

Kadaltilla

Adelaide Park Lands Authority

Defining and Identifying Alienation of Park Lands

Explore the relationships between community access to the Adelaide Park Lands and alienation of Park Lands for community or other purposes

Park Lands Policy and Sustainability

Kadaltilla
Adelaide Park Lands Authority



Purpose

The purpose of the workshop is to:

1. Explore the relationships between community access to the Adelaide Park Lands and alienation of Park Lands for community or other purposes
2. Discuss terminology and concepts being used to describe community access to, and public benefit generated by, the Adelaide Park Lands, and possible reframing of that language
3. Key terminology and concepts include:
 - **Alienation of Park Lands**
 - **Hardstand areas**
 - **Concept of 'No Net Loss'**
 - **What are Park Lands related purposes?**
 - **Community use and expectation for Park Lands**
 - **Ability of Council to direct and control land use**



Key Questions

HIERARCHY OF ALIENATION

What are Board Members views on the proposed definitions and concept of a hierarchy of alienation?

RETURN TO PARK LANDS TOOLS

What advice do the Board Members have to progress and embed definitions with the State Government and Council?

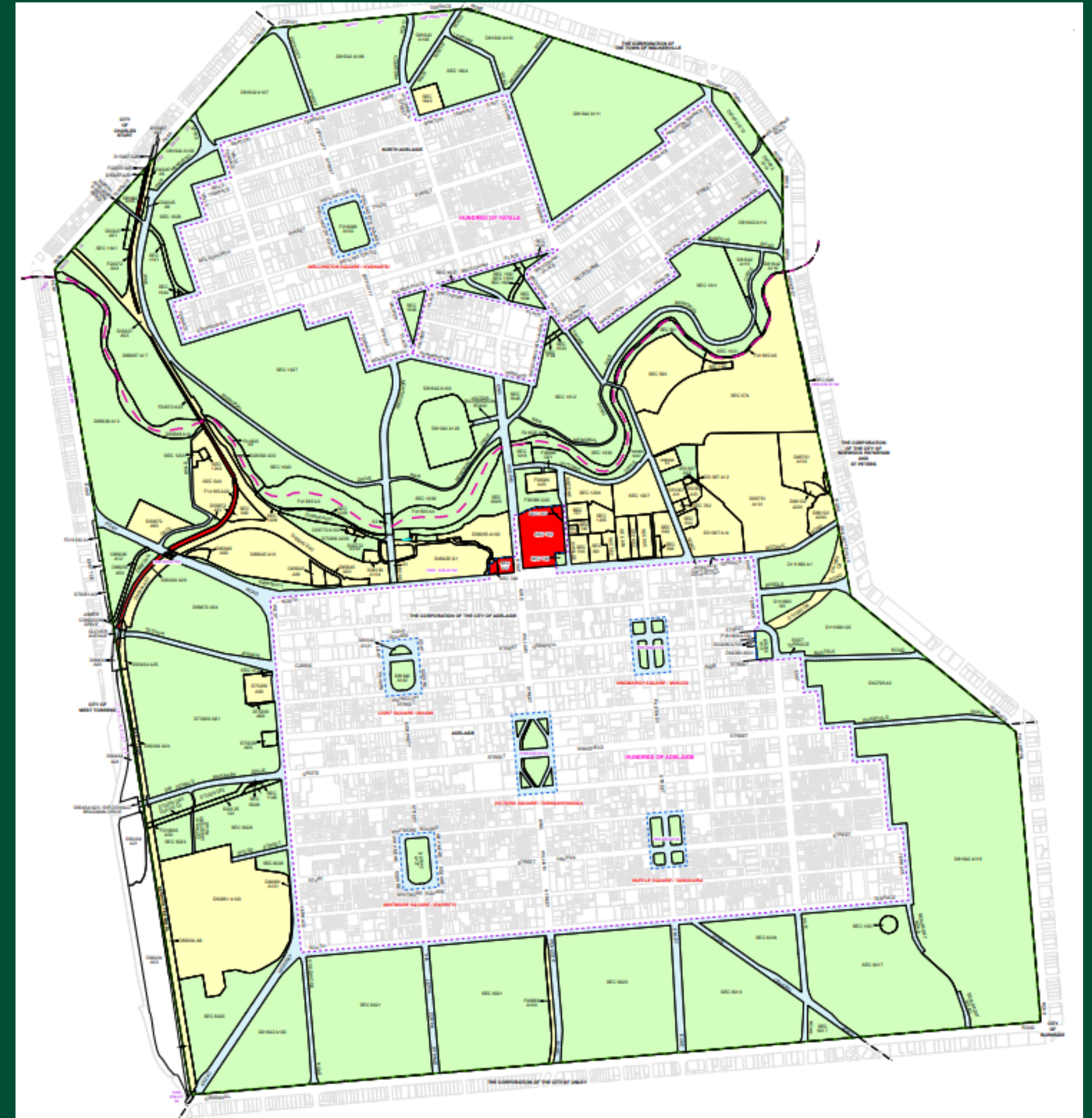
Implications

Implication	Comment
Adelaide Park Lands Management Strategy 2015-2025	Ensure no further alienation of the Park Lands and facilitate the return of alienated land back to Park Lands wherever possible
2020-2025 Strategic Plan	<p>Strategic Plan Alignment – Advice</p> Function as the peak advisory body for policy, development, heritage and management of the Park Lands

Purpose of Adelaide Park Lands

The purpose in which the Adelaide Park Lands are held:

To provide benefit to the people of South Australia by being publicly accessible and supporting a diverse range of environmental, natural heritage, cultural, recreational and social values and activities, providing a defining feature to the City of Adelaide and contributing to the economic and social well-being of the city.



“Adelaide Park Lands Plan” deposited at the General Registry Office, requirement of the *Adelaide Park Lands Act 2005 (SA)*

Defining Alienation

Community Land

The alienation of 'Community Land' generally refers to:

- The sale, transfer or leasing/licensing of land held by Government that leads to restricted public access to land.

In some contexts, it refers to the transfer of land from one party to another:

- This might be the permanent transfer of State/Local Government owned land to a private owner resulting in removal of public access, or
- It may be defined through a less permanent measure, such as a lease or license that restricts public access for a period of time such as a license to a sporting club or a major event.

Alienation of land in Property Law is defined as:

In property law, alienation is the voluntary act of an owner of some property to dispose of the property, while alienability, or being alienable, is the capacity for a piece of property or a property right to be sold or otherwise transferred from one party to another.

Local Government Act 1999

Section 202 (Alienation of community land by **lease or licence**) of the *Local Government Act 1999* outlines the alienation of Community Land by way of lease or license.

A lease or licence may provide for—

- (a) the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;
- (b) the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges

These leases and license essentially allow for uses such as sporting clubs that have exclusive use of a facility that can restrict public access.

