



BOARD AGENDA & REPORTS

for the Meeting of the Adelaide Park Lands Authority Board

Thursday 6 February 2020
at 5:30 pm

in the Colonel Light Room,
Adelaide Town Hall

The Adelaide Park Lands Authority was established by the *Adelaide Park Lands Act 2005 (SA)* as a subsidiary of the City of Adelaide under the provisions of the *Local Government Act 1999 (SA)*.

As part of the Park Lands governance framework the Adelaide Park Lands Authority is the principle advisory body to the City of Adelaide and the South Australian State Government on Park Lands matters.

The Authority provides guidance around the use of and improvement to the Adelaide Park Lands through the development of the Adelaide Park Lands Management Strategy 2015 – 2025, which can be found [here](#) .

Membership	The Lord Mayor; and 4 other members appointed by the Council; and 5 members appointed by the Minister.
Quorum	6
Presiding Member	The Right Honourable the Lord Mayor Sandy Verschoor,
Deputy Presiding Member	Ms Kirsteen Mackay,
Board Members	Ms Allison Bretones, Ms Jessica Davies-Huynh, Mr Stephen Forbes, Councillor Alexander Hyde (Deputy Lord Mayor), Ms Stephanie Johnston, Mr Craig Wilkins and Mr Ben Willsmore.
Proxy Board Members	Councillor Anne Moran (for Councillor Alexander Hyde) Professor Emeritus Damien Mugavin (for Ms Stephanie Johnston)

1. Acknowledgement of Country

At the opening of the Board Meeting, the Board member presiding will state:

'Adelaide Park Lands Authority acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

2. Apologies

Ms Stephanie Johnston

3. Confirmation of Minutes – 12/12/2019

That the Minutes of the meeting of the Board of the Adelaide Park Lands Authority held on 12 December 2019 be taken as read and be confirmed as an accurate record of proceedings.

4. Deputations

Granted at time of Agenda Publication – 31/1/2020

Nil

5. Presiding Member Reports

6. Questions on Notice / Motions on Notice

Nil

7. Questions without Notice/Motions without Notice

8. Presentations/Workshop

Nil

9. Reports for the consideration of the Board

9.1 Response to Park 2 AFC Proposal [2007/00341] [Page 3]

9.2 Submission to the Planning and Design Code consultation [2019/00626] [Page 13]

9.3 Kurna Community Hub in the Adelaide Park Lands [2007/00341] [Page 49]

10. Executive Officer Verbal Report

11. Exclusion of the Public

11.1 Exclusion of the Public [2018/04291] [Page 53]

For the following Board Reports seeking consideration in confidence:

12.1 Adelaide High School – expansion of teaching facilities [s 90(3) (d) & (j)]

12. Confidential Report for Consideration of the Board

12.1. Adelaide High School – expansion of teaching facilities [2007/00341] [Page 56]

The report will be accompanied by a presentation in confidence

13. Next Meeting – Thursday 5 March 2020

14. Closure

Response to Park 2 AFC proposal

ITEM 9.1 06/02/2020
Adelaide Park Lands Authority

Report Author
 Martin Cook, Executive Officer
 Adelaide Park Lands Authority

2007/00341
 Public

EXECUTIVE SUMMARY

At its meeting on 12 December 2019, the Adelaide Park Lands Authority received its first briefing regarding the Unsolicited Proposal from the Adelaide Football Club to develop a combined administrative / training base and community aquatic centre in Denise Norton Park / Pardipardinyilla Park (Park 2). At that meeting an undertaking was provided that:

“the February 2020 meeting would consider an APLA response to consultation on the Adelaide Football Club Unsolicited Proposal and the Guiding Principles”.

In facilitating a response, this report relies on material and information provided by the AFC in its proposal released for public consultation in December 2019.

RECOMMENDATION

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL

That the Adelaide Park Lands Authority provides the following preliminary comments on the Adelaide Football Club (AFC) proposal released for consultation in December 2019 for a combined training, administrative, community and aquatic facility in Denise Norton Park / Pardipardinyilla (Park 2):

1. The proposal appears generally consistent with the Statutory Principles in the *Adelaide Park Lands Act 2005 (SA)* and the policy provisions in the Adelaide Park Lands Management Strategy.
2. Seeks further information regarding the extent of any administrative and commercial components and its consistency with the Statutory Principles in the *Adelaide Park Lands Act 2005 (SA)* (particularly that the Park Lands exist for the public benefit of the people of South Australia) and the provisions of the Adelaide Park Lands Management Strategy.
3. Recommends a self-assessment and referral process in regard to any possible effect on the values which underpin the National Heritage Listing of the Adelaide Park Lands and City Layout.
4. Recommends that the Guiding Principles established by City of Adelaide to assess the AFC proposal specifically incorporate and reflect the Statutory Principles in the *Adelaide Park Lands Act 2005 (SA)*.

IMPLICATIONS AND FINANCIALS

Adelaide Park Lands Management Strategy	The provisions of the Adelaide Park Lands Management Strategy are discussed in detail in the body of this report.
Policy	The (2013) Community Land Management Plan for Park 2 does not envisage the AFC proposal and would need to be amended should this proposal proceed.
Consultation	Not as a result of this report.
Resource	Not as a result of this report.
Risk / Legal / Legislative	Not as a result of this report.
Opportunities	To provide advice regarding the AFC proposal and Council's Guiding Principles.
19/20 Council Budget Allocation	Not as a result of this report.
Proposed Council 20/21 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	A proposal only at this stage.
19/20 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

DISCUSSION

Background to the Adelaide Football Club proposal

1. In July 2017, the City of Adelaide (CoA) adopted a process to assist in the assessment of Unsolicited Proposals, including those for the Park Lands.
2. In February 2019, the Adelaide Football Club (AFC) approached CoA concerning the possibility of establishing an administrative and training facility (the Proposal) on the site of the Adelaide Aquatic Centre in Denise Norton Park / Pardipardinyilla Park (Park 2).
3. In March 2019, Council approved progressing the Proposal to Stage 2 of the Unsolicited Proposals process, subject to entering into a Participation Framework Agreement (PFA).
4. In June 2019, Council endorsed five Guiding Principles against which to assess any proposal (see below).
5. In July 2019, the AFC agreed to and signed the Participation Framework Agreement which establishes a framework and the terms and conditions applying to the Stage 2 Unsolicited Proposals process. Under this process, if the Adelaide Football Club is to submit a detailed proposal, it must be consistent with the five Guiding Principles. Furthermore, the Council expressly reserves the right to update or modify the Guiding Principles at any time and notify them to the AFC.
6. At its meeting in October 2019, the Authority requested *“a full briefing from the administration on the nature of any AFC concept proposals received to date, the process that was undertaken for the establishment of the current ‘guiding principles’ that appear on council’s website, and the relationships between the council’s decision to accept the unsolicited proposal without consulting APLA, and the statutory requirements of the Adelaide Park Lands Act and the Local Government Act”*
7. In November 2019, Council resolved that the AFC Proposal be released and extensive public consultation be undertaken to help determine the scale and service offering of a new state of the art Adelaide Aquatic Centre.
8. At its meeting in December 2019, the Authority received a briefing from both the CoA Administration and the AFC. An undertaking was subsequently given that *“the February 2020 meeting would consider an APLA response to consultation on the Adelaide Football Club Unsolicited Proposal and the Guiding Principles”*.
9. The presentation provided at the Authority’s December meeting regarding the process and next steps can be found here (Link 1 view [here](#)) .
10. Public consultation on the Proposal closes on 19 February 2020.

Statutory Framework

11. The most relevant statutes that frame the consideration of this matter from the Authority’s perspective include:
 - 11.1. *Adelaide Park Lands Act 2005*
 - 11.2. *The Local Government Act 1999*
 - 11.3. *Environment Protection and Biodiversity Conservation Act 1999* (National Heritage Listing – Adelaide Park Lands and City Layout).
12. The *Adelaide Park Lands Act 2005* does not contain any specific provisions regarding Park 2, but does include statutory principles (Link 2 view [here](#)) which are generally applicable to the management and governance of the Adelaide Park Lands. The relevant statutory principles include, without limitation:
 - 12.1. *The Adelaide 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 (recognising that certain uses of the Park Lands may restrict or prevent access to particular parts of the Park Lands)*
 - 12.2. *The Adelaide Park Lands reflect and support a diverse range of environmental, cultural, recreational and social values and activities that should be protected and enhanced*
 - 12.3. *The Adelaide Park Lands provide a defining feature to the City of Adelaide and contribute to the economic and social well-being of the City in a manner that should be recognised and enhanced*
 - 12.4. *The interests of the South Australian community in ensuring the preservation of the Adelaide Park Lands are to be recognised, and activities that may affect the Park Lands should be consistent with maintaining or enhancing the environmental, cultural, recreational and social heritage status of the Park Lands for the benefit of the State.*

13. The *Adelaide Park Lands Act 2005* establishes the head powers for the management of the Park Lands principally through the requirement for the preparation of the Adelaide Park Lands Management Strategy (APLMS). This document (Link 3 view [here](#)), endorsed by Council in 2017 and by the State Government in 2018, does not specifically envisage the current proposal by the AFC.
14. Section 196 of the *Local Government Act 1999* requires that Councils have management plans (CLMPs) in place for community land for which they are responsible. Section 199 of the Local Government Act states that “a council must manage community land in accordance with any management plan for the relevant land”. The current CLMP (Link 4 view [here](#)) was developed in 2013 and does not envisage a change in use to the extent currently proposed by the AFC.
15. The *Adelaide Park Lands Act 2005* stipulates that the CLMP(s) for the Park Lands must be consistent with the APLMS. As it currently stands, the CLMP is not inconsistent with the APLMS but does not reflect some of the more detailed provisions of the APLMS. Consideration will need to be given to amending both documents should the proposal proceed.
16. The *Local Government Act 1999* also contains an important provision regarding the commercial use of Community Land. Section 200 states:
 - 16.1. *A person must not use community land for a business purpose unless the use is approved by the council.*
 - 16.2. *The council cannot approve the use of community land for a business purpose contrary to the provisions of a management plan.*
 - 16.3. *The council's approval may be given on conditions the council considers appropriate.*
 - 16.4. *A person must not—*
 - (a) *use community land for a business purpose in contravention of subsection (1); or*
 - (b) *contravene a condition of an approval for the use of community land for a business purpose.*
17. The National Heritage Listing of the Adelaide Park Lands and City Layout (Link 5 view [here](#)) relates to the preservation of the large-scale elements of the City Plan. When assessing new proposals against the values which underpin the National Heritage Listing, incremental changes which may cumulatively alter the essential character and recreational uses of the Park Lands must also be considered.
18. The AFC Proposal for the replacement of the current community aquatic facility with a combined administrative, training and community aquatic facility involves a reduction in built form, which is likely to be viewed positively in terms of the values which support the National Heritage Listing. However, the inclusion of a significant administration and educational (ie non-recreational) component, which represents a significant incremental increase, may affect the values and as such a self-assessment and referral is considered necessary.

