



# Australian Government

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## Australian Heritage Council

27 February 2023

Mayor, Dr Jane Lomax-Smith  
The Right Honourable The Lord Mayor of Adelaide  
City of Adelaide  
GPO Box 2252, ADELAIDE SA 5001

[customer@cityofadelaide.com.au](mailto:customer@cityofadelaide.com.au)

Dear Lord Mayor

### **ADELAIDE PARK LANDS**

As Chair of The Australian Heritage Council (AHC), I write to advise the AHC's preliminary position on the South Australian Government's proposal for a new Women's and Children's Hospital that will impact the National Heritage-listed Adelaide Park Lands and City Layout.

It is the AHC's strongly held view that the proposal will severely compromise the values on which the National Heritage listing is based, have a significant and unacceptable impact on the Park Lands, and trigger a requirement for referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Adelaide Park Lands and City Layout were included in the National Heritage List by the Minister for the Environment, Heritage and the Arts, the Hon Peter Garrett AM, by gazette dated 4 November 2008.

The AHC's view on this matter remains consistent with the AHC Submission made in October 2021 to the previous South Australian Government. That submission was made formally to a Code Amendment process regarding a separate proposal to develop other facilities in the Park Lands. That submission was extensive and detailed the AHC's concerns about the unacceptable impact on the National Listed Park Lands and City Layout and its values.

It is the AHC's strongly held view that in cases where state-based regulatory or legislative change seeks to effectively pre-empt a possible EPBC Act referral, the AHC should make clear its view about any such proposal at the earliest possible opportunity. The AHC acknowledges that the referral process provides the opportunity for the AHC to provide advice. However, the AHC is firmly of the opinion that withholding a view until a response arising from a formal referral is completed, runs the material risk of being too late to provide appropriate heritage protection to National Heritage-listed properties.

In late 2022 the South Australian Government passed the *New Women's and Children's Hospital Act 2022*. This Act, inter alia, facilitates the development of a proposed new Women's and Children's Hospital on a site surrounded by, and partly on, the Adelaide Park Lands. It identifies the site (The historic Thebarton Police Barracks of State Heritage significance), removes State Heritage Status from all listed buildings on the site, provides for the demolition of those buildings and provides the State Minister with effective control over the site, its rezoning and development upon it.



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The site selected and the legislation follow the South Australian Government's 'Site Review of the new Women's and Children's Hospital'. This process reviewed the 2019 selection of a site immediately adjacent to the existing hospital.

Neither the Legislation nor the Site Review mentions in any way the National Heritage Listing of the Park Lands, the values on which it is based, the obligations that fall upon the South Australian Government to protect those values under the EPBC Act or the processes required to be addressed in considering any development.

In December 2022 the AHC, at our request, received an online briefing on the proposal from the South Australian Government, including artists impressions. At that briefing South Australian officials claimed to be unaware of the AHC's October 2021 submission to the previous Riverbank Precinct Code Amendment process which included the former proposed hospital site.

The AHC has also considered the 'Site Review' report, publicly available material on the proposal, public comment from other stakeholders and received a briefing from the Department of Climate Change, Energy, the Environment and Water.

In that process the AHC has formed the view that the South Australian Government has demonstrated what appears to be complete disregard for the National Heritage listing and obligations to protect the Park Lands and its values.

The AHC notes that almost all the concerns raised in 2021 still stand when considering this proposal. We note also significant uncertainty about the existing proposal including the likely need for further expansion, additional height, carparking and public transport needs. The AHC position is based only on the available information. Any additional requirements would likely only increase our concerns further.

Under the AHC Act, the Australian Heritage Council is the principal Heritage Advisor to the Federal Heritage Minister. Under the AHC Act, the AHC role also includes the monitoring of heritage and providing advice directly to any person, body or agency of its own initiative.

Accordingly, the AHC advises its preliminary position, that the current proposal will severely compromise the values on which the National Heritage listing of the Park Lands and City Layout is based, have a significant and unacceptable impact on the Park Lands and trigger a referral under the EPBC Act.

Should the Proposed New Women's & Children's Hospital proceed in either its current or an amended form the AHC will, of course, once referred, prepare a formal response consistent with the Provisions of the EPBC Act and the protection of the National Heritage listed Adelaide Park Lands and City Layout.

Please note, on behalf of the AHC, I have written in similar terms to the Premier of South Australia, the South Australian Heritage Minister (Minister for Climate, Environment and Water), the South Australian Minister for Health and Wellbeing, and the Chair of the South Australian Heritage Council.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'John Gorton', written over a light blue horizontal line.



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The Hon. Ted Baillieu AO  
Chair  
Australian Heritage Council