

THE 2021 RIVERBANK PRECINCT CODE
AMENDMENT PROPOSAL

Phoney war ends: now for the real battle for
Adelaide's hearts and minds

**Government rezoning approval repeating
park lands' exploitation history... so far**

© John Bridgland*

The 17 December 2021 Liberal planning minister's announcement of a go-ahead for major development in Riverbank park lands zones may trigger rocky times ahead for Premier Marshall and the future of his government.

In 2007, a year after the Rann Labor government won office for a second term, it announced a state proposal to build a permanent, multi-storey grandstand at Victoria Park.¹ This had followed much community and parliamentary debate about temporary park lands' facilities leading up to and during 2006, and a perceived critical need to deliver permanent infrastructure. The 2007 proposal prompted major public unrest. It quickly became clear to those within state cabinet promoting the concept that the matter was deeply divisive. A noisy and well-organised public resistance campaign began. Under increasing public pressure to drop the bid, Labor tried to bluff South Australians into agreeing that a smaller proposal would be a reasonable compromise. Critical to the government's campaign was NewsLtd print media compliance, replicating the 'fair compromise' narrative.

But towards the end of 2007, a city council poll found that a large majority firmly opposed the government's plan. When the council was required to approve a lease proposal, it said no. The result was an embarrassing defeat for Labor, and the bid was abandoned. Fourteen years later, in 2021, a big government YourSay poll testing public opinion on the Riverbank bid got a similarly clear result – 84.5% of respondents said 'no'. That's a bad omen.

Two sites; three infrastructure concepts

The 2021 Riverbank Precinct Code Amendment proposal, released by the Attorney General's Department CEO on 10 September, is similar in

¹ It was a \$55m concept, dominated by corporate boxes for car- and horse-racing industry elites. What began as a much larger and more expensive built form concept was eventually reduced in length, height and cost (\$33.7m).



Park lands-zone site adjacent to the Adelaide Botanic High School. Proposed code amendments would have allowed high-rise residential apartment development there. This potential was suddenly abandoned by Liberal planning minister Josh Teague on 17 December 2021. He labelled his decision as 'safeguarding of green space' by a government that had listened to 'community expectations'. State Labor once had plans for similar development there before the Liberals won office in 2018. This site remains vulnerable to future government high-rise rezoning. Code provisions and 'concept plans' are open to amendment.

some ways to that which had occurred 14 years earlier. But this time, two separate sites and three major proposals are involved. These park lands zone construction proposals will require Planning and Design Code amendment – for a permanent, multi-level hospital car park, a massive Riverbank Arena adjacent to Torrens Lake and an adjacent (but ambiguous) 'Biomedical facility'.²

Different features apply

Unlike the 2007 campaign, which was activated safely *after* a state election, the Marshall Liberal government in 2021 has chosen the highly volatile lead-up period *ahead of* the March 2022 state election to pursue its goals. Premier Steven Marshall appears to discount any political risk. Another subtle difference is that one person, planning minister Vickie Chapman, initiated the mid-2021 review, a new right allowed under 2016 planning legislation. By contrast, in 2007 the matter had had to run the gauntlet of state cabinet, at whose meetings significant ministerial fears emerged about potential future negative poll swings in some metropolitan electorates. In 2007 there was no broad Labor ministerial certainty about the wisdom of its Victoria Park campaign, and in 2021 there is probably a

² No details about this desired 'facility' have been released.

similar lack of certainty among members of the Marshall state cabinet. Some ministers are obviously uncomfortable with it. Rachel Sanderson, MP for the electorate of Adelaide is probably one. She is not prosecuting the government's case, but hers is a seat that the state Liberals are desperate to retain if they wish to win a second term. Her margin is paper thin.

The 'victory for the people' tabloid narrative

Despite the thematic historical differences, in 2021 the public 'narrative' was managed by the same media outlet that was reporting in 2007 – the state's morning daily, *The Advertiser*. Its headline on Saturday 18 December 2021, 'Victory for people on Riverbank', extracted a theme straight from the ministerial narrative of the day before, when new planning minister Josh Teague released a determination summary.³ *The Advertiser's* editorial on 18 December ('Park lands changes are sensible') endorsed the government's abandonment of pursuit of selected draft Planning and Design code revisions allowing park lands' 20-storey high-rise developments. "Exactly which planning bureaucrats suggested permitting 20-storey buildings near the banks of the river remains a mystery," the newspaper thundered. However, other proposals were described as "more sensible and restrained changes." But as to the unsound character of those that opposed those, the unidentified editorial writer established and identified a 'guilty party' constituency to be henceforth blamed for all past and future negative messaging about the park lands initiative: "... park lands interest groups which largely comprise residents from North Adelaide and the south eastern corner of the CBD...". But it was obviously impossible for the writer to verify this statement as fact, because among the 661 written submissions, no definitive constituency source or suburb could be identified.⁴ The same applied to the 1227 responses to the YourSAy poll (of which 1037 said no). But the city tabloid obviously felt obligated to determine how Adelaide's communities ought to respond *appropriately*, and how subsequent electronic media should *appropriately* report it.⁵

³ Much of the 17 December online coverage was repeated a day later, in: *The Advertiser*, Saturday 18 December 2021, page 1, 'Victory for people on Riverbank', expanded on page 10: 'Victory for people power as park lands protected', and editorial (leader), page 32, 'Park lands changes are sensible'.

⁴ These appear in the link doc at footnote 8: pages 149–1182.

⁵ Adelaide TV and radio editorial teams depend heavily on the narrative laid down by the city's sole week day morning print medium, as few electronic journalists have the time or the inclination to explore the administrative and political



Pinky Flat park lands zone (rear of image, across the water). The planning minister's sudden 17 December abandonment of plans to authorise construction of shops and licensed premises along its shore line confirmed that this concept had been a high-risk gamble. It was strongly opposed by the hotels industry and CBD licensees. Abandonment allowed the Liberal government to spin a story about its enthusiasm to 'compromise'. In reality, it was an embarrassing tactical withdrawal.

"Progress", the editorial writer insisted, "always comes at some sort of price. In return for the arena and a new hospital, large parts of the park lands have been saved. It is a very good outcome." There was no acknowledgement that the threat to the integrity of the park lands' zones had been initiated by the government itself. Moreover, by remaining deaf to a strong public rejection of the park lands rezoning to enable the hospital car park and Riverbank Arena proposals, it was clear that significant areas of the park lands had not been saved at all. It was actually a very bad outcome.

'Better reflecting community expectations'

Extracts from *The Advertiser's* preliminary online report on 17 December 2021 had generously reproduced the government narrative. "Mr Teague [Josh Teague, Liberal planning minister] said the government had listened to public feedback, including vocal opposition from Adelaide City Council, the Kaurna people, park lands interest groups and high profile South Australians."

"We heard significant concerns about these key areas and have responded by pegging back the initial proposal to better reflect community expectations," he [minister Teague] said.

complexities. The narrative thus determines the nature of the outlets' news treatment.

“I believe we have reached a position that balances the need to deliver important public infrastructure projects while protecting the green space that makes this precinct unique.”⁶

The *Advertiser* noted a particular ministerial concession regarding the park lands zone west of the rail corridor near the site of the proposed new W&C Hospital: “Buildings can be a maximum height of two to six levels within the health subzone west of the railway line, not 15 storeys.”⁷ But the claimed allowance reduction from 15 to six storeys delivered no relief from public fears that code provisions may still allow future multi-storey development there. (In the new Concept Plan 125, ‘low-rise’ is undefined.)

Minister’s announcement tactically timed

Minister Teague’s Friday afternoon 17 December statement capitalised on ideal media timing. State parliament had risen for the year, and journalists were slipping into what is annually described as the ‘silly season’, a period where media scrutiny lapses. *The Advertiser*’s online editorial coverage on the same day reproduced the minister’s buoyant tone. But the ‘victory’ claim was obviously illogical because the news confirmed that the government was set on its plans to build a \$662m Riverbank Arena at the edge of the Torrens Lake (on park lands); capitalise on development ‘air space’, via rezoning, above nearby rail yards (on park lands); and build a dominating, multi-storey car park (on park lands) west of the \$1.95bn W&C Hospital concept. It remained a huge rezoning proposal: a profound alteration of sections of the Riverbank’s zones’ existing open landscape character.

Public feedback results not reported

The newspaper did not report feedback results released a day later, on 18 December⁸. What ought to have been big news in the days that followed was instead buried in print silence. Feedback had revealed that overwhelming numbers of South

⁶ The ‘green space’ – park lands zones – were already relatively ‘protected’ – until the government in September 2021 began promoting major planning amendments.

⁷ Government planners wanted a generous height allowance there because the car park concept, hastily reduced in footprint in October, was going to end up higher than the three-storeys proposed in the original hospital master plan.

⁸ 1033 pages of submissions, starting at page 149: search: *Engagement Report: Riverbank Precinct Code Amendment*, approved CEO, 16/11/21: https://plan.sa.gov.au/data/assets/pdf_file/0006/981546/Riverbank_Precinct_Code_Amendment_-_Engagement_Report.pdf



Historic olive groves at Kate Cocks Park, a park lands site adjacent to the site now identified for construction of the W&C Hospital car park. In September 2021, state planners identified that a section of the groves would have to be rezoned. But in late October, HealthSA bureaucrats, fearful of a growing public backlash, redesigned the car park concept, and the groves became surplus to requirements. However, so few members of the public were aware of this that minister Teague on 17 December was able to spin a story that he had suddenly saved them from rezoning. It was, he implied, another compassionate response by a government ‘listening to the people’. There was no mention of the redesigned car park concept, or of a new requirement for additional car park levels, necessitated because of the smaller footprint.

Australians had rejected the bid. For example, 577 (78%) of the 661 public submissions reflected ‘concern about development on park lands generally’. A total of 410 submissions (62%) reflected concerns about park lands environmental impacts. By comparison, positive comment, support for the state proposal, attracted tiny percentage responses (2% or less). The message, like the YourSay poll result, was simple. The South Australian public had emphatically said no.

Now that the phoney war is concluded, the real war is likely to begin. If a week in politics is a long time, the first two months of 2022 will seem like a lifetime for Liberal MPs struggling to hold onto marginal seats. An ideological fight over Adelaide park lands development exploitation is the last thing any of them wanted to be debating with angry voters.

Fresh spin on ‘key changes’

The minister’s 17 December announcement had contained what he described as ‘key changes’, apparently driven by the public response. One was that the W&C Hospital car park concept would, as a

result of his intervention, no longer require rezoning of historic park lands' olive groves nearby. But in reality this was because a panicky government in October – before he became planning minister – had suddenly amended the master plan, avoiding a need to use that additional land. Secondly, the dumping of implementation of a sub-zone to allow Pinky Flat permanent built forms (shops and licensed premises), had bowed to major city hotels lobbying. Thirdly, his claim to be 'safeguarding green space' at a park lands site south of the Adelaide Botanic High School omitted to mention that planners were going to ignore objections anyway and rezone that land as a special sub-zone. A new 'Concept Plan 85' would be imposed to counter future development on the green space, but it is much easier to fiddle later with a concept plan than to rezone. What appears to be permanent protection may not be. Some also would see the plan as a mechanism to escape a suggestion that the government had been pursuing allowance for future residential apartments there.⁹

'Railyards' plan hints at more development

Perhaps the minister's most intriguing 17 December statement related to a provision that state administrators claimed to be not immediately pursuing. It read: "*Expansion of the Entertainment Subzone over the rail yards to provide for future development opportunities over the railway (however, there are currently no such proposals.)*" This related to an idea to capitalise on 'air space', and although the 'Biomedical facility' details remained opaque, it may be where this could be sited. There was a thematic link with Adelaide City Council's 'Team Adelaide' members whose 9 November resolution had endorsed the use of Helen Mayo Park near the rail yard for construction of the Riverbank Arena concept. Council administrators on 26 October had penned words to rationalise an anticipated Team majority resolution. It is as confusing today as it was then because it involved the concept of creating green open space – but allowing construction of new, undefined built form on it. The Team's rationale had been: "*Request no net loss of park lands and suggest that, for any additional built form, that open and publicly*

⁹ In June 2016, 18 months before state Labor lost the election to the Liberals, a subtle amendment had been inserted into the evolving *Adelaide Park Lands Management Strategy* wording to endorse any future proposal for residential development at the site. Concepts were debated. Occupants were to be allowed 99-year leases. Clearly, the development 'vision' survives...



The park-lands-zoned site for the new W&C Hospital car park. It appears to be 'ready to go' but has for some years been used as a city council works depot. If Labor wins the state poll, this site will test its real policy position about all of the Liberal planning minister's determinations.

accessible green space is created possibly by creating new open space over the train corridor."¹⁰
The confusion of ideas was unimpressive.

Labor's tacticians hedge their bets

State Labor is likely to pick up votes in the March 2022 poll as a result of the emphatic public 'no' vote. If the Planning and Design Code is amended in early 2022, Labor's candidates will benefit politically because no Labor fingerprints will be on any of the amendments. Labor in 2021 presented a selectively ambiguous policy platform, implying 'resistance' to all aspects of the Riverbank proposal, but never explicitly stating it. If it wins the state election the revised code wording should be ready to trigger development. But all of the blame for those code amendments would reside with the losing Liberals. Given that Labor has not flagged unequivocal opposition to the W&C Hospital concept plans it is obvious that, in supporting the hospital concept, it must also support the huge car park concept across the rail corridor and in a soon-to-be-reclassified park lands zone. This will be revealing. Otherwise, Labor is in the box seat, as the Marshall Liberals continue to prosecute a controversial park lands' rezoning case against unambiguous, multi-constituency public opposition.

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¹⁰ Adelaide City Council, Special Meeting, Agenda, Item 4.1, 'Riverbank Precinct Code Amendment – Draft [city council] Submission', point 22.2.1, 26 October 2021, page 7.