops (both on-water and off-water) that contributes to the activation of the riverfront, in a way that protects the open landscaped character and heritage values of Elder Park.
- Policy changes to support connections and linkages throughout the precinct.
- Policy changes to support development of high quality and amenity.
- Introduction of a wide range of commercial uses, including high rise buildings, land division, shops, serviced apartments, licensed premises, community facilities, tourism accommodation.
- Attachment C is confusing to the layperson.

On closer examination, the extent and range of introduced developments are detrimental and fatal to the retention of what is recognised as a rare and beautiful town plan with its surrounding open woodland, ovals, sports fields and more formal gardens. The land uses and developments envisaged above are clearly at odds with the Objectives of the Park Lands Zone.

Specifically:

### 1 Riverbank subzone

The Riverbank sub-zone is already activated, with three cafes and two restaurants in the Precinct. The two restaurants overlook River Torrens/Karrawirra Park. Pinky Flat hosts many large and small ephemeral events held in Elder Park, Pinky Flat itself, Barr Smith Walk, under existing planning conditions and revert to open park land areas when not in use. More of the same will not reduce the open landscaped character and heritage values of Elder Park.

### 2 Health Sub-zone.

This area includes the remaining Park Lands space between and on Kate Cocks Park (Park 27) and the Thebarton Police Barracks -west of the railyards to allow for a commercial multi-level car park for the new Women and Childrens Hospital. A height of up to 15 building levels is proposed but not detailed in this area. No additional guidance is provided regarding the transition in height from North Terrace developments on the river side of Terrace towards the western Park Lands. ( The CWH Master Plan provides graphic images of the scale and setting of the proposed hospital and carparking Transit Hub but is not referenced in the Code Amendment.) For members of the public not able to access information sessions during business hours, there is insufficient information regarding the visual impact (and specific location) of the area taken up by access and parking, and vague references to the potential use of the two state listed heritage places.

Comment : The setting of the state-listed heritage Adelaide Gaol and the Thebarton Police Barracks should not be compromised by the proposed car parking 'transit hub' and its access ways. The area should be developed as a park setting retaining historic olive groves, a very tough and long lasting Mediterranean species and part of pioneer olive harvesting and food production. Park Land areas north and west of this sub-zone should be retained for passive and active recreation, and ephemeral entertainment events.

### 3 Entertainment Sub-zone.

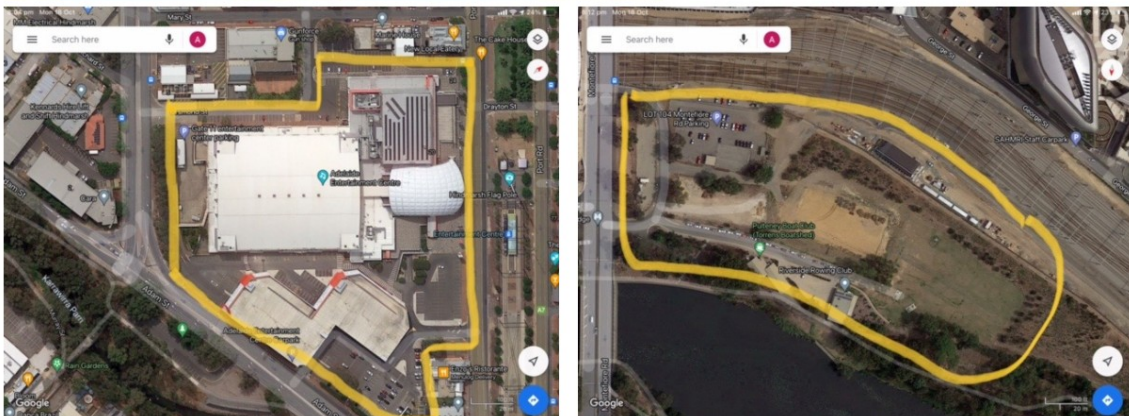
This sub-zone provides a height guidance of 20 building levels providing a 'transition in scale towards the river'. This sub-zone provides a height guidance of 20 building levels providing a 'transition in scale towards the river'. However, the proposed Adelaide Riverbank Arena illustration consultation material provides no such transition in scale down to the river on Helen Mayo Park (Park 27). Nor does the Code Amendment detail the fact that the Entertainment Centre, which is west of the Park Lands and well accessed by rail, tram and train links on Port Road 'replacement' may possibly result in demolition and housing development if the Arena goes ahead at the cost of \$660-700 million cost. There is no cost-benefit analysis of upgrading the existing Entertainment Centre versus the 'Arena' –essential

background information if the community can make informed comment. all relevant information on which to respond with their views of this Code amendment. This is a very poor trade-off and results in significant increase in the demand for parking close to a Park Lands venue. The proposed Arena is completely contrary to the intent of the Adelaide Park Lands Act, 2005 (refer to page 8).