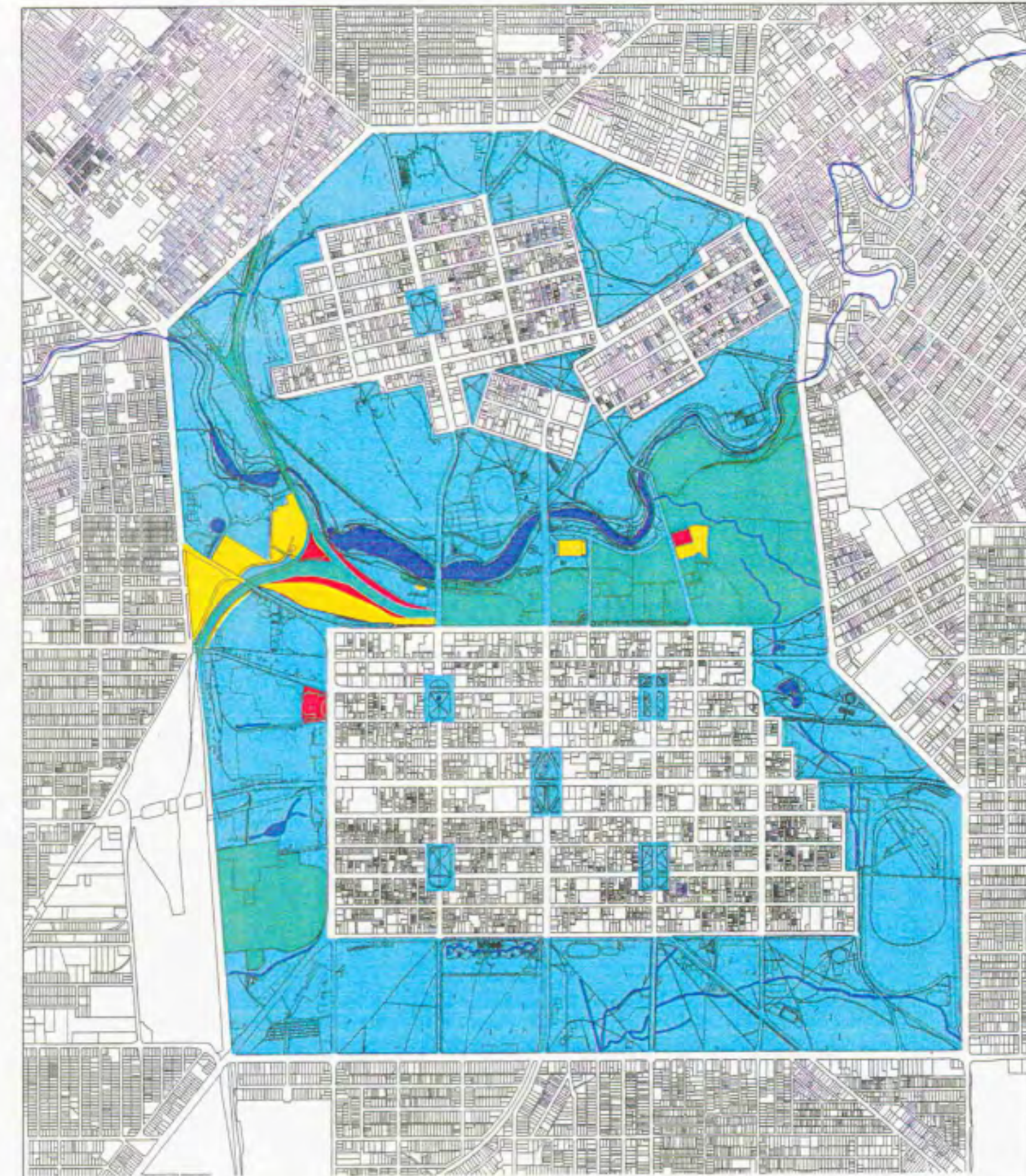
Alienation of Adelaide Park Lands

Adelaide Park Lands Management Strategy 1999

- Defines alienated Park Lands as:
 - Those areas of the original Park Lands (including the nine original designated reserves) which are not publicly accessible
 - May or may not already be under the care and control of City of Adelaide
- Recommended the return of public access to alienated land and its subsequent return to the Council:
 - Predominantly referred to the transfer of ownership of identified land from National / State ownership to the City of Adelaide

Adelaide Park Lands Management Strategy 2015-2025

- Ensure no further alienation of the Park Lands and facilitate the return of alienated land back to Park Lands wherever possible