Policy Framework (the Adelaide Park Lands Management Strategy (APLMS) and Community Land Management Plan (CLMP))

19. Neither the APLMS or the CLMP specifically envisage the AFC Proposal.
20. In relation to Park 2, the APLMS includes the following provision:
 - 20.1. *“Pardipardinyilla will be enhanced by a number of initiatives aimed at creating a high-quality multi-use destination serving the sporting, active and passive recreational needs of surrounding communities. Establishing an attractive interface around the park periphery with shaded edge paths and bold entry statements will draw people into the park and facilitate its ongoing activation. A reimagined Jeffcott Road / Fitzroy Terrace gateway will lead people into a large hub around the Aquatic Centre to optimise its role as a state-wide sporting destination. This area will be redesigned with upgraded picnic facilities, kiosk/café and playspaces, including a new sand play area and a re-positioned Bush Magic playground, to encourage a diverse range of formal and informal recreational pursuits that are more inviting to a wider variety of people. The provision of lighting and viewing and seating areas at this hub will create more functional spaces that can be used for evening activities”.*
21. More generally, the APLMS includes the following provisions:
 - 21.1. *“This Strategy envisages buildings and infrastructure that support use of the Park Lands for outdoor recreation, but does not support residential, commercial or entertainment facilities. The objective is to retain the Park Lands as freely accessible public open space and minimise the area covered by buildings”.*

21.2. Create places and attractions that set the Park Lands apart

“While people go to the Park Lands for all sorts of reasons, it is their natural beauty and tranquillity which sets them apart and provides a plethora of opportunities for people to escape from the stresses of City life. The Park Lands also provide important social meeting places and sit-down areas for people and groups to connect and interact in an attractive setting”.

21.3. Strengthen the role of the Park Lands as a regional destination for competitive sport and a variety of active and passive forms of recreation

“There are around 2 million uses of the Adelaide Park Lands every year involving a host of community and sporting groups and schools. The Park Lands and the facilities they provide are critical to supporting sport at regional, metropolitan, national and international levels. Their role in facilitating a diversity of recreational pursuits is also of importance given increasing concerns about public health and the steady increase in housing with less private open space”.

21.4. Support activation of the Park Lands by upgrading and enhancing buildings and structures responsive to their park setting

“Buildings and structures are critical to making open space functional and meeting the needs and expectations of users. However, it is important that these buildings and structures are designed to complement their Park Land setting and minimise their footprint while ensuring they are fit for purpose. This will require a review and alignment of Development Plan policy and the Park Lands Building Design Guidelines”.

“Permit commercial services to operate where they provide community benefit and support outdoor recreational use of the Park Lands”.

21.5. *“Consultation with the public during development of this Strategy highlighted the main concerns as being development (buildings) on the Park Lands, car parking, commercial activities and privatisation of the Park Lands.”*

21.6. *“The objective is to retain the Park Lands as freely accessible public open space and minimise the area covered by buildings”.*

21.7. *“Deliver a variety of facilities, including clubrooms and small-scale commercial operations, to support community use and participation in sport and recreation.”*

21.8. *“Designing appealing and high-quality public spaces, coupled with the development and expansion of recreational, sporting, cultural, entertainment, tourism, education and commercial activities across the Park Lands, should significantly contribute to increased levels of use and visitor satisfaction”.*

22. The CLMP includes the following Desired Future Character statement:

22.1. *Meet the sporting, recreation and socialising needs of the community in attractive, wide open spaces surrounded by large shady trees and dense understorey vegetation within an open woodland character.*

23. The CLMP also provides for:

23.1. Retention of heritage features, existing spatial layout and pathway alignment

23.2. Management of the Bush Magic Playground

23.3. Conservation of remnant vegetation and revegetation

23.4. Improvement of the Aquatic Centre car park layout

23.5. Rationalisation of buildings and the upgrade of regional sports areas.

The Adelaide Football Club Proposal

24. The AFC Proposal, December 2019, can be found here <https://yoursay.cityofadelaide.com.au/aquatic-recreational-facility-afc-proposal>

25. The proposed facility will be a two-level training and administrative base for the club with community elements. The facility will include lecture and other educational spaces, publicly accessible ovals, café, amphitheatre, memorabilia & heritage displays, public viewing spaces and a secure basement car park for approx. 70 vehicles. At this stage, the existing public car park will be retained as is.

26. The Proposal includes “multi-purpose areas” designed for flexible use as “Learning, Function and Academy Space”

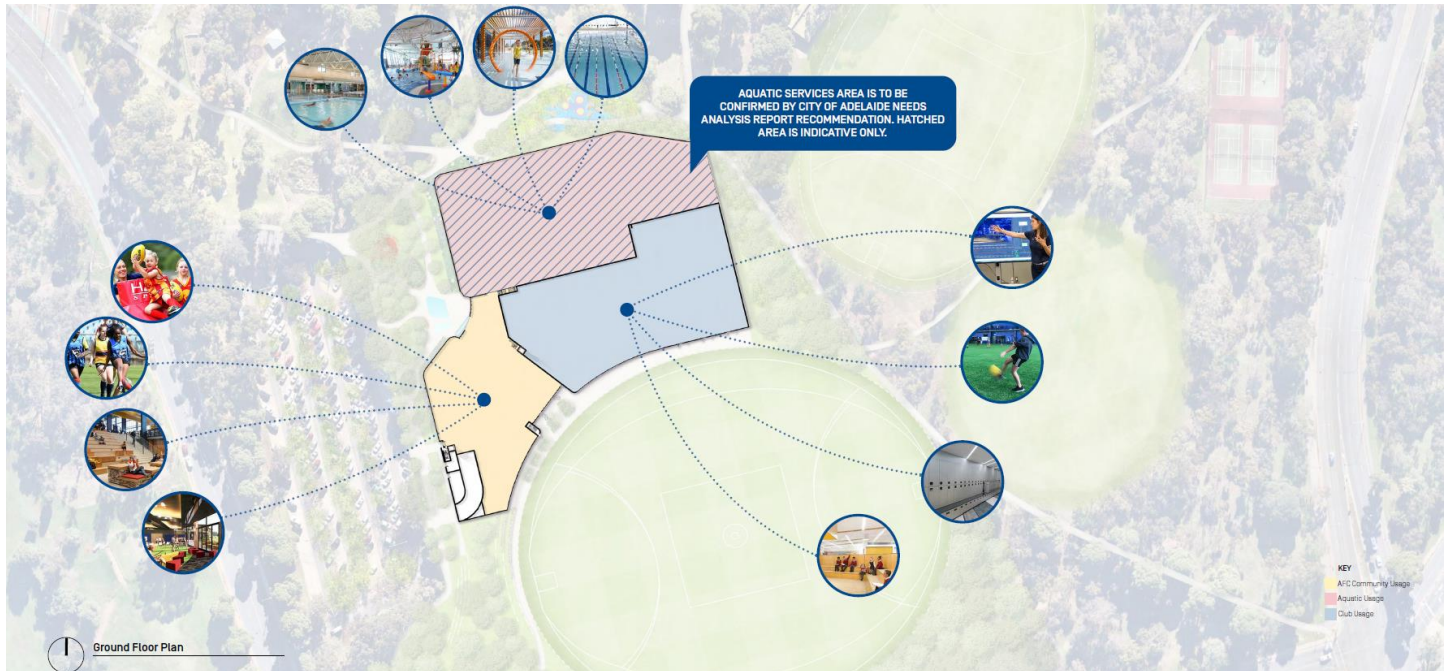
27. The playing fields fronting Barton Terrace, currently licensed to Blackfriars Priory School would instead be upgraded and licensed to the AFC. The two remaining ovals closer to Prospect Road would be retained under license by Blackfriars, with the existing Blackfriars change rooms also being retained.
28. At 16m maximum height and an average height of 11m, the proposed building would be 5m lower than the highest point of the existing aquatic centre and below existing tree canopy height.
29. The schematic plans include an indicative public aquatic facility, but this is not shown in the oblique aerial image of the new building.
30. The final size and components of the public aquatic facility will be informed by the results of the City of Adelaide's Needs Analysis.
31. The proposed facility would be constructed on the site of the existing aquatic centre, in the middle of the park and includes additional tree planting. No fencing is proposed.
32. Subject to the finalisation of the Aquatic Centre Needs Analysis, the current Proposal (as shown below in **Figure 1**) results in a net reduction in built form of 6000 square metres of open space.
33. The building design is intended to be sustainable and appears to be sympathetic to its Park Lands setting.

Figure 1 - comparison of existing and proposed extent of built form (from the AFC proposal document)



34. Figure 2 (below) shows the extent of community usage on the ground floor.

Figure 2 - extent of community usage on the ground floor (yellow shows AFC Community usage, blue shows club usage and pink is the indicative public aquatic and gym facility) - from the AFC proposal document



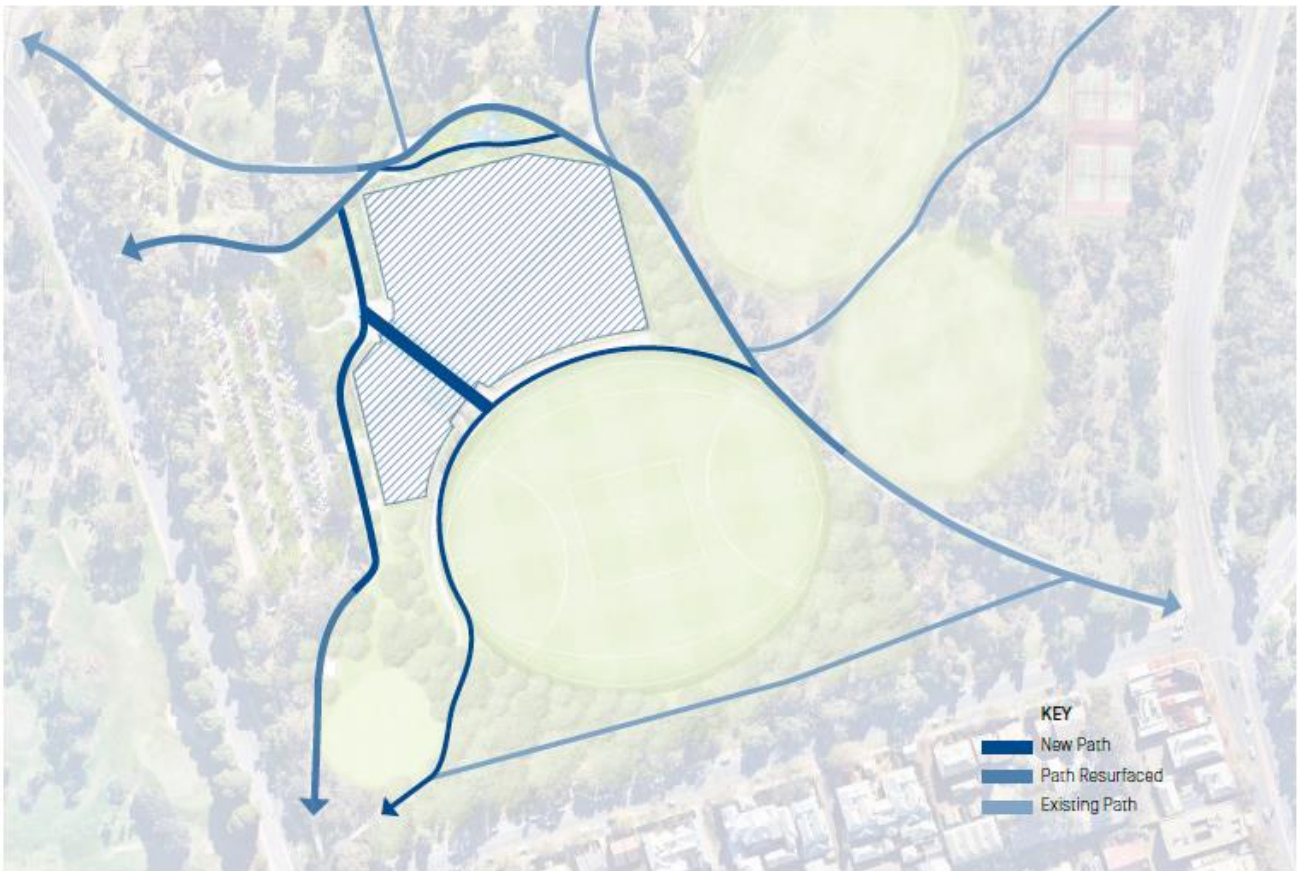
35. Figure 3 (below) shows the extent of community usage on the first floor.

Figure 3 - extent of community usage on the first floor (yellow shows AFC Community usage, blue shows club usage and pink is the indicative public aquatic and gym facility) - from the AFC proposal document



36. Figure 4 (below) shows the proposed pathway system around and through the new facility.

Figure 4 – proposed pathway system (from the AFC proposal document)



Guiding Principles established by the City of Adelaide

37. In June 2019, Council endorsed the following Guiding Principles against which to assess any proposal.

37.1. **Community Engagement** – short/long term consultation and communication, with the following considerations:

37.1.1. Community to have input into decision-making

37.1.2. Community informed about the existing challenges associated with the Aquatic Centre including budget implications to undertake repairs, etc

37.1.3. Stakeholder engagement (including Blackfriars Priory School).

37.2. **Community Benefit** – service provision, community access, recognition of user groups, with the following considerations:

37.2.1. Increase to service offering with best-practice approach applied to service delivery

37.2.2. Universal access to enable mobility strategy

37.2.3. Community access and public use of the two ovals

37.2.4. Community priority access and public use of the aquatic and recreational facility

37.2.5. Pool/public baths element.

37.3. **Park Lands Setting** – impact, footprint, built form and relevant Community Land Management Plan, with the following considerations:

37.3.1. Reduction in net footprint of any facility infrastructure in its developed form

37.3.2. Sympathetic to Park Lands setting

37.3.3. Sustainable

37.3.4. Car parking provision, under-croft if possible, to minimise footprint and improve aesthetic

- 37.3.5. No permanent liquor licence on the site.
- 37.4. **Economic Outcomes** – supporting the broader precinct, with the following considerations:
- 37.4.1. Catalyse O’Connell Street and surrounding area
- 37.4.2. Must not detract from O’Connell Street
- 37.4.3. Drives commercial outcomes for the precinct and city with increase in dollars spent by visitors.
- 37.5. **Value Proposition** - financial sustainability, short / long-term commercial benefits, upgrades to recreational and building asset and opportunities to Council, with the following considerations:
- 37.5.1. A financially sustainable operation for Council that maximises return on investment, delivers new revenue streams and reduces Council’s reliance on rate revenue
- 37.5.2. Fit for purpose. A modern integrated aquatic and leisure facility capable of meeting the needs of a diverse range of user groups and future population growth (with a 20-year outlook).
38. Section 4 (2) of the *Adelaide Park Lands Act 2005*, in regard to the Statutory Principles, states that “*a person or body*:
- 38.1. *involved in the administration of this Act; or*
- 38.2. *performing a function under this Act; or*
- 38.3. *responsible for the care, control or management of any part of the Adelaide Park Lands, must have regard to, and seek to apply,*” the Statutory Principles.
39. In view of the Statutory Principles in the *Adelaide Park Lands Act 2005* and the relevant provisions of the *Environment Protection and Biodiversity Conservation Act 1999*, it would be appropriate for the City of Adelaide Guiding Principles for the AFC proposal to:
- 39.1. More specifically incorporate and reflect these principles
- 39.2. Make reference to the Values which form the basis of the National Heritage Listing of the Adelaide Park Lands and City Layout.

National Heritage Listing of the Adelaide Park Lands and City Layout

40. An assessment has yet to be undertaken of any possible effect the AFC proposal may have on the values which underpin the National Heritage Listing of the Adelaide Park Lands and City Layout. It is appropriate that the Authority advise Council to undertake such an assessment as soon as possible.

Input from Adelaide Park Lands Authority Board Members

41. To assist in the preparation of this report, Board Members were invited to provide comment to the Executive Officer. Those comments have been taken into consideration and are included here for reference (Link 6 view [here](#)) .

Next Steps

42. Following the closure of community consultation on 19 February 2020, Council Members will evaluate the results and findings of that consultation, including consideration of the Authority’s advice.
43. The findings of the consultation will also be provided to the Adelaide Football Club (AFC) to enable any further work on the ‘Detailed Proposal / Business Case’.
44. Subject to the consultation findings and Council’s position, the AFC may submit a ‘Detailed Proposal / Business Case’ for further public consultation and consideration by the Authority and Council.
45. Subject to that stage of the process, the Authority’s advice will be sought regarding:
- 45.1. The ‘Detailed Proposal’ and wider Park 2 considerations
- 45.2. Any proposed changes to the Community Land Management Plan for Park 2 and the Adelaide Park Lands Management Strategy
- 45.3. The provision of any lease, licence to enable the proposal.
46. Should Council decide to enter into a final leasing arrangement for ten years or longer, documentation must be laid before both Houses of Parliament before executing any such leasing document.

ATTACHMENTS

Nil

- END OF REPORT -

Submission to the Planning and Design Code consultation

ITEM 9.2 06/02/2020
Adelaide Park Lands Authority

Program Contact:
Shanti Ditter, AD Planning, Design & Development 8203 7756

Approving Officer:
Klinton Devenish, Director Place

2019/00626
Public

EXECUTIVE SUMMARY

This report supports a submission to the Planning and Design Code (P&D Code) public consultation which is under the auspices of the State Planning Commission (SPC) as part of the state-wide Planning Reform. The P&D Code will replace the Adelaide (City) Development Plan by 1 July 2020. The submission makes a series of amendments to fulfil the intent of the *Adelaide Park Lands Act 2005* (SA) and the Adelaide Park Lands Management Strategy.

RECOMMENDATION

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES THE STATE GOVERNMENT AND COUNCIL

That the Adelaide Park Lands Authority:

1. Recommends that a self-assessment and referral process is undertaken regarding any possible effect the P&D Code may have on the values which underpin the National Heritage Listing of the Adelaide Park Lands and City Layout.
2. Provides the following comments on the draft P&D Code as Attachment A: Summary of Changes and Proposed Amendments to Item 9.2 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 6 February 2020:
 - 2.1. Supports the recognition of the special attributes of the Adelaide Park Lands through inclusion of a dedicated Zone in the P&D Code.
 - 2.2. Suggests renaming City Park Lands Zone to Adelaide Park Lands Zone.
 - 2.3. Suggests that the boundary of the Adelaide Park Lands Zone should include the six squares which are a part of the Adelaide Park Lands.
 - 2.4. Suggest the deletion of the proposed Subzones in favour of comprehensive Zone wide policies.
 - 2.5. Strengthens policies to prevent inappropriate development (land uses and built form) in the Adelaide Park Lands Zone noting the removal of the current non-complying pathway.
 - 2.6. Includes within the 'Desired Outcomes' of the Zone more descriptive policies to protect and enhance the unique features of the Adelaide Park Lands.
 - 2.7. Revises the 'Built-form and Character' provisions to provide greater clarity regarding new buildings in the Adelaide Park Lands, including the incorporation of the City of Adelaide's Park Lands Building Design Guidelines (under development) into the P&D Code; or being adopted as a Design Standard to further support high quality Park Lands building design.
 - 2.8. The unique planning considerations for the zone warrant zone specific policy content on matters including movement and parking, advertising and fencing (rather than the general policy that applies across other zones that does not adequately recognise the unique qualities of the Adelaide Park Lands).

- 2.9. Supports public notification where it involves all other code assessed development assessments; however, suggest minor types of development that are currently not subject to notification be exempt from public notification.
 - 2.10. Suggests reinstatement and addition of mapping and / or concept plans to support a clearer statutory planning framework.
 - 2.11. Suggests educational establishment, hotel and public infrastructure should be Code Assessed (Performance Assessed) Development rather than Restricted Development.
3. Supports further updates to the P&D Code following introduction of the initial version in July 2020 to reflect current strategies that relate to the Adelaide Park Lands (as already identified by Council).
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IMPLICATIONS AND FINANCIALS

Adelaide Park Lands Management Strategy	This update to the statutory planning policy provides an opportunity to commence alignment to the Adelaide Park Lands Management Strategy 2015-2025.
Policy	The Planning and Design Code (P&D Code) will replace the Adelaide (City) Development Plan. This will be a statutory document to guide development assessment decisions. This report recommends adopting the draft Park Lands Building Design Guidelines (when finalised), either as part of the Code or a Design Standard so that they have statutory effect in the assessment of a development application.
Consultation	This report responds to the State Planning Commission's consultation
Resource	Not as a result of this report
Risk / Legal / Legislative	The <i>Planning, Development and Infrastructure Act 2016 (SA)</i> replaces the <i>Development Act 1993 (SA)</i>
Opportunities	This update to the statutory planning policy provides an opportunity to align to the Adelaide Park Lands Management Strategy and make updates to the existing Development Plan that have previously been identified by Council.
19/20 Council Budget Allocation	Not as a result of this report
Proposed Council 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Overview of the Code

1. The State Planning Commission (SPC) released the Planning and Design Code (P&D Code) for consultation on 1 October 2019. Consultation closes on 28 February 2020.
2. The P&D Code will replace, as required by legislation, the Adelaide (City) Development Plan by 1 July 2020.
3. This report considers the implications of the P&D Code including: Impact to National Heritage, Engagement, and considers the proposed P&D Code.

Impact to National Heritage

4. It is not clear whether an assessment has been undertaken pursuant to the *Environment Protection and Biodiversity Conservation Act 1999*. We recommended that the submission on the P&D Code should request that a self-assessment and referral process is undertaken regarding any possible effect that the Code provisions may have on the values which underpin the National Heritage Listing of the Adelaide Park Lands and City Layout.

Proposed Planning and Design Code

5. At its 12 December 2019 meeting, APLA received a presentation on the Planning & Design Code (P&D Code) from Sally Smith from the Department of Planning, Transport and Infrastructure (DPTI) (Link 1 view [here](#)). This presentation provided an overview of the Code including outlining the intent to:
 - 5.1. Focus on 'development' not ongoing 'management'.
 - 5.2. Focus on open space and recreation.
 - 5.3. Development of existing buildings be kept to their existing sites.
 - 5.4. New small-scale shop/restaurant only where ancillary to a recreational use, club or sporting facility.
 - 5.5. Enable a contextual response for any new development to 'fit in'.
 - 5.6. Remove outdated and repetitive policy.
 - 5.7. For the Park Lands Zone, consolidate 1 Zone with 11 policy areas to 1 Zone with 2 Subzones.
6. The Adelaide Park Lands, as per the Adelaide Park Lands Plan, are located within the following zones in the proposed P&D Code (as show in map – Link 2 view [here](#)):
 - 6.1. City Park Lands Zone – most of the area of the Park Lands
 - 6.2. Riverbank Zone – the area of along the northern side of the North Terrace extending from Royal Adelaide Hospital to Lot Fourteen
 - 6.3. Capital City Zone – the area of the City Squares
 - 6.4. City Living Zone – the area of Wellington Squares.
7. A detailed analysis of the proposed P&D Code has been undertaken and summary is provided in **Attachment A**. In addition, the following matters are relevant:

Governance framework
8. The role of the P&D Code is to provide the necessary statutory planning framework upon which to assess development applications. The current Adelaide (City) Development Plan includes policy that strays into the area of "management". The P&D Code provides an opportunity to clarify the role of development assessment cognisant of the governance framework of the Adelaide Park Lands (the attached diagram shows the governance framework of the Adelaide Park Lands (Link 3 view [here](#))).
9. We suggest that the submission on the P&D Code should provide clarity for development assessment on matters that are relevant for development assessment to consider. For instance, development should not consider planting of exotic vs native species and or long stay vs short stay parking in roads.

These matters can be considered through other management mechanisms. Development matters should include land use and intensity; built form and character; transport and movement; and impact to heritage values.

Policy alignment

10. The current Development Plan has policy that is acknowledged to be out-of-date. The P&D Code is an opportunity to address this and to more closely align to the Adelaide Park Lands Management Strategy (APLMS).
11. The full implementation of actions in APLMS that relate to planning policy would likely require further investigation and consultation before appropriate policy could be drafted and incorporated.
12. Progressing these actions would need to occur through a future Code Amendment as they are both beyond the scope and remit of the current draft P&D Code out for consultation.

Statutory principles of the *Adelaide Park Lands Act 2005*

13. The following table provides a review of the draft P&D Code against the statutory principles of the *Adelaide Park Lands Act 2005*.

Statutory Principle	Assessment of the P&D Code
The land comprising the Adelaide Park Lands should, as far as is reasonably appropriate, correspond to the general intentions of Colonel William Light in establishing the first Plan of Adelaide in 1837.	This proposal does not alter the design of the Park Lands as provided for in the Colonel Light plan of 1837.
The Adelaide 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 (recognising that certain uses of the Park Lands may restrict or prevent access to particular parts of the Park Lands).	This policy proposal supports maintaining the Park Lands for public benefit. Refinements to the draft P&D Code are recommended to ensure that this statutory principle is clearly represented.
The Adelaide Park Lands reflect and support a diverse range of environmental, cultural, recreational and social values and activities that should be protected and enhanced.	The draft P&D Code has removed some of the policy that reflected the diverse range of environmental, cultural, recreational and social values and activities. Accordingly, it is recommended that this detail be reinstated to support the protection and enhancement.
The Adelaide Park Lands provides a defining feature to the City of Adelaide and contributes to the economic and social well-being of the City in a manner that should be recognised and enhanced.	Amendments are suggested to support this outcome, including placing the six squares within the Park Lands Zone.
The contribution that the Adelaide Park Lands makes to the natural heritage of the Adelaide Plains should be recognised, and consideration given to the extent to which initiatives involving the Park Lands can improve the biodiversity and sustainability of the Adelaide Plains.	The need for development to improve biodiversity and sustainability has been reflected in the draft P&D Code. However, this should be strengthened.
The State Government, state agencies and authorities, and the Adelaide City Council, should actively seek to co-operate and collaborate with each other in order to protect and enhance the Adelaide Park Lands.	<p>The draft P&D Code supports this outcome generally. It is unclear how the restricted development pathway will be used. The State Planning Commission will be the authority in this regard and the Planning and Design Code will not be the guiding policy document.</p> <p>There appears to be limited rationale in this approach in the Adelaide Park Lands. It is recommended that restricted development is not used in the Park Lands as this pathway presents risks and unknown impacts.</p>

The interests of the South Australian community in ensuring the preservation of the Adelaide Park Lands are to be recognised, and activities that may affect the Park Lands should be consistent with maintaining or enhancing the environmental, cultural, recreational and social heritage status of the Park Lands for the benefit of the state.

The draft P&D Code provides for public notification for more applications than the current Adelaide (City) Development Plan. This will support the protection of the Adelaide Park Lands through this transitional phase. Refinements are recommended so that minor types of development are not unnecessarily subject to notification.

ATTACHMENTS

Attachment A – Summary of Changes and Proposed Amendments

- END OF REPORT -

Summary of Changes and Proposed Amendments

DRAFT – WORK IN PROGRESS

Note: This table is to be read in conjunction with Appendix 1 which provides draft policy changes.

Planning and Design Code Changes	Comment (Risk / Potential Impact)	Proposed amendments
The Park Lands Zone in the Adelaide (City) Development has been called the City Park Lands in the Planning and Design Code	Neither of these names align to the Adelaide Park Lands Act.	Amend name to Adelaide Park Lands Zone
The 1 Park Lands Zone and 11 policy areas have been amended to 1 Zone and 2 Sub Zones. The proposed boundaries are not consistent with the Adelaide (City) Development Plan, APLMS or the CLMP's.	The rationale for the 2 sub zones is unclear.	Delete the sub zones and reinforce policy intent through policy amendments detailed below.
The Adelaide Park Lands includes the Squares. The Adelaide (City) Development Plan and Planning and Design Code considers the Squares within its surrounding Zone. For example, the Hindmarsh square is in the Capital City Zone (also called Capital City Zone in the Planning and Design Code).	<p>Locating the six city squares in the same zone would be appropriate recognition and seek to ensure that they are used and developed consistent with their identification as part of the Adelaide Park Lands.</p> <p>A review of the policy and procedural matters have been undertaken. There is opportunity to amend the policy framework to include the Squares in the Park Lands Zone.</p> <p>This would assist to align the desired outcomes of the Squares to that of the remainder of the Park Lands.</p>	<p>Amend the zone boundaries to put the Six Squares policies from their respective Zones into the 'Adelaide Park Lands Zone'.</p> <p>Amend procedural matters of the "Square" Zones and Sub Zones to remove the requirement for consultation based on 'Zone adjacency'.</p>
The new policy approach is much more permissive. Adelaide (City) Development Plan lists all developments as non-complying unless specifically envisaged in the Zone.	It is not clear what is inappropriate development.	<p>List what is inappropriate development.</p> <p>All other development other than listed is deemed inappropriate. It will remain performance assessed under the Planning and Design Code policy rather than being restricted</p>

		development which will mean that it will not be strictly assessed by the Planning and Design Code Policy.
The descriptive policy detail has been deleted.	<p>This is a risk to applicants and representors as decisions will be wide open to interpretation without appeal rights. This will frustrate development and stakeholders. Without the policy guidance representors issues can't be ruled in or out as legitimate or not. There is potential for policy 'on the run' through Development Assessment resulting in appeals, delays and risks to project.</p> <p>It is acknowledged, that reinstating policy detail will mean that there is repetition between CLMP'S, APLMS and other Council documents. However, this can't be avoided as the abovementioned documents will have no statutory weight in development assessment decisions as such their content can't be relied on for statutory planning decisions.</p>	<p>Reinstate necessary policy except where:</p> <ul style="list-style-type: none"> • Redundant • Duplication • Management • Not 'development'
<u>Land Use:</u> There are a number of changes for land uses. Non-complying has also been removed as a part of the reforms. It is not clear what are inappropriate land uses which could form the basis for a refusal.	This is a policy change without justification. There is a need to ensure that the Park Lands are primarily for outdoor recreational purposes and any other land uses are ancillary and supportive to these uses.	Reinstate land use strategy of the Development Plan outlined by merit and non-complying land uses.
<p><u>Built form:</u> New and larger buildings are more clearly contemplated with a departure from the Adelaide (City) Development Plan key policies that seek:</p> <ul style="list-style-type: none"> • A reduction of building floor area, fenced and paved areas, 	<p>These are policy changes without justification.</p> <p>In addition, the draft policy PO 1.7 doesn't allow for buildings to change use over time. In addition, these are hard to update over time. The list is not comprehensive and has the potential to be inaccurate.</p> <p>A clearer policy direction would be to accept that</p>	<p>Reinstate approach to built form in an overall policy rather than specific building directions. All buildings should be designed to be adaptable to a range of use that support the outdoor recreation value of the Park Lands.</p> <p>Delete PO1.7 and PO 1.8 and strengthen other polices to support adaptive reuse provided</p>

<ul style="list-style-type: none"> • Progressive return of alienated land to the Park Lands; and • Reduction in the number of extent of buildings should be reduced. <p>The Adelaide (City) Development Plan outlines for specific buildings to not expand beyond their floor area including:</p> <ul style="list-style-type: none"> • Golf links • Adelaide Aquatic Centre • Reid Building (now Adelaide Botanic High School) • Conservatory in Veale Gardens <p>Other buildings such as the boat sheds are to be maintained and enhanced.</p> <p>Thebarton Police Barracks is to be returned as recreation value Adelaide Oval and Memorial Drive Tennis complex can only be expanded for formal recreational uses.</p> <p><u>Built Form:</u> Proposed PO 1.7 seeks to enable redevelopment of buildings that are ancillary and complementary to existing uses. Buildings defined at a high level. However, some of these are inadequate or inaccurate descriptions.</p> <p><u>PO.1.8</u> identifies a future for the Adelaide Aquatic Centre. However, this is a departure from the Adelaide (City) Development Plan which sought no increase in total floor area.</p>	<p>buildings will change over time and this is acceptable provided building are multi-purpose and publicly accessible for community members.</p> <p>It is considered that the existing policy in relation building floor areas provides a good policy base for decisions.</p>	<p>they are multipurpose and community accessible.</p> <p>To support good design, seek adoption the draft Park Lands Building Design Guidelines as a Design Standard or to be adopted as policy in the P& D Code.</p>
<p><u>Heritage:</u> Whilst the Local and State Heritage Places have been retained the policy response is not clear.</p> <p>National heritage has not been mentioned.</p>	<p>There is a need for a policy to outline what is the policy response for heritage place. In addition, to identify the National heritage significance of the Adelaide Park Lands.</p>	<p>Reinstate policy where necessary.</p>

<p><u>Planting character and landscaping areas:</u> This has been retained however at a very high level.</p>	<p>Special landscaped character is important for determining what should be considered when siting a new building or structure. The P&D Code removes the detail of these areas (some of which are heritage places) this would mean with the Relevant Authority would need to determine what is the special landscape character. There is a risk that decision will not align to:</p> <ul style="list-style-type: none"> • Cultural heritage • National heritage • Reducing streamlined decision making. 	<p>Reinstate important areas by way of reinstating the Special Landscaped Character mapping and policy statements.</p>
<p><u>Movement:</u> Car parking is supported provided it is ancillary. This is a change from the Adelaide (City) Development which seeks in various locations to limit, remove and reinstate to Park Lands.</p>	<p>This is a policy change without justification.</p> <p>Strategy 2.8 of the Adelaide Park Lands Management Strategy seeks a number of actions including to provide car parking on and adjacent to the Park Lands only where need has been demonstrated and no reasonable alternative exists.</p> <p>The proposed P&D Code General Modules car parking rates for the park lands are also relevant to the Park Lands. They will result in excessive car parking in the park lands based on standard car parking rates.</p>	<p>Amend policies to reflect the APLMS and the Adelaide (City) Development Plan. Require a comprehensive transport approach rather than defaulting to on Park Lands car parking without adequate management of other modes of transport.</p>
Procedural matters		
<p><u>Performance Assessed</u></p> <p>Shop and Restaurants have been outlined with policies that provide a performance assessed pathway. The criteria for assessment does not appear to be adequate to guide good development.</p>	<p>There is a risk that development would be odds with the APLMS and the general outcomes of the Adelaide Park Lands. Whilst this approach should be considered in future it is not ready to be used as a part of this 1st transition of the Code</p>	<p>Remove Shops and Restaurants from Performance Assessed and make them All of other Code Assessed.</p>
<p><u>Restricted Development</u> as interpreted by the State Planning Commission is being used as simply a pathway of</p>	<p>DPTI have advised that restricted development is not an assessment guideline</p>	<p>Insert a policy that outlines what is inappropriate development. This means, in the Park Lands,</p>

<p>being assessed by the State Planning Assessment Commission. It also has a different approach to assessment.</p>	<p>rather a pathway for assessment authority.</p> <p>As such non-complying doesn't exist and there is no clear policy direction of what inappropriate and unacceptable development is.</p> <p>From an assessment pathway perspective, it is unclear why restricted development have been used for education establishments, hotels and public infrastructure</p> <p>Education establishments and public infrastructure are anticipated to a degree.</p> <p>Hotels are not anticipated and not supported by policy. Given this would further alienate the Park Lands and impact the economic viability of City based hotels the park lands should be seen as an inappropriate location for new hotels.</p>	<p>all development other than exempt is inappropriate.</p> <p>Given that Education Establishments and Public Infrastructure are anticipated on in the Zone it is recommended that these are Performance Assessed Development.</p> <p>Given Hotels are not anticipated in the Zone and should be inappropriate development, it is recommended that these should be listed as inappropriate development and remain a Performance Assessed Development.</p>
<p><u>Public Notification</u> has increased significantly with all other Code Assessed being publicly notified. It does not reflect the scale of impact of development.</p>	<p>This could result in excessive notification for minor applications. There is a need to scale notification impact.</p>	<p>Reduce notification for minor applications to reflect impact.</p>
<p>Other</p>		
<p><u>Mapping:</u> All of the supporting mapping has been deleted.</p>	<p>The removal of policy detail and maps makes for a challenging assessment environment. It also makes it difficult for stakeholders to understand the future development outcomes. It is good practice for planning documents to be clear in the policy framework to form a basis of decisions with the policy framework flexible enough to be responsive. Maps are useful to provide clarity.</p> <p>For policy alignment, there is an opportunity to look to the</p>	<p>Adapt the Adelaide Park Lands Management Strategy maps for the Planning and Design Code.</p>

	<p>Adelaide Park Lands Management Strategy. The Adelaide Park Lands Management Strategy uses a series of maps to support the siting and site planning of the Park Lands. It is considered for policy streamlining and alignment that these be adapted for the Planning and Design Code.</p>	
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Appendix 1: Proposed Changes to Draft Policy.

Note

This document contains City of Adelaide edited version of the Planning and Design Code (Phase 3) released for consultation on 1 October 2019.

Blue text highlights the edits Council has made to the policy.

The changes made are based on the Development Plan Code Analysis for the Park Lands Zone and associated policy areas. This document tracked the location of current Dev Plan policy, identified what is missing, what errors have been made and provides a response and recommendations in regard to the direction of future Code policy.

City Adelaide Park Lands Zone

Table 1 – Accepted Development Classification

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
Internal building work Except where any of the following apply: <ul style="list-style-type: none"> • A Local Heritage Place identified in the Local Heritage Place Overlay • A State Heritage Place identified in the State Heritage Place Overlay 	7 There will be no increase in the total floor area of the building 8 There will be no alteration to the external appearance of the building.

<p>Shade sail</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Local Heritage Place Overlay • State Heritage Place Overlay • Sloping Land Overlay 	<p>22 The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system</p> <p>23 Shade sail consists of permeable material</p> <p>24 The total area of the sail - does not exceed 40m²</p> <p>25 No part of the shade sail will be:</p> <ul style="list-style-type: none"> (a) 3m above ground or floor level (depending on where it is situated) at any place within 900mm of a boundary of the allotment (b) 5m above ground or floor level (depending on where it is situated) within any other part of the allotment <p>26 Primary street setback — at least as far back as the building line of the building to which it is ancillary</p> <p>27 If any part of the sail will be situated on a boundary of the allotment, the length of sail along a boundary does not exceed 8m</p> <p>28 In a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment — the length of the sail and any such supporting structure together with all relevant walls or structures located along the boundary will not exceed 45% of the length of the boundary.</p>
<p>Solar photovoltaic panels (roof mounted)</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • A Local Heritage Place identified in the Local Heritage Place Overlay 	<p>16 Panels are installed parallel to the roof of a building and with the underside surface of the panel not being more than 100mm above the surface of the roof</p> <p>17 Panels and associated components do not overhang any part of the roof</p>

<ul style="list-style-type: none"> A State Heritage Place identified in the State Heritage Place Overlay 	18 Does not apply to system with a generating capacity of more than 5MW that is to be connected to the State's power system.
<p>Water tank (underground)</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> Sloping Land Overlay 	<p>7 The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system</p> <p>8 The tank (including any associated pump) is located wholly below the level of the ground.</p>

Table 2 – Deemed-to-Satisfy Development Classification

Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
<p>Temporary advertisements</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> Hazards (Flooding) Local Heritage Place State Heritage Place 	[Advertisements]: 4.2 (ADD RELEVANT POLICIES)	None	None	None

Temporary public service depots associated with public infrastructure, Park Lands management and construction activities	DTS 1.4 (ADD RELEVANT POLICIES)	None	None	None
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Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.		
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone) Overlay (applies only in the area affected by the Overlay)
Except where any of the following apply: <ul style="list-style-type: none"> • Hazards (Flooding) • Local Heritage Place • Major Urban Transport Routes • Sloping Land • State Heritage Place • Traffic Generating Development • Urban Transport Routes 			

Table 3 - Applicable Policies for Performance Assessed Development

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
	<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>			
Demolition of a State or Local Heritage Place	None	None	None	Local Heritage Place: All State Heritage Place: All
Restaurant	All	Clearance from Overhead Powerlines: PO 1.1 Design in Urban Areas [External Appearance]: PO 1.4 Design in Urban Areas [Car Parking Appearance]: PO 6.1, 6.4, 6.5 Interface Between Land Uses [Hours of Operation]: PO 2.1, PO 6.1, PO 6.2 Transport, Access and Parking [Movement Systems]: PO 1.4 Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2	Adelaide Oval: All Eastern Parklands: All None	Future Road Widening: All Hazards (Flooding): All Key Railway Crossings: All Local Heritage Place: All Major Urban Transport Routes: All Sloping Land: All State Heritage Place: All Traffic-Generating Development: All Urban Transport Routes: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.5, 3.6</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: PO 6.1, 6.6</p>		
Shop	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [External Appearance]: PO 1.4</p> <p>Design in Urban Areas [Car Parking Appearance]: PO 6.1, 6.4, 6.5</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Transport, Access and Parking [Movement Systems]: PO 1.4</p>	<p>Adelaide Oval: All</p> <p>Eastern Parklands: All</p>	<p>Future Road Widening: All</p> <p>Hazards (Flooding): All</p> <p>Key Railway Crossings: All</p> <p>Local Heritage Place: All</p> <p>Major Urban Transport Routes: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p> <p>Urban Transport Routes: All</p>

Class of Development	Applicable Policies		
	Zone	General Development Policies	Subzone Overlay
		<p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.5, 3.6, 4.1,</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1 (Add point in relation access walking as predominant mode of transport, and add point in relation to public transport)</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: PO 6.1, 6.2, 6.4, 6.6</p>	

Temporary public service depots associated with public infrastructure, Park Lands management and construction activities	PO 1.4	None	None	Future Road Widening: All Hazards (Flooding): All Key Railway Crossings: All Local Heritage Place: All Major Urban Transport Routes: All Sloping Land: All State Heritage Place: All
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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
				Traffic Generating Development: All Urban Transport Routes: All
Tree damaging activity	None	None	None	Regulated Tees: All
All other Code Assessed Development	All	All	Adelaide Oval: All Eastern Parklands: All	Any Relevant Overlay: All

Table 4 – Restricted Development Classification

Class of Development	Exclusions
The following Classes of Development are classified as Restricted subject to any 'Exclusions'	
Educational Establishment	
Hotel	

Public infrastructure	
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Assessment Provisions (AP)

Desired Outcome (DO)

DO 1

The 'Adelaide Park Lands', encircle the City providing the most extensive and intact Park Lands in an Australian City. The Adelaide Park Lands provide a unique world renown publicly accessible and well connected open space system that forms part of the Adelaide Metropolitan Open Space System linking the City, inner suburbs, hills and coast.

DO 2

The Adelaide Park Lands contain a range of uses that provide public benefit for use by the people of South Australia. The Adelaide Park Lands ~~that creates a distinctive landscaped park setting~~ supports an extraordinary range of outdoor recreation uses, environmental values, cultural heritage and social connections. The Adelaide Park Lands primarily provides ~~Contains~~ a range of unenclosed and outdoor landscapes including urban address, formal park, sports and recreation, woodland and riparian. Ranging from mirco, small, medium, large to major hubs supporting passive recreation through to large events and major sporting events. The uses within the Adelaide Park Lands support a high quality residential amenity to adjacent areas. ~~passive and active recreational activities with a high level of amenity, including a safer 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.~~

DO 3

Development within the Park Lands will recognise the heritage values and improve the biodiversity and sustainability of the Adelaide Plains.

DO 4

The Adelaide Park Lands are primarily accessed through the existing road network and shared paths. Shared paths will be expanded to support improve connectivity and recreation within the Park Lands. Access road and car parking will progressively be rationalised and reduced whilst supporting activation of the Adelaide Park Lands.

DO 5

The six city squares Hindmarsh Square, Hurtle Square, Whitmore Square, Victoria Square, Light Square and Wellington Square provide a formal park setting and a focal

point for the outdoor recreational needs and social connections of city residents, workers and visitors. Access to and enjoyment of the squares will be progressively strengthened to remove the barriers to access by the existing road and car parking networks.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

A diverse range of open space, **outdoor** recreation and **outdoor** sporting activities.

DTS / DPF 1.1

Development comprises one or more of the following land uses:

~~Conservation work~~

Multi-purpose outdoor tourism, cultural and community uses

Cemetery within existing site boundaries

~~Outdoor Recreation area (informal and formal)~~

Shop and restaurant ancillary to a **tourism, cultural, community and/or recreational use and where located on map (XXX reflect non-complying list locations)**

Special Events where located on map (XXX reflect complying and non-complying list locations)

Education establishment within existing site boundaries

Licensed premises ancillary to a multi-purpose recreation facility and located on map (XXX)

~~Sporting field or club facility~~

~~Structures associated with a public facility such as bike and vehicle parking, picnic / barbeque area, shelter and toilet.~~

PO XX

Land uses other than those listed in DTS/DPF 1.1 are inappropriate

PO XX

Development within the Park Lands provides a range of publicly accessible land uses for the community.

DTS/DPF XX

None are applicable

PO 1.2

Shops and restaurants that in appropriate areas of the Park Lands:

- (a) providing a range of goods and services for the users of activities in the Park Lands and where such goods and services are not otherwise conveniently located; and

- (b) positively contributing to Park Lands activation and setting without being visually prominent.

DTS / DPF 1.2

Shops and restaurants that are:

- (a) ancillary to a recreational use, club and/or sporting facility;
- (b) temporary except where located in area marked XXX on map (reference park numbers, include Botanic Park, Eastern Park Lands, Southern Park Lands Policy Areas, Western Park Lands Policy Areas, River Torrens West Policy Area Area Marked F on Map Adelaide 48)
- (c) not exceeding 50 -100m² in gross leasable floor space; and
- (c) not increasing the building footprint.

PO 1.3

Special events and formal recreation uses of a temporary or transient nature limiting their impacts on the amenity of residential areas and the recreational use of the open and natural character of the Park Lands.

DTS/DPF 1.3

None are applicable

PO 1.4

The use of land or buildings to house temporary public service depots or site compounds associated with public infrastructure, Park Lands management and construction activities where the duration and scale of impacts to the Park Lands and adjacent Zones are minimised.

DTS / DPF 1.4

Temporary public service depots or site compounds:

- (a) occupy land for no longer than 3 months; and
- (b) ensure waste litter and water are contained on site.

Built Form and Character

PO XX

Development comprises one or more of the following built form:

- Advertising
- Bridges to support pedestrian and cycling infrastructure
- Bike parking
- Conservation works
- Earthworks
- Golf course
- Landscaping and associated works
- Lighting
- Monuments
- Multi-purpose recreation, tourism, cultural and community buildings and structures
- Outbuildings
- Public toilets
- Sculptures

Shade structures
 Temporary advertising
 Tree Damaging Activity
 Ancillary vehicle parking

PO XX

All development is in appropriate other than development listed in XX and XX.

PO XX

Development in the Squares that supports the outdoor relaxation, enjoyment and leisure of the City's population. The landscaped areas should be enlarged to support visual and functional amenity. Development should:

- a) Provide ease of movement for pedestrian and cyclists accessing the squares
- b) Reduce and rationalise car parking and vehicular areas to enhance the squares visual and functional amenity as premier public open spaces
- c) Retain and enhance large canopy trees
- d) Minimise buildings, structures, utilities and service facilities
- e) Incorporate high quality design

XX Development is sited and located in accordance with concept plans XXX (Reflect the Adelaide Park Lands Management Strategy and the existing Adelaide (City) Development Plan)

PO 1.5

The adaptive reuse of existing buildings to where development:

- a) progressively returns alienated land to the Park Lands uses;
- b) supports higher utilisation of buildings by multiple community groups,
- c) improves the design quality and appearance of the building,
- d) minimises the need to increase the building footprint; and
- e) and positively contributes to the cultural value, amenity and activation of the Park Lands.

DTS/DPF 1.5

None are applicable

PO 1.6

New-Development should that seek to reduces and minimises the building footprint and hard surfaces on the landscaped and open setting of the Park Lands and should only be considered where development:

- (a) is ancillary to the use and enjoyment of open space;
- (b) rationalises and reduces the overall building footprint within the Park Lands the development is the replacement of an existing building;
- (c) buildings is provides low scale (up to 3 storeys) and retains important views;
- (d) provides a high quality contextual design response that complements the heritage

values, open space function and natural and cultural character of the area;

- (e) natural creek channels and water courses are enhanced as major landscape and stormwater management features;
the building design contextual and of high quality so that it complements its setting when viewed from all perspectives;
- (f) provides complementary recreation, sporting or tourism facilities that could not otherwise have been provided in the City zone; and
- (g) the building is designed to be enable multi-use purpose and can be used by more than one user by different groups.

DTS/DPF 1.6

None are applicable

PO 1.7

The redevelopment of existing buildings and structures within the following sites in a way that is ancillary and complementary to existing uses including:

- (a) Torrens Lake boating facilities
- (b) Police Barracks and Old Adelaide Gaol adaptation of existing buildings and supportive public uses
- (c) Adelaide and Botanic High Schools education and related facilities
- (d) National Wine Centre Multi purpose event complex tourism related facilities within the existing site boundaries
- (e) Adelaide Botanic Garden restaurants, function facilities and passive recreation facilities
- (f) Adelaide Zoo a range of ancillary activities that add to the zoo as a key city attraction
- (g) Golf Course and club house club facilities and restaurants
- (h) West Terrace Cemetery chapel, visitor and interpretative centre and operational facilities
- (i) North Adelaide and Adelaide Central Train Station rail services facilities
- (j) Adelaide Aquatic Centre Consolidate and replace existing buildings with recreational sporting, clubrooms and associated administrative functions

DTS/DPF 1.7

None are applicable

PO 1.8

Development at the Adelaide Aquatic Centre site to consolidate and replace existing buildings with recreational sporting clubrooms, facilities and associated administrative functions.

DTS/DPF 1.8

None are applicable

PO 1.9

Development of public infrastructure is appropriate within existing roads, railway corridors or the O-Bahn corridor where it does not create any additional impact on the amenity of the Adelaide Park Lands and enhances pedestrian access through the

Park Lands.

DTS/DPF 1.9

None are applicable

~~Built Form and Character~~

PO 2.1

~~A contextual design response that complements the heritage values, open space function, natural and cultural character of the area. and is suitably screened by landscaping~~

DTS/DPF 2.1

None are applicable.

PO 2.2

Development includes lighting that positively contributes to wayfinding, public safety, security, activity and amenity within the Park Lands.

DTS/DPF 2.2

None are applicable.

PO 2.3

Utility and supply services, holding tanks, sub-stations, power lines and other utility facilities that are unobtrusive and where practicable placed underground.

DTS/DPF 2.3

None are applicable.

PO 2.4

Development sited and designed to minimise negative amenity impacts on residential uses. ~~in the City Living Zone.~~

DTS/DPF 2.4

None are applicable

PO 2.5

Development sited and designed to reinforce the National Heritage values, landscape character and cultural (indigenous and post-colonial) heritage values.

PO 2.5

New monuments that retain from the heritage values and contribute to enjoyment of the Park Lands.

Natural / Cultural Landscape Character

PO 3.1

Development that protects and enhances and improves public access to: areas of special landscape character including (identified in Concept Plan XX X(To be prepared):

- a) the avenue of Moreton Bay Figure trees along War Memorial Drive;
- b) a group of trees at the north west corner of Park No 2;
- c) the Casuarinas in Park 3 adjacent to Main North Road;
- d) the Pinus canariensis in Park 4;
- e) the Araucarias in Parks 4 and 5 adjacent to LeFevre Road;

- f) a stand of trees in Park 6 along LeFevre and Kingston Terraces;
- g) the avenue of Palms along Robe Terrace;
- h) the olive groves in Parks 7 and 8 between Mann Road and Park Road;
- i) the stand of Eucalyptus trees adjoining MacKinnon Parade west;
- j) the mixed exotic and Australian native plantings surrounding the University Oval in Park 12.; the formal character of the avenue of Plane trees in Botanic Park and in Frome Road;
- k) the avenue of Moreton Bay Figure trees in the Botanic Gardens;
- l) the significant avenue of Plane trees and significant individual trees in Park 14;
- m) the Kensington Gardens tramway embankment;
- n) a central row of Peppercorn trees and Eucalypts along the tributary and Wakefield Road in Park 15;
- o) the Olive Grove between the tributary and East Terrace in Park 15;
- p) the dominant groups of Eucalypts at the northern, southern, western and Fullarton Road edges of Park 16;
- q) the Olive Grove in the north western corner of Park 16;
- r) the avenues of trees along the cycle paths of Park 16;
- s) the Glover Playground;
- t) the remnant native vegetation to the area south of Victoria Racecourse;
- u) the old Engineering and Water Supply Reservoir mound within the Southern Park Lands;
- v) Veale Gardens;
- w) The historic Glenside carriage ways row of stately elm trees;
- x) areas of remnant native vegetation;
- y) the olive groves adjacent the Police Barracks in Park 27 South;
- z) the stand of Eucalypts between the railway and the river in Park 27 north;
- aa) the trees, particularly the Moreton Bay Figs on the northern side of the Adelaide Oval, together with buildings of heritage value;
- bb) the Pioneer Women's Memorial Garden in Park 12;
- cc) the Palm trees surrounding the Parade Ground in Park 12;
- dd) the Women's War Memorial Gardens;
- ee) the avenue of Elms along Victoria Drive;
- ff) areas and items of indigenous;
- gg) areas of post-colonial cultural heritage value significance.
- hh) the Pennington Gardens (west);
- ii) Osmond Gardens;
- jj) Himeji Gardens; and
- kk) the Creswell Gardens.

DTS/DPF 3.1

None are applicable.

PO 3.2

Development is sited and designed to maintain the visual distinction between the predominantly open landscape character of the Park Lands and the built-form of adjacent Zones.

DTS/DPF 3.2

None are applicable.

PO 3.3

Development sensitive to native biodiversity and incorporates ways to protect and

improve biodiversity through its design.

DTS/DPF 3.3

None are applicable.

~~PO 3.4~~

~~Development enhances natural creek channels and watercourses as a major landscape and stormwater management feature.~~

DTS/DPF 3.4

None are applicable.

Advertisements

PO 4.1

Small, directional and unobtrusive permanent advertisements or advertising hoardings only in association with an existing or approved uses within the Park Lands building.

DTS/DPF 4.1

None are applicable.

PO 4.2

Temporary advertisements relating to a local event of a religious, educational, cultural, social or recreational character or to an event of a political character limited in size and number and not detract from the open and natural character of the zone.

DTS / DPF 4.2

Temporary Advertisements:

- (a) not exceeding 2m² on a building or site;
- (b) not displayed more than 1 month prior to the event and 1 week after the event concludes except for an advertisement that relates to a federal, State or local government election; and
- (c) do not:
 - (i) move or flash;
 - (ii) reflect light so as to be an undue distraction to motorists;
 - (iii) be internally illuminated; or
 - (iv) be used to principally advertise brands or products.

Fencing

PO XX

Additional permanent fencing is not envisaged except around play spaces where public access and the open character is maintained.

DTS/DPF XX

None are applicable

Movement, access and parking

PO XX

Development provides universal public access to the Park Lands

PO XX

Development should support the open space values and activation of the Adelaide Park Lands by **avoiding car parking on the Park Lands**. Additional vehicle car parking should only be provided where development has provided adequate:

- Walking infrastructure
- Cycling infrastructure
- Optimisation of the public transport network to access the Park Lands
- Utilisation of on-street car parking
- Utilisation of drop off and pick up areas
- Utilisation of shared vehicle parking within existing car parks
- Rationalisation of existing vehicle parking and
- Utilising existing road network

Development should support accessible vehicle access by siting buildings close to existing road networks to reduce the need for access roads and to utilise the on-street network where possible.

PO 5.3

Car parking areas should be located and designed to ensure:

1. Safe and convenient pedestrian movement and traffic circulation through and within car parking areas
2. Minimize visual impact through the incorporation of swales and permeable surfaces

DTS/DPF XX

~~Development does not restrict public access to land within the zone and ensures the Park Lands are universally accessible.~~

DTS/DPF 5.2

None are applicable.

PO 5.3

Car parking in the zone **should be reduced and** limited to only serve activities within the Park Lands ~~unless otherwise permitted in the relevant sub-zone.~~

DTS/DPF XX

None are applicable.

PO XX

Rationalisation and reconfiguring of existing car parking should result in no increase to existing parking in Park 1, Park 2, Park 13 and Park 14, Park 16 and Park 23.

DTS/DPF XX

None are applicable.

PO 5.4

Public infrastructure that provides shared pedestrian and cycling links that maintain and enhanced connectivity throughout the Park Lands

DTS/DPF XX
None are applicable.

PO XX
Development to support walking and cycling as primary modes of transport to and within the Park Lands.

DTS/DPF XX
None are applicable.

DTS/DPF 5.3
None are applicable.

PO 5.4
Public vehicle access limited to existing roads.

DTS/DPF 5.4
None are applicable.

Procedural Matters (PM)

Notification of Performance assessed development

Note: For public notification requirements refer to Practice Direction: Notification for Performance Assessed Development.

All classes of development are excluded from notification except where it involves any of the following:

- (a) the site of the development is adjacent land to land in a different zone
- (b) development identified as "all other code assessed development" in Adelaide City Park Lands Zone Table.

~~Eastern Park Lands Sub Zone~~

~~Assessment Provisions~~

~~(AP) Desired Outcomes~~

~~(DO) DO 1~~

~~Formal and informal recreation that provides tourism, education, research and informal recreational enjoyment including, the Zoological Gardens, Botanic Gardens, Botanic Park, the National Wine Centre and Victoria Park, carefully managed to sensitively balance the interaction between the built, natural and landscaped environment.~~

~~Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria~~

~~Land Use and Intensity~~

~~**PO 1.1**~~

~~A range of community, tourism, educational and recreational uses for the wider community.~~

~~DTS/DPF 1.1~~

~~Development comprises one or more of the land uses listed in DTS 1.1 of the Zone.~~

~~Built Form and Character~~**~~PO 2.1~~**

~~National Wine Centre contained within its existing site boundaries and that will not result in an increase in total floor area.~~

~~DTS/DPF 2.1~~

~~None are applicable.~~

~~PO 2.2~~

~~The upgrading or replacement of existing buildings, structures and facilities in the Zoological and Botanic Gardens minimises negative visual impact as when viewed from outside of the subzone.~~

~~DTS/DPF 2.2~~

~~None are applicable.~~

~~PO 2.3~~

~~Maintain or improve views to the Zoo from the River Torrens/ Karrawirra Parri Valley when fencing, structures or buildings are upgraded or replaced.~~

~~DTS/DPF 2.3~~

~~None are applicable.~~

~~PO 2.4~~

~~Fencing to the northern boundary of the Botanic Gardens to improve visual continuity and access between the Botanic Gardens and Botanic Park and visually improves this aspect to the Botanic Garden.~~

~~DTS/DPF 2.4~~

~~None are applicable.~~

~~Movement and Access~~**~~PO 3.1~~**

~~Maintain car parking for Park Lands users and visitors at the following locations:~~

- ~~(a) in designated car parks along the Hackney and Fullarton Road frontages; and~~
- ~~(b) limited parking on the inner racecourse track area at Victoria Park (in an area south of the cycle track east of Halifax Street) but only when races and special events are being held.~~

~~DTS/DPF 3.1~~

~~None are applicable.~~

~~Adelaide Oval Sub-Zone~~

~~Assessment Provisions~~

~~(AP) Desired Outcomes~~

~~(DO) DO 1~~

~~A sub-zone providing a centre for important outdoor civic, leisure and cultural functions for the City based on Elder Park, Adelaide Oval and Memorial Drive tennis courts with development of the River Bank as the premier cultural and tourism area of the City.~~

~~The premier sporting and tourism area of the City supporting large scale outdoor civic, leisure, sporting and cultural activities of national significance, incorporating Adelaide Oval, Adelaide Riverbank, Elder Park, Memorial Drive tennis precinct and the Torrens Parade Ground.~~

~~Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria~~

~~Land Use and Intensity~~

~~PO 1.1~~

~~A vibrant mix of recreational facilities to meet the needs of the state.~~

~~DTS/DPF 1.1~~

~~Development comprises one or more of the land uses listed in DTS 1.1 of the Zone.~~

~~PO 1.2~~

~~Community, cultural, tourism, shop, restaurant or licensed premises located adjacent to the southern bank of the River Torrens between Montefiore Road and King William Road.~~

DTS/DPF 1.2

None are applicable

PO 1.3

Special events on Elder Park and Adelaide Oval activate this precinct.

DTS/DPF 1.3

None are applicable

PO 1.4

Community, cultural and tourism uses in association with the Torrens Training Depot and Parade Ground.

DTS/DPF 1.4

None are applicable

Built Form and Character

PO 2.2

Development of the Adelaide Oval:

- (a) — protects and maintains the cultural significance and heritage value of Adelaide Oval; and
- (b) — continues the distinct built form character of Adelaide Oval;

DTS/DPF 2.2

None are applicable.

PO 2.3

Buildings associated with the continuation of formal recreational uses associated with Adelaide Oval and Memorial Drive within existing site boundaries.

DTS/DPF 2.3

None are applicable.

City Riverbank Zone

Table 1—Accepted Development Classification

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
Internal building work Except where any of the following apply: <ul style="list-style-type: none"> • A Local Heritage Place identified in the Local Heritage Place Overlay • A State Heritage Place identified in the State Heritage Place Overlay 	9—There will be no increase in the total floor area of the building 10—There will be no alteration to the external appearance of the building.
Shade sail	29—The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system

Kaurna Community Hub in the Adelaide Park Lands

ITEM 9.3 06/02/2020
Adelaide Park Lands Authority

Program Contact:
 Christie Anthoney, AD
 Community & Culture 8203 7444

2007/00341
 Public

Approving Officer:
 Clare Mockler, Deputy CEO &
 Director Culture

EXECUTIVE SUMMARY

In March 2018, the Federal Court of Australia granted the Kaurna people Native Title rights over Metropolitan Adelaide and the Adelaide Hills. The creation of a centrally-located hub from which Kaurna can deliver cultural, economic and social development activities has been a community priority for several years. This priority has continued with new responsibilities as a native title body corporate.

The provision of such a space would be an important step in enabling Kaurna Yerta Aboriginal Corporation Incorporated (KYAC) and the broader Kaurna community to achieve greater control of these important legislative, community and cultural obligations. The Kaurna hub will be used as an office, a business meeting space, a base from which to deliver cultural heritage responsibilities, economic development and cultural business opportunities and to deliver training to Kaurna and non- Kaurna youth.

A range of options have been explored and a suitable site identified. However, the KYAC and the City of Adelaide have further decisions to make before each decide whether to enter into a formal agreement in relation to use of a site in the Adelaide Park Lands. The purpose of this report is to summarise exploratory work already undertaken and obtain support for next steps to investigate options that will inform such decision- making.

RECOMMENDATION

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL

That the Adelaide Park Lands Authority:

1. Supports the Kaurna Yerta Aboriginal Corporation Incorporated (KYAC) using the North Adelaide Railway Station Building as a Kaurna Community Hub to provide a base from which to deliver cultural, economic and social development activities.
2. Requests the administration to coordinate preparation of a detailed scope of works and plans to inform further decision-making.
3. Supports administration commencing lease negotiations with KYAC for the use and occupation of the North Adelaide Railway Station Building in accordance with the Park Lands Leasing and Licensing Policy.

IMPLICATIONS AND FINANCIALS

Adelaide Park Lands Management Strategy	<p>The proposal is consistent with the following directions for the Strategy:</p> <ul style="list-style-type: none"> Recognise the role of the Park Lands as a significant meeting place for Aboriginal people through the creation of a safe and inclusive space for all cultures and people on Kaurna Land Improve the connections and surrounds to the North Adelaide Railway Station to support its adaptive reuse
Policy	<p>Stretch Reconciliation Action Plan 2018-2021</p> <p>Guiding Principle 6: The City of Adelaide acknowledges the continuing cultural and spiritual obligations the Kaurna people have in their lands and seas and will seek opportunities to recognise Kaurna heritage through physical features of the City of Adelaide and by supporting community cultural activities.</p> <p>Community Land Management Plan</p> <p>Support opportunities to improve existing commercial services (restaurant/ café/ kiosk) as well as new services to better utilise the North Adelaide Railway Station.</p> <p>Adelaide Park Lands Leasing and Licensing Policy</p> <p>Section 13.1 of the Park Lands Leasing and Licensing Policy stipulates that in the case of vacant land or building a new lessee will be selected by way of Expression of Interest (EOI) unless there are exceptional circumstances. Given the nature of current engagement with the Kaurna Yerta Aboriginal Corporation Incorporated (KYAC), and alignment with Reconciliation Action Plan, the advice of administration is that an exceptional circumstance exist.</p>
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Delivery of a unique strategic reconciliation opportunity in partnership with Kaurna.
19/20 Council Budget Allocation	Not as a result of this report
Proposed Council 20/21 Budget Allocation	Not as a result of this report. Will be determined following detailed scope of works.
Life of Project, Service, Initiative or (Expectancy of) Asset	Five years
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Partnership with Kaurna Yerta Aboriginal Corporation will be investigated if the Authority and Council support the recommendations of this report.

DISCUSSION

Background

1. In March 2018, the Federal Court of Australia granted the Kurna people Native Title rights over Metropolitan Adelaide and the Adelaide Hills.
2. Since March 2018, Kurna have adjusted their community organisational structures to reflect the requirements of the Native Title Consent Determination. The Kurna Yerta Aboriginal Corporation (KYAC) now formally oversees various trusts that manage Native Title responsibilities and community aspirations and interests.
3. The creation of a cultural hub from which Kurna can deliver cultural, economic and social development activities has been a community priority for several years, including being reflected in the endorsed master plan for Victoria Square/ Tarntanyangga. This need has continued with new responsibilities as a native title body corporate.
4. The provision of such a space would be an important step in enabling KYAC and the broader Kurna community to achieve greater control of these important legislative, community and cultural obligations and responsibilities.
5. The Kurna hub will be used as an office, a business meeting space, a base from which to deliver cultural heritage responsibilities, economic development and cultural business opportunities and to deliver training to Kurna and non- Kurna youth.
6. In July 2019, KYAC and Council met to discuss accommodation requirements. The following key requirements were articulated:
 - 6.1. CBD location
 - 6.2. accessible car parking, especially for Elders
 - 6.3. three office spaces available 24/ 7
 - 6.4. additional 'hot desks' for Kurna community/ staff
 - 6.5. a space for 12-16 people to meet
7. Options to accommodate Kurna's needs have subsequently been investigated within the Colonel Light Centre, Adelaide Town Hall and other Council owned and/ or operated properties.
8. Extensive internal consultation and preliminary conversations with senior Kurna community have resulted in the North Adelaide Railway Station being selected as the preferred (and only) option currently under consideration for use as a Kurna community space.

North Adelaide Railway Station

9. The North Adelaide Railway Station is located on War Memorial Drive in Possum Park/ Pirltawardli (Park 1).
10. The Station was opened in 1857 and is the third oldest surviving Station in South Australia. It is registered as a State Heritage Place under the *Heritage Places Act 1993*.
11. In 2015, the property was tenanted as a café and store. To enable this tenancy, Council completed works including, floor repairs, painting and air conditioning installation.
12. In early 2019, the tenant abandoned the property leaving it in poor condition. The building has been vacant since this time.
13. The building has since been cleaned but repairs including painting and general refurbishments have not been undertaken due to the uncertainty of future use.
14. Preliminary high-level costings have been undertaken to begin scoping a building upgrade and modest fit out to enable the North Adelaide Railway station to be used as an office and meeting space.
15. These indicative costings place the work between \$330,000 and \$450,000 and include painting, installation of a modest kitchen, bathroom upgrade and access ramp to meet basic compliance and minor landscaping to improve usability of outdoor spaces.

Next Steps

16. Kaurna Elders will seek KYAC Board agreement to:
 - 16.1. commence negotiation of lease arrangements to the Train Station Building and
 - 16.2. investigate sources of additional funding to finance their contribution to Kaurna Community Hub works, utilities and other operating costs.
 17. The City of Adelaide will coordinate preparation of a detailed scope of works and plans to cost a partnership proposal.
 18. The City of Adelaide will commence lease negotiations with KYAC for the use and occupation of the building in accordance with the Park Lands Leasing and Licensing Policy.
-

ATTACHMENTS

Nil

- END OF REPORT -

Exclusion of the Public

ITEM 11.1 06/02/2020
Adelaide Park Lands Authority

2018/04291
Public

Executive Officer:
Martin Cook, City of Adelaide,
8203 7686

EXECUTIVE SUMMARY

Exclusion of the public from this Adelaide Park Lands Authority Board meeting is sought for the consideration of the following Agenda Items:

12.1 Adelaide High School – expansion of teaching facilities [s 90(3) (d) & (j)]

The Order to Exclude for Item 12.1

1. Identifies the information and matters (**grounds**) from s 90(3) of *the Local Government Act 1999 (SA)* utilised to request consideration in confidence;
2. Identifies the **basis** – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
3. In addition identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the **public interest**.

All Board members must keep confidential all documents and any information presented to them for consideration on a confidential basis prior to the meeting.

ORDER TO EXCLUDE FOR ITEM 12.1

THAT THE ADELAIDE PARK LANDS AUTHORITY

1. Having taken into account the relevant considerations contained in Clause 4.8.21 of the *Adelaide Park Lands Authority Charter* and s 90(3) (d) & (j) and 90(4) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Board of the Adelaide Park Lands Authority dated 6/2/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.1 [Adelaide High School – expansion of teaching facilities] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item contains commercial information of a confidential nature which the State Government has requested be considered in confidence on the grounds that the details and budget for the project are still being resolved and the release of this information prematurely may be misleading. The disclosure of the draft project details could reasonably be expected to prejudice the commercial position and negotiations of the State Government with external parties.

Public Interest

The Board is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in the release of information prior to the finalisation commercial negotiations. The disclosure of this commercial information may materially and adversely affect the negotiations and the ability to discuss/participate or influence a proposal for the benefit of the Council and the community in this matter which on balance would be contrary to the public interest.

2. Pursuant to Clause 4.8.21 of the *Adelaide Park Lands Authority Charter* this meeting of the Board of the Adelaide Park Lands Authority dated 6/2/2020 orders that the public (with the exception of members of Council staff who are hereby permitted to remain) be excluded from this meeting to enable the Board to consider in confidence Item 12.1 [Adelaide High School – expansion of teaching facilities] listed in the Agenda, as the matter is of a kind referred to in s 90(3) (d) & (j) of the *Local Government Act 1999 (SA)*.

DISCUSSION

1. The *Adelaide Park Lands Act 2005 (SA)* requires the Authority to operate utilising Chapter 6 Part 3 of the *Local Government Act 1999 (SA)*. Chapter 6 Part 3 relates to public access to meetings and outlines the conduct to be observed by the Authority.
2. It is a requirement of the *Adelaide Park Lands Act 2005 (SA)* [13 (c)] reflected in clause 4.8.19 of the *Adelaide Park Lands Charter*, that meetings of the Authority be conducted in a place open to the public except in special circumstances. These circumstances and associated considerations to exclude the public from a Board meeting are outlined in Chapter 6, Part 3 of the *Local Government Act 1999 (SA)*.
3. To consider a matter in confidence, the Board through a formal resolution is required to:
 - 3.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 3.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate for the Board to act in a meeting closed to the public; and
 - 3.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) – how information open to the public would be contrary to the public interest.
4. The Charter contains the following clauses in relation to Meetings of the Board /Authority:

'4.8.19 Meetings of the Board must be conducted in a place open to the public.'

'4.8.20 All Board Members must keep confidential all documents and any information provided to them on a confidential basis for their consideration prior to a meeting of the Board, except in those circumstances prescribed by section 12 of the Park Lands Act and clause 35 of Schedule 2 to the LG Act.'

For reference – Section 12 of the Park Lands Act and clause 35 of Schedule 2 to the LG Act read:

12—Reports

- (1) A member of the board of management of the Authority does not commit a breach of a duty of confidence by reporting a matter relating to the affairs of the Authority to the Minister.
- (2) The Authority must, at the time that it furnishes its annual report to the Adelaide City Council, furnish a copy of the report to the Minister.

35—Disclosure

- (1) If a subsidiary discloses to a person in pursuance of this Schedule a matter in respect of which the subsidiary owes a duty of confidence, the subsidiary must give notice of the disclosure to the person to whom the duty is owed.
- (2) A member of the board of management of a subsidiary does not commit a breach of duty by reporting a matter relating to the affairs of the subsidiary to a council or otherwise in accordance with the provisions of this Act.

'4.8.21 The Board may order that the public be excluded from attendance at any meeting in order to enable the Board to consider in confidence any information or matter listed in section 90(3) of the LG Act (after taking into account any relevant consideration under that section). The exercise of this power does not exclude Board Members and/or any other person permitted by the Board to remain in the room.'

'4.8.22 Where an order is made under sub-clause 4.8.21, a notice must be made in the minutes of the making of the order and of the grounds on which it was made.'

'4.8.23 Subject to sub-clause 4.8.25 a person is entitled to inspect, without payment of a fee:

- (a) agendas and minutes of a Board Meeting;
- (b) reports to the Board received at a meeting of the Board; and
- (c) recommendations presented to the Board in writing and adopted by resolution of the Board.'

'4.8.24 Subject to sub-clause 4.8.25, a person is entitled, on payment of a fee fixed by the Board, to obtain a copy of any documents available for inspection under sub-clause 4.8.23.'

'4.8.25 Sub-clauses 4.8.23 and 4.8.24 do not apply in relation to a document or part of a document if:

- (a) the document or part of the document relates to a matter of a kind referred to in sub-clause 4.8.21; and
 - (b) the Board orders that the document or part of the document be kept confidential (provided that in so ordering the Board must specify the duration of the order or the circumstances in which it will cease to apply or a period after which it must be reviewed).’
5. In considering whether an order should be made to exclude the public [s 90(4) of the *Local Government Act 1999 (SA)*], it is irrelevant that discussion of a matter in public may:
- 5.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
 - 5.2 cause a loss of confidence in the council or council committee.
 - 5.3 involve discussion of a matter that is controversial within the council area; or
 - 5.4 make the council susceptible to adverse criticism
6. In considering whether an order should be made to exclude the public [s 90(7) of the *Local Government Act 1999 (SA)*] the order must specify
- 6.1 the grounds on which the order was made; and
 - 6.2 the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
 - 6.3 if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.
7. When determining whether to exclude the public from the meeting the Authority is required to consider & resolve whether it is necessary and appropriate to act in a meeting closed to the public to consider the following information in confidence.
- 7.1 Information contained in Item 12.1 – Adelaide High School – expansion of teaching facilities:
 - 7.1.1 Is not subject to an existing Authority Confidentiality Order;
 - 7.1.2 Is not subject to an existing Council Confidentiality Order;
 - 7.1.3 The grounds utilised to request consideration in confidence is s 90(3) (d) & (j) of the *Local Government Act 1999 (SA)*
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest
 - (j) information the disclosure of which—
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - (ii) would, on balance, be contrary to the public interest

ATTACHMENTS

Nil

- END OF REPORT -

Confidential Item 12.1

Adelaide High School – expansion of teaching facilities
Clause 4.8.21 of the Adelaide Park Lands Authority Charter
Section 90(3) (d) & (j) of the *Local Government Act 1999 (SA)*
Pages 56 to 66