The affected area currently provides a narrow stretch of treed parklands created from disused rail lands along the edge of the river. The continuity of the walkway through the existing trees on the site of the proposed , which includes a regular Kaurna heritage interpretation tour to access the western area south of the weir, is essential to show respect for Kaurna cultural events, and to provide a public walkway to the western park lands. It appears the pedestrian link’s amenity through riverside walk would be overcome by the bulk and scale development of the proposed stadium. Comments regarding the contamination of the railway site ignores the fact that Adelaide has landscape architects who have won numerous awards in beautifying public spaces, and remediation through design is quite possible.



[Announced in March 2021](#), the Adelaide Riverbank Arena would cost \$700 million to construct and would replace the ageing Adelaide Entertainment Centre.



Note: the image on the RHS indicates very little walkway space and the removal of mature trees worthy of retention and improvement.

However, the proposed new Arena content in the Code Amendment on exhibition provides no such transition in scale down to the river on Helen Mayo Park (Park 27). The park currently provides a narrow stretch of green parklands created from disused rail lands along the edge of the river.

The continuity of this naturally landscaped walking path, which is included in an educational and regular Kaurna heritage interpretation tour to the western area south of the weir, is essential to show respect for Kaurna cultural events, and to provide a public walkway to the western park lands. It appears the pedestrian link’s amenity through riverside walk would be

compromised by the siting of this large building almost on top of the lake, given its indicative bulk, height and scale.

Comment: Building the stadium in the location proposed is not supported for 2 reasons: It is further alienation of Park Land space and the overall costs are not provided. This is the sort of discussion that ‘stakeholders’ presumably have in rezoning and identifying suitable policies. It is also the type of information for genuine consultation with the community in the development of such policies.

### 3 Innovation Sub-zone.

Proposed:

The Code Amendment provides an opportunity for the new school and its curtilage to be better integrated with the nearby innovation precinct located at Lot Fourteen by being rezoned to City Riverbank Zone, Innovation Subzone consistent with this precinct.

The existing important open space link ‘Frome Park’ (located to the immediate south of the high school) between Frome Road and the Adelaide Botanic Gardens will be maintained through policy and identification on an updated concept plan that integrates the site with Lot Fourteen.

Notes: the area of the High School appears to have doubled, with no clear land use indicated but a number of land uses are proposed – more building replacing open space.

There are no details of an updated concept plan, nor any clear description of Desired Outcomes. Consequently there is insufficient information to provide informed comment and no indication that submissions will be considered in line with stakeholders’ contributions to influence policy.

The overall proposed Code amendment displays an ignorance of the traditional interests and connection with the riverbank area.

Frome Park/Nellie Raaminyemmerin between the new Botanic High School and the Lot 14 site, was reclaimed as Park Lands from an old car park. This area was remediated by the Adelaide City Council in the late 1990s and is owned by the ACC. The extension of the site area is proposed but is a highly significant site for the Kaurna People. The extension is strongly opposed for the following reasons:

1. This area is extensively contaminated and had to undergo remediation by burial and capping in order to meet the required standard applying to open space.
2. Under current regulations the site cannot be disturbed unless the whole of the contaminated material (which is about 1.5 M deep across most of the site) is removed to a regulated disposal site.
3. Additionally, the site contains a fully authenticated and documented Kaurna Aboriginal burial site; the human remains have been retained in place and capped. That has been recorded and protected, listed on the Register of Aboriginal Sites and Objects, Aboriginal Heritage Act 1988. Again, it cannot be disturbed.
4. Frome Park / Nellie Raminyemmerin allows the only access to the west side of the Botanic Garden, is used for WOMADELAIDE and other events.



5. No reason has been established for the rezoning of this site from Adelaide Park Lands Zone to City Riverbank Zone (Innovation Sub-zone).
6. The rezoning puts Frome Park at risk as a transition from open green space to an ancillary area for Lot Fourteen and Botanic High School.

## CONCLUSION

CASA does not support the rationale for the Code Amendment, being contrary to the public interest and that the Minister for Planning reject this amendment because:

1. The Park Lands provide green and open space which is essential, for the people living in the city's high-density accommodation.
2. Considering the latest IPCC's predictions and warnings, the state government including Renewal SA, the State Planning Commission and the Liberal Cabinet is urged to heed the increased acceleration of Climate Change impacts on increasing temperatures, catastrophic weather events and public health.
3. Moreover, a whole of government approach is recommended to respond urgently to the public need to protect and value open space for its intrinsic benefits to biodiversity, human mental and physical well being.
4. World-best cities value open space for cultural and recreational purposes. New York's Central Park, Vienna's Ringstrasse Park, Paris's Tuilleries, London's Hyde Park, Hampstead Heath and Regent Park are valued for their aesthetic and environmental benefits of green and open space. Adelaide's Park Lands are unique and need to be protected for the same reasons.
5. The proposals are serious at variance with the 7 statutory principles of the Adelaide Park Lands Act 2005. (Note that the Act was prepared after the Adelaide Park Lands were under threat from development including the Next generation Fitness Centre at the Adelaide Oval and the National Wine Centre. The latter development was pitched as a crucial building ensuring South Australia's wine industry. The economic benefit was not forthcoming - and failed to bring the business and activation expected.)
6. This Act is still in force and as relevant as ever. The 7 statutory principles can be summarised as:
  - Honouring the general intention of Colonel Light's original 1837 Plan of Adelaide;
  - Providing open space for the benefit of the people of South Australia, and to be available for their use and enjoyment;
  - the Park Lands to reflect and support a diverse range of environmental, cultural, recreational and social values and activities;
  - Provide a defining feature to the City of Adelaide and contribute to the economic and social well-being of the City;
  - Contribute to the natural heritage and improve the biodiversity and sustainability of the Adelaide Plains;
  - To be managed cooperatively and collaboratively for protection and enhancement by the City of Adelaide and State Government;

- To reflect the interests of the South Australian community in maintaining or enhancing the environmental, cultural, recreational and social heritage status of the Park Lands for the benefit of the State.

The Code does not address, either adequately or convincingly, the above principles.

9. It is relevant to note our Park Lands are also an intrinsic aspect of Adelaide's city design, recognised by the National Heritage List. Historically, the park lands were paid for by an early Governor out of his personal income to ensure that ownership of the park lands was linked to public access for passive and active leisure. This intent is reflected in the fact that Crown leases required the removal of buildings to restore the open nature and extent of the Park Lands outside the institutional, educational and health facilities of North Terrace.

In our opinion that the state government's proposed Code amendment displays a new low in unconscionable and dumb planning - on a par with the expansion of Mount Barker and Buckland Park on the Gawler River floodplain.

Furthermore, once the area is rezoned, the Code amendment material provided does not clearly communicate to people making comment that there is and will be no provision for formal public notification of proposed developments in the public interest if rezoning occurs. Currently Category 1 (no notification) prevails for all significant projects within the Park Lands. This is perverse with respect to democratic process, given the fact that the area is of significant public interest and civic pride.

In conclusion, community engagement undertaken after policies have been consulted and drafted with stakeholders is not consistent with the intent of the PDI Act's Community Engagement Charter. This is intended to engage fully on policy formulation, not merely allow comment on height, land use and functions on outcomes that appear to have already been decided.

We ask the Minister to require a thoroughly consulted, well informed and progressive Master Plan, consistent with the social, historic, tourism and biodiversity values before endorsing any Code amendment, given the current circumstances of climate change and the need to protect the city's heritage for posterity.

It is hoped the recipients of this submission will consider the concerns expressed, and look forward to the Minister's response in due course.