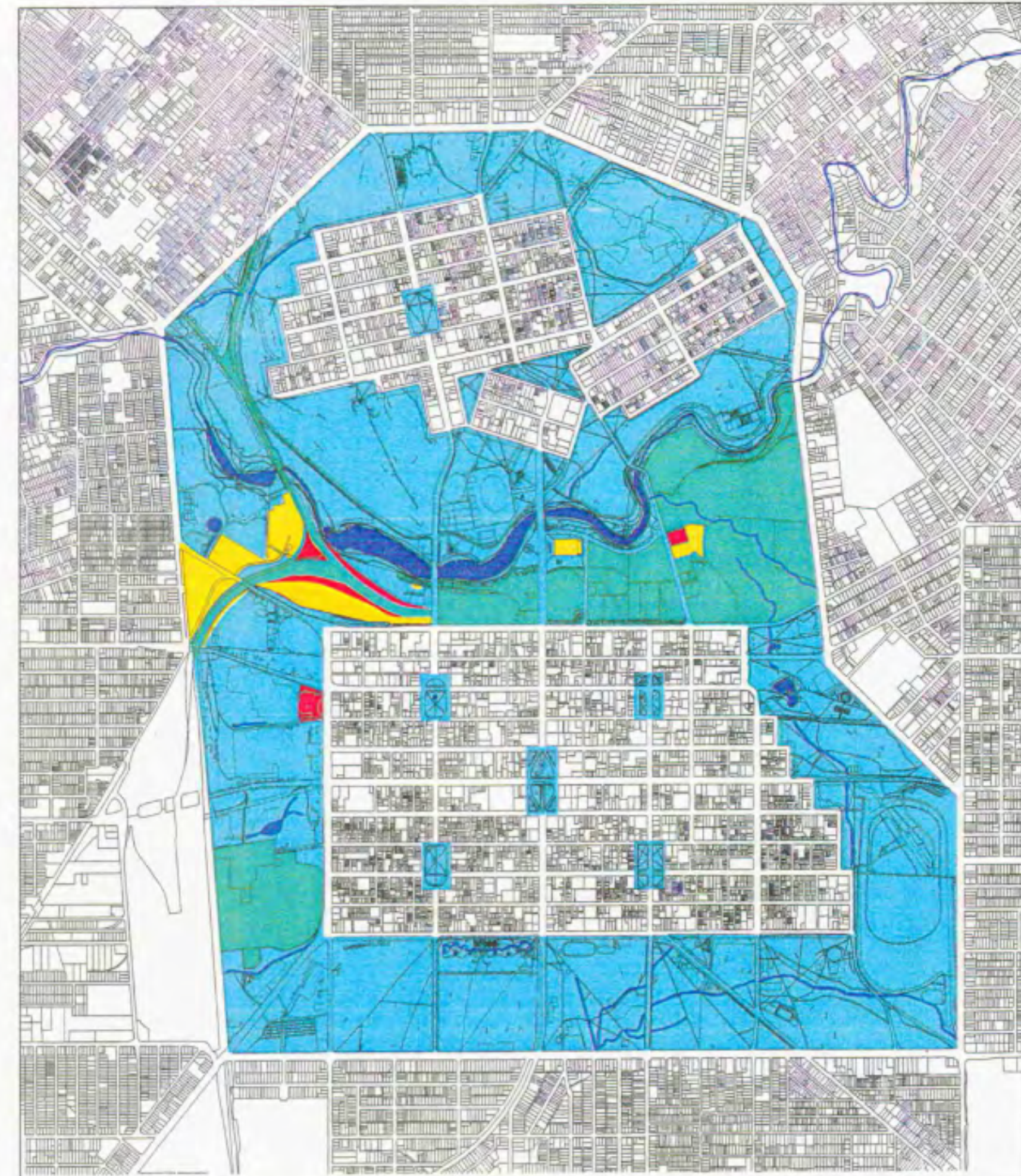
ALIENATED LAND 1999

LEGEND

- PARK LANDS AND SQUARES UNDER CARE AND CONTROL OF ADELAIDE CITY COUNCIL
- PRIORITY RETURN AREAS TO PARK LANDS USE SUBJECT TO AGREEMENTS
- POSSIBLE FUTURE RETURN TO PARK LANDS USE SUBJECT TO AGREEMENTS
- GOVERNMENT RESERVES/OTHER USES

Need for a new definition of Alienation of Park Lands

- It is increasingly difficult for 'alienated land' to be returned to public access and City of Adelaide, due to the nature of land that is, or is becoming alienated, or is already alienated:
 - e.g new development - NWCH and the proposed SAPOL Barracks
 - Existing development – Cemetery, Old Adelaide Gaol
- A new definition of Alienated Park Lands is proposed that would introduce:
 - Park Land Purposes
 - Non-Park Land Purposes
 - And be supported by a Hierarchy of Alienation
- The hierarchy provides for Non-Park Land Uses to be returned to Park Land Uses and adopts the concept of:
 - Enhance to protect the Adelaide Park Lands in accordance with the purpose in which the Park Lands are held



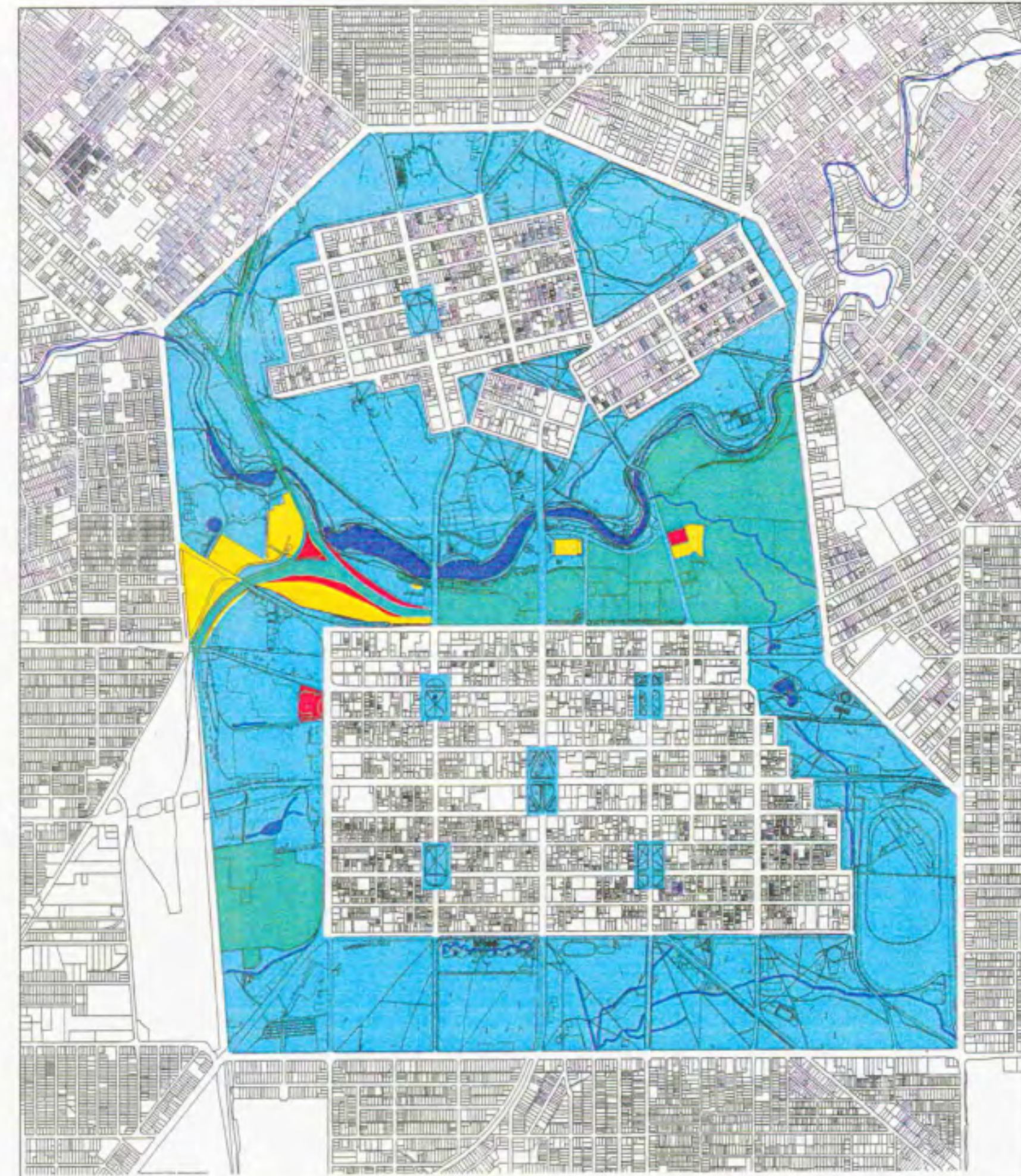
ALIENATED LAND 1999

LEGEND

- PARK LANDS AND SQUARES UNDER CARE AND CONTROL OF ADELAIDE CITY COUNCIL
- PRIORITY RETURN AREAS TO PARK LANDS USE SUBJECT TO AGREEMENTS
- POSSIBLE FUTURE RETURN TO PARK LANDS USE SUBJECT TO AGREEMENTS
- GOVERNMENT RESERVES/OTHER USES

New Definition of Alienation

- A substantial intrusion on the Adelaide Park Lands (defined by the Adelaide Park Lands Plan) for 'Non-Park Land Purposes' that results in:
 - Permanently restricting general public access
 - 'Net loss' of publicly accessible Park Lands
- This definition can apply to Parks (or part of) that may be under the care and control of the City of Adelaide or the State Government



ALIENATED LAND 1999

LEGEND

- PARK LANDS AND SQUARES UNDER CARE AND CONTROL OF ADELAIDE CITY COUNCIL
- PRIORITY RETURN AREAS TO PARK LANDS USE SUBJECT TO AGREEMENTS
- POSSIBLE FUTURE RETURN TO PARK LANDS USE SUBJECT TO AGREEMENTS
- GOVERNMENT RESERVES/OTHER USES

Defining Other Important Terms

No Net Loss

- Adelaide Park Lands are defined by a registered GRO plan
 - The boundary of this plan would need to be amended for there to be a 'net loss of Adelaide Park Lands'