Yours sincerely

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# Appendix

## Adelaide Park Lands Association

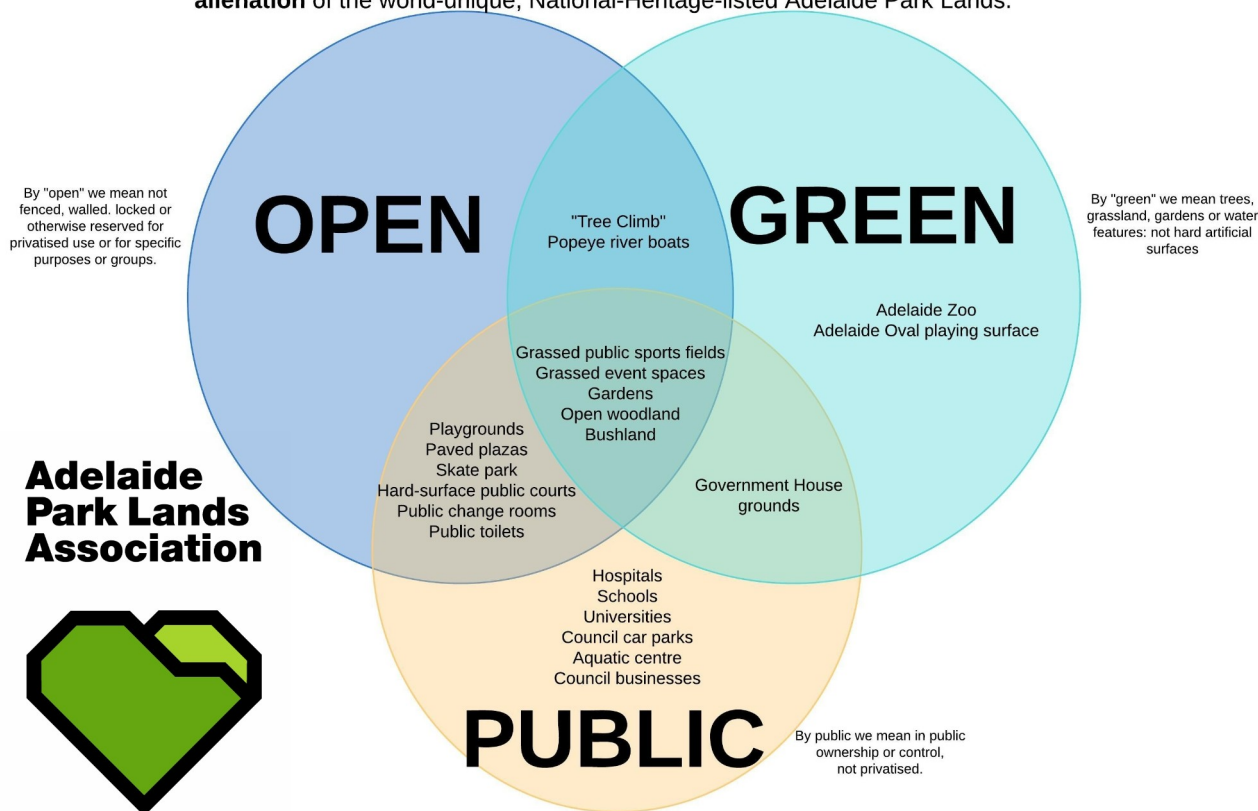
The Adelaide Park Lands Association is a community-based, non-profit organisation, founded in 1987. Under our strategic plan, adopted in 2021, we help the public:

- **explore** with Guided Walks, and trail guides
- become **inspired** with art and images, as we
- **protect** the Park Lands with advocacy campaigns against regular threats, and work to
- **restore** sites with re-greening and regular clean-up days.

There are at least 200 locations within the Park Lands that have been alienated from public use.<sup>1</sup> APA's benchmark 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.<sup>2</sup>

### 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, APA 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".

APA's reach and supporter base has been growing rapidly since a re-branding in 2021. We have several hundred full members, and thousands of newsletter subscribers, followers on social media, and unique website visitors. Our Association is the voice of the Adelaide Park Lands. APA is a member organisation of [Community Alliance SA](#) and of the ["Places You Love Alliance"](#).

<sup>1</sup> [www.adelaide-parklands.asn.au/open-green-public](http://www.adelaide-parklands.asn.au/open-green-public)

<sup>2</sup> [www.adelaide-parklands.asn.au/current-issues](http://www.adelaide-parklands.asn.au/current-issues)