Net Loss of publicly accessible Park Lands

- Can be defined as occurring when a Park (or part of) changes from having a 'Park Lands Purpose' to a 'Non-Park Lands Purpose'

Return to Park Lands

- Can be defined as land previously used for a 'Non-Park Lands Purpose' being permanently returned to the general public for a 'Park Land Purpose'
- Does not necessarily require the land to be transferred to the City of Adelaide, as ownership does not always dictate public access
 - e.g. Torrens Parade Grounds and the Adelaide Botanic Gardens, which are under the State ownership, but are generally accessible to the general public



Alienation of Park Lands Framework

Park Land Purposes (Unalienated Park Lands)

- Woodlands, wetlands and grasslands with unrestricted public access
- Sports fields/courts for community sporting purposes
- Play spaces / Playgrounds
- Formal gardens
- Built form associated with a Park Lands Purpose -e.g Kiosk, community sporting changeroom, amenities such as public toilets
- Hard stand surfaces associated with a Park Lands Purpose
- Temporary uses such as events, ceremonies or organised sporting games
- Temporary construction works associated with a Park Lands Purpose

Park Lands that are associated with a 'Park Lands Purpose' should be promoted, enhanced and protected



Alienation of Park Lands Framework

Non-Park Land Purposes (Alienated Park Lands)

- Laying out streets and roadways
- Build form not associated with a Park Lands purpose or restricts public access
- Hard stand surfaces not associated a Park Lands purpose
- Permanently fenced areas that restrict public access

Leases and Licenses (Alienated/Unalienated Park Lands)

- For a 'Park Land Purposes' Council may issue revocable licenses and in some cases leases to outside operators
 - A revocable license for a park purpose is usually not an alienation of Park Land
- Leases are carefully examined to determine the extent to which exclusivity is granted and a public benefit is served and may be considered as an alienation of Park Lands if the lease is not for a 'Park Lands Purpose'

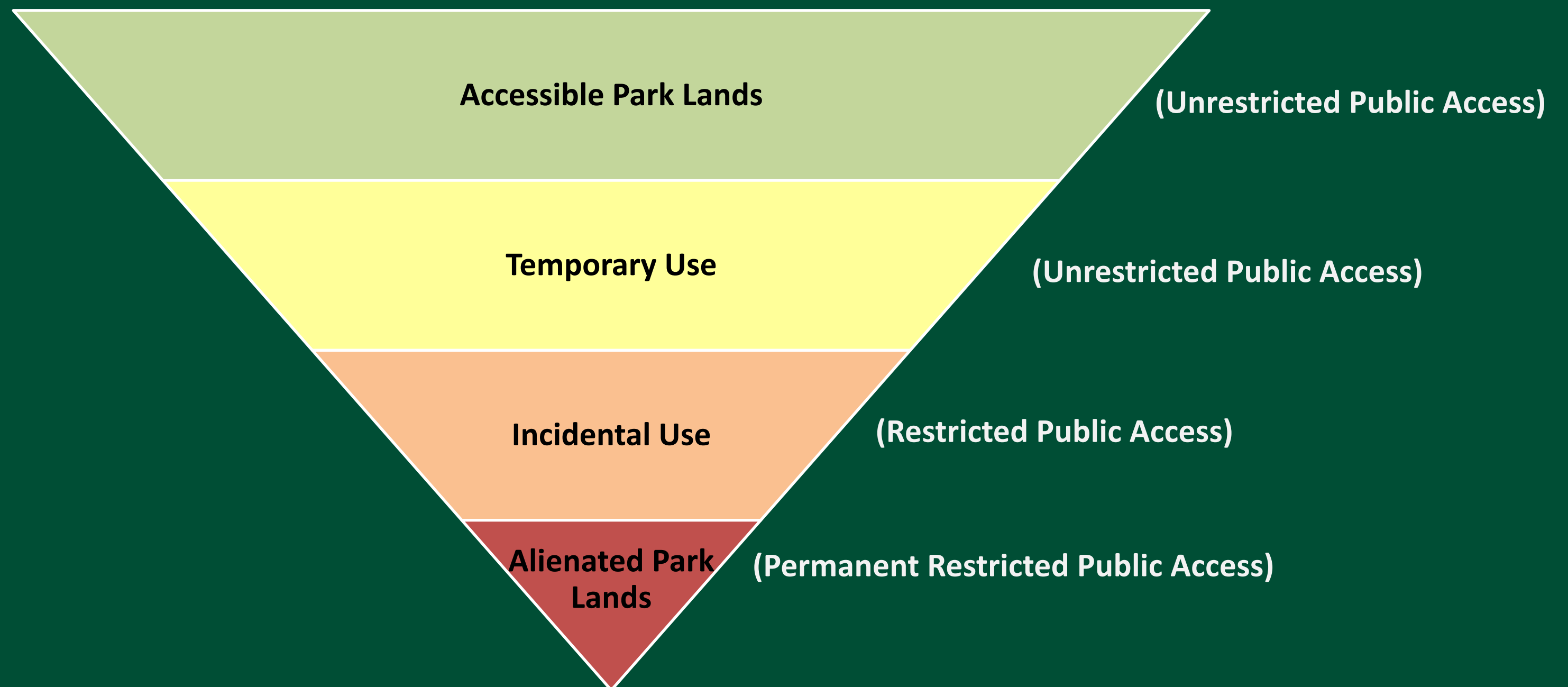
Non-Park Land Purposes should be limited and where appropriate, Non-Park Land Purposes should be 'returned to a Park Land Purpose'



Alienation Hierarchy

The following characteristics should be used to determine the hierarchy of all (or part of) a Park within the Adelaide Park Lands and read in conjunction with 'Defining Park Land Alienation'

The ownership/custodianship of the land is not considered in this hierarchy as this does not always restrict public access to Park Lands

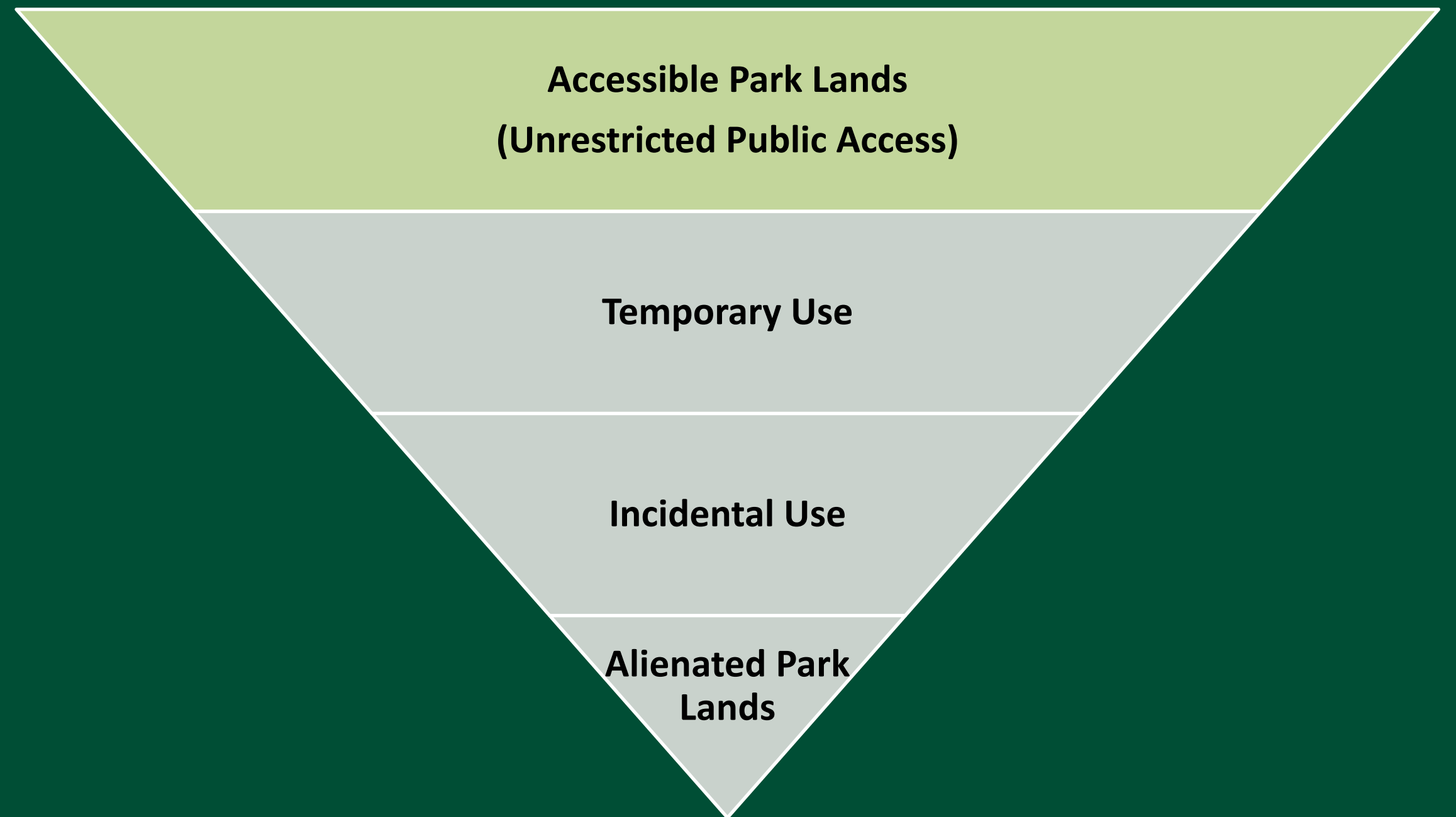


Alienation Hierarchy

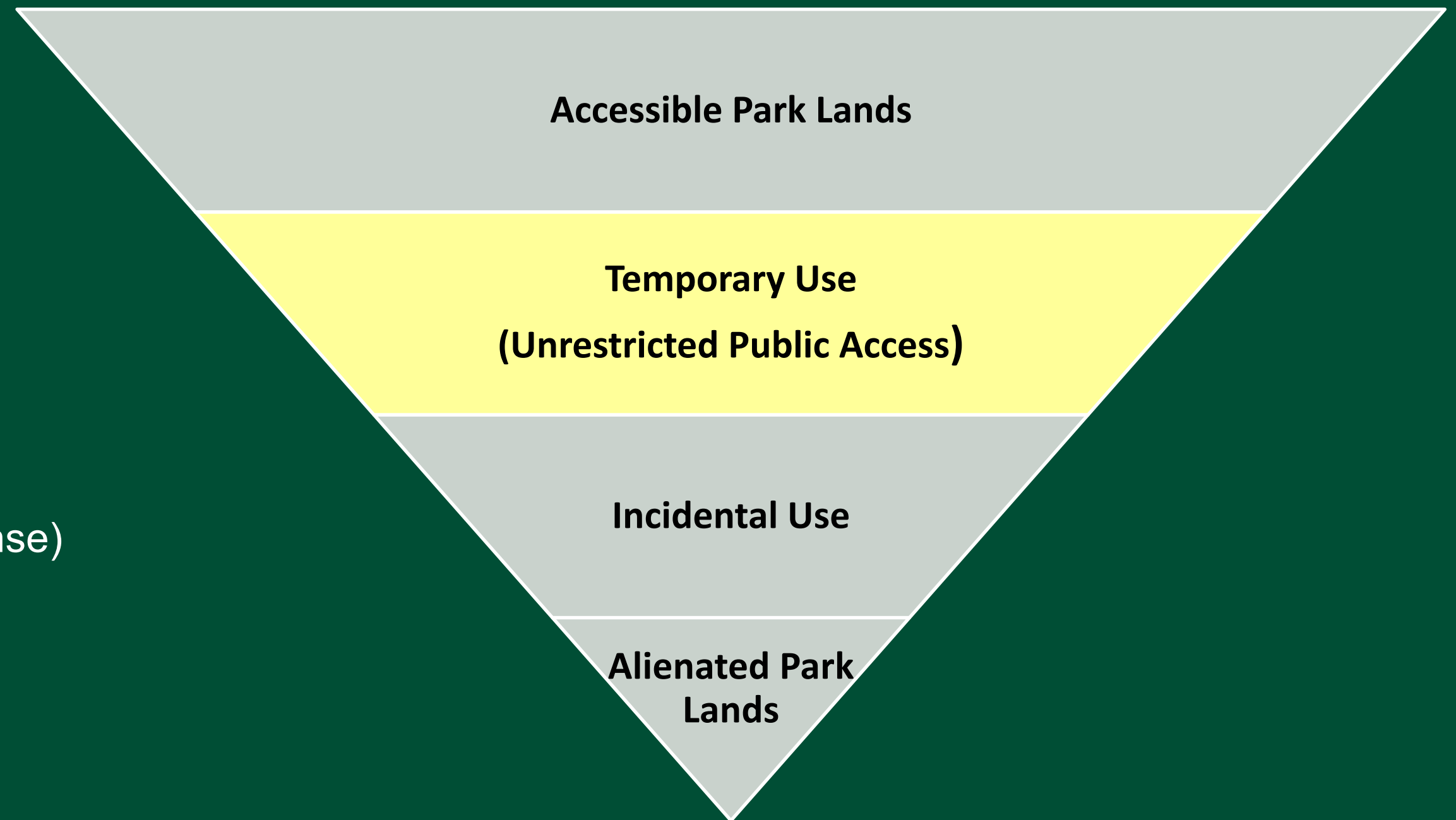
Accessible Park Lands (Unalienated Park Lands)

Park Lands that are openly accessible and provide unrestricted access to the general public, including:

- Woodlands, wetlands and grasslands
- Play Spaces / Play Grounds
- Formal gardens
- Built form amenities associated with a Park Lands Purpose that have unrestricted public access
- Hard stand surfaces associated with a Park Lands Purpose



Alienation Hierarchy

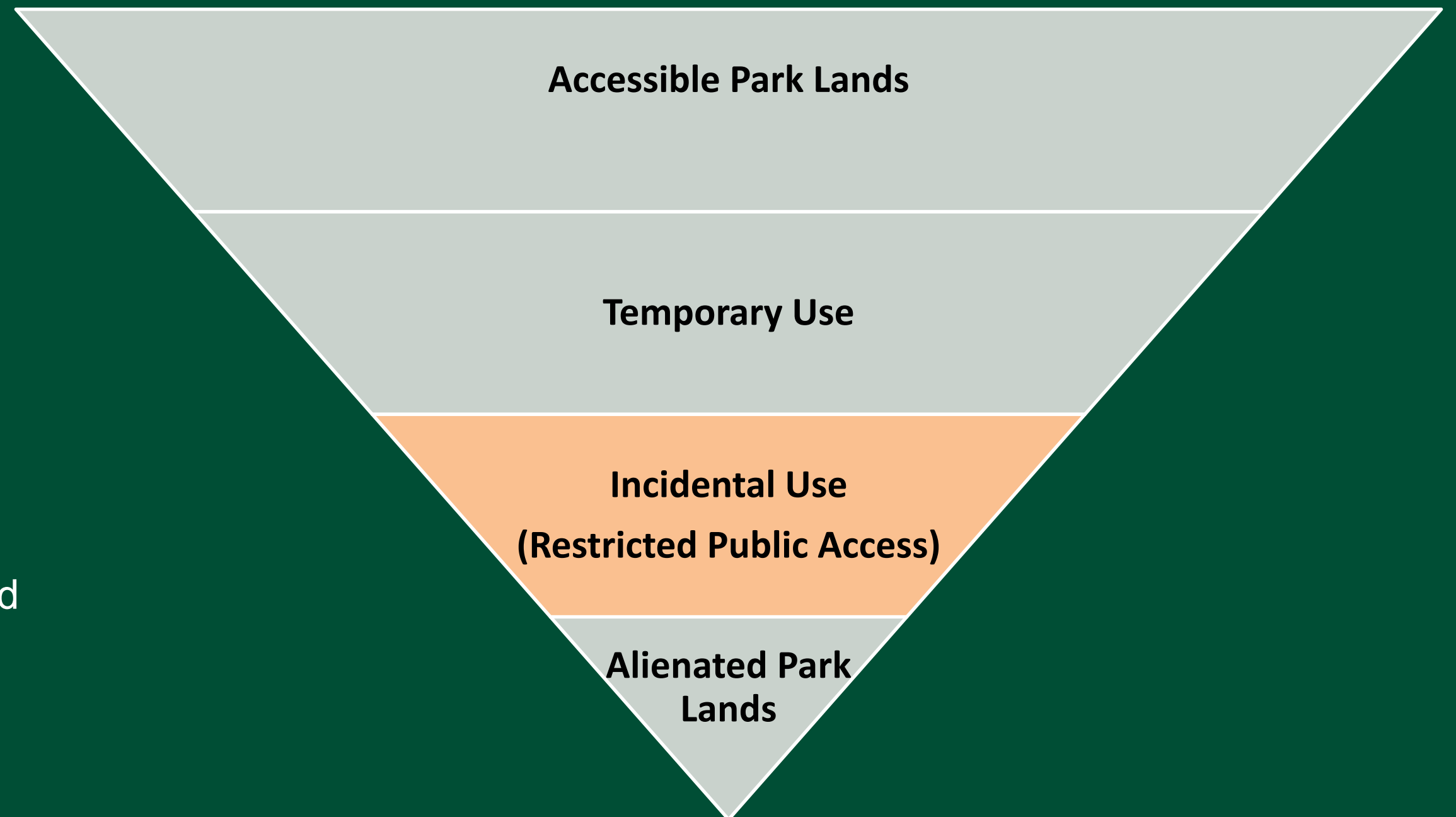


Temporary Use (Unrestricted Public Access) (Unalienated Park Lands)

Park Lands that host a temporary use but maintain unrestricted access to the general public including:

- Community sporting fields (not under lease or license)
- Community events/ceremonies (no fee charged)

Alienation Hierarchy

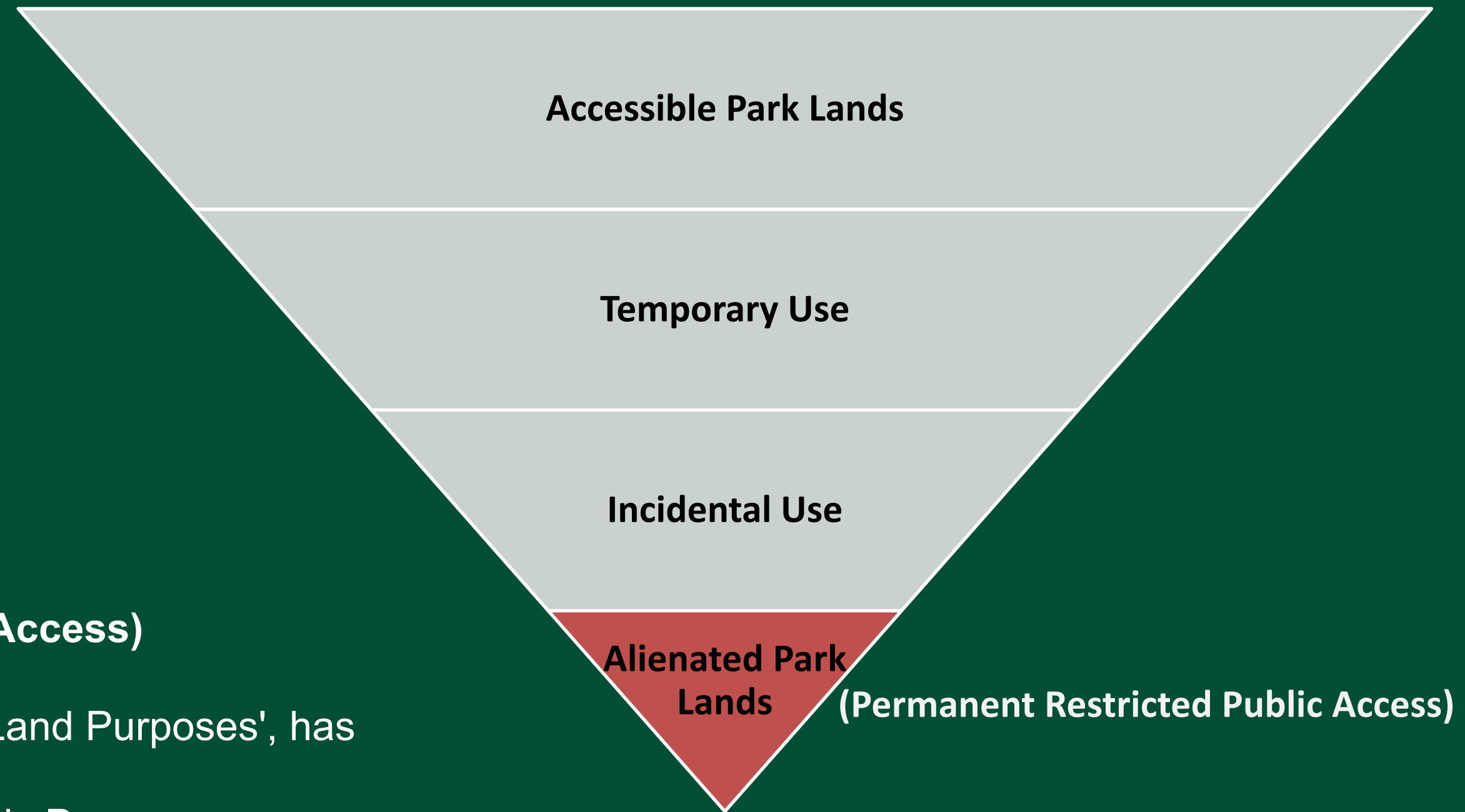


Incidental Use (Restricted Public Access) (Unalienated Park Lands)

Park Lands that host a temporary event that is restricted to the general public due to admission fee or are temporarily fenced to restrict public access:

- Community sports fields or courts (under lease or license)
- Built form associated with community sporting clubs (under lease or license) that restrict public access
- Construction works that require temporary fencing
- Ticketed Events

Alienation Hierarchy



Alienated Park Lands (Permanent Restricted Public Access)

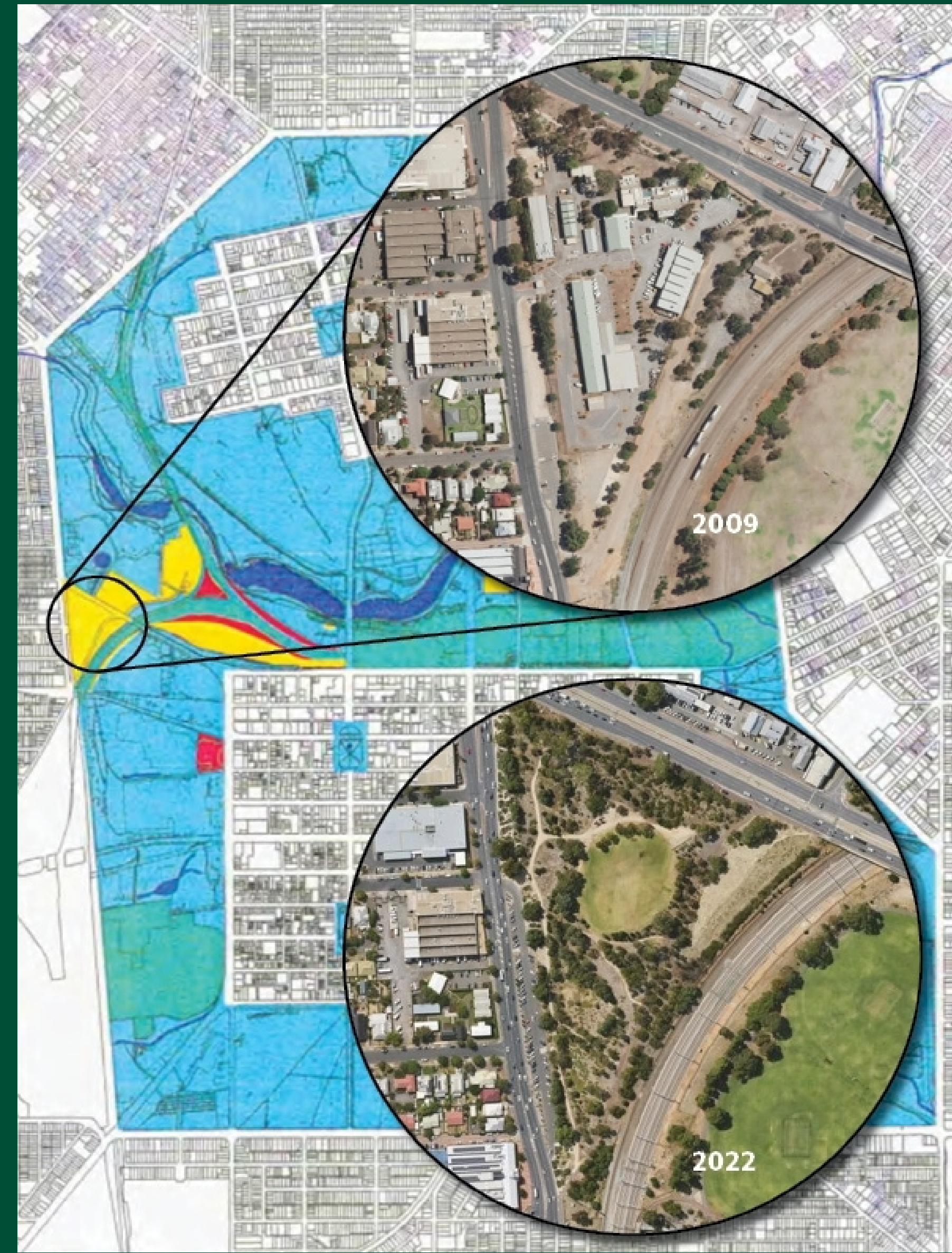
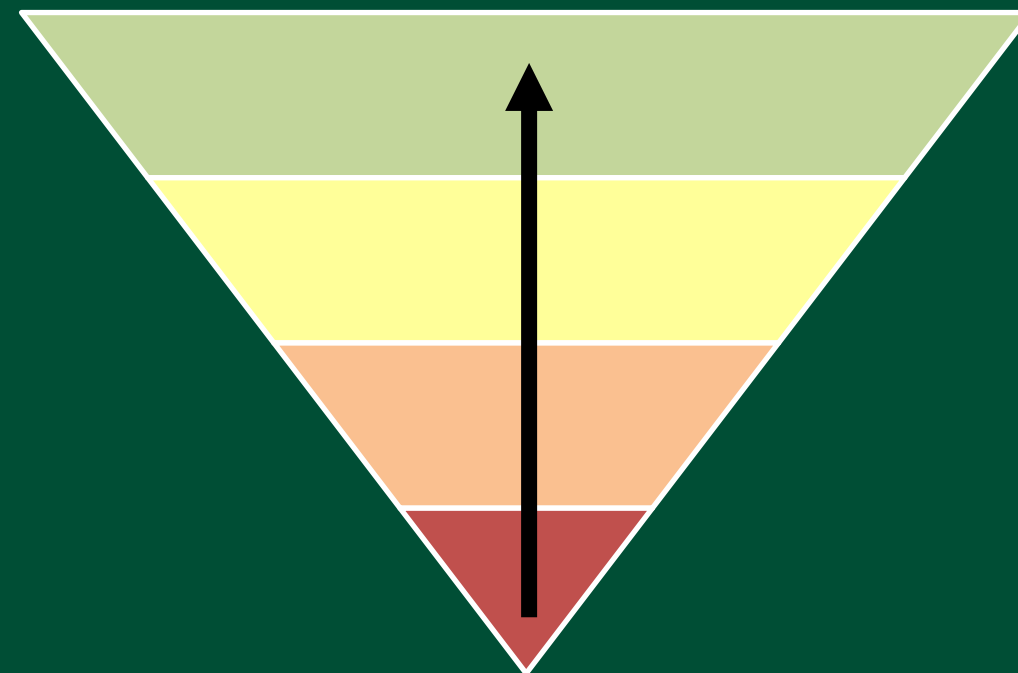
Build form within the Park Lands that is for a 'Non-Park Land Purposes', has restricted general public access or incurs a fee for entry

- Restricted car parking not associated with a Park Lands Purpose
- Park Lands which are permanently fenced that restrict general public access
- Public roadways
- Buildings that offer no public utility
- Buildings whose purpose may deliver public good or benefit, but is not consistent with the Park Lands purpose and could be accommodated elsewhere

Example of Alienated Park Lands returning to Accessible to Park Lands

Former SA Water Site
Gladys Elphick Park | Narnungga (Park 25)

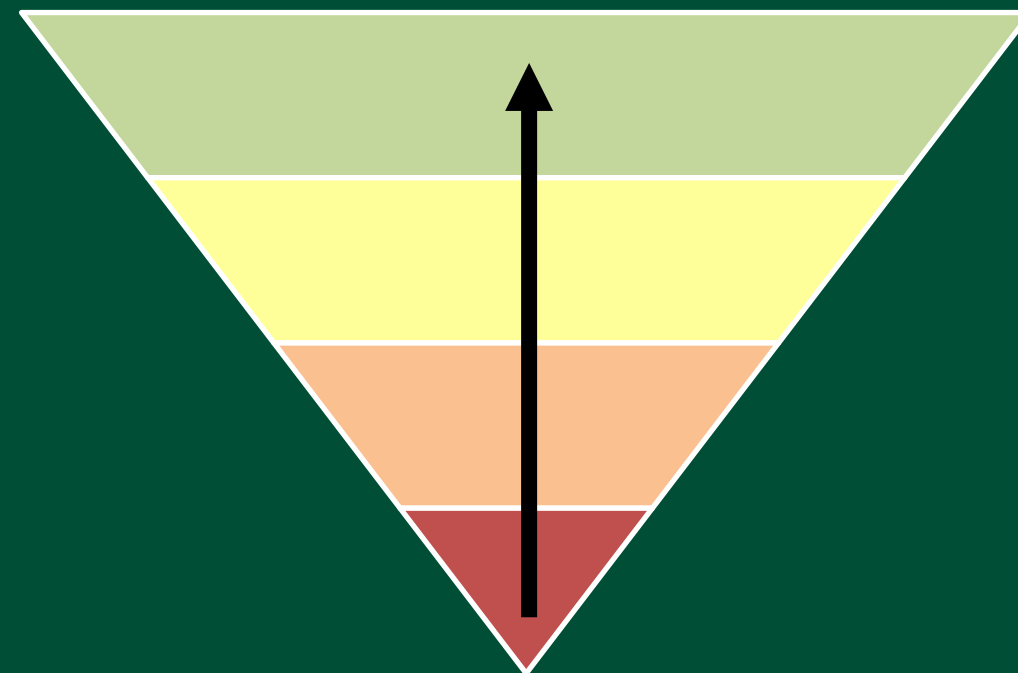
- Park Land
- Unrestricted public access
- Increase tree canopy
- Native revegetation
- Public art
- Walking and cycling path network



Example of Alienated Park Lands (in part) returning to Accessible to Park Lands

Former Rail Yards > Water Treatment > Riverbank Precinct
Helen Mayo Park

- Park Land
- Partially fenced
- Partially unrestricted public access
- 'Enhance to Protect'



Key Questions

HIERARCHY OF ALIENATION

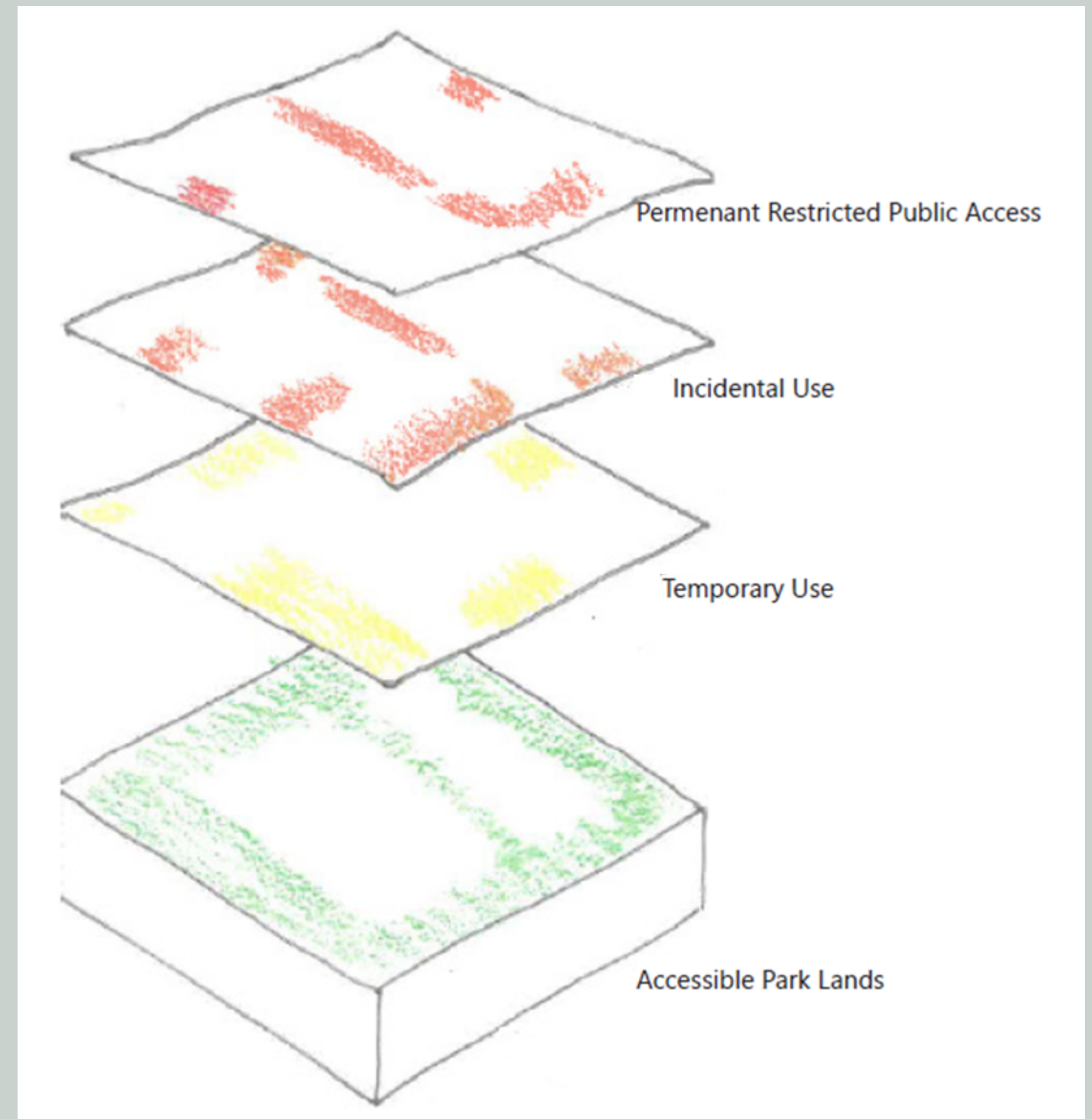
What are Board Members views on the proposed definitions and concept of a hierarchy of alienation?

RETURN TO PARK LANDS TOOLS

What advice do the Board Members have to progress and embed definitions with the State Government and Council?

Next Steps

1. Internal workshopping and agreement of definitions and testing of hierarchy of alienation / framework for considering access to the Adelaide Park Lands
2. Implementation and mapping of current conditions against the hierarchy / framework to establish baselines
3. Set measurable targets for each tier of the hierarchy / framework
4. Identify quick wins for community access to the Adelaide Park Lands and relevant stakeholder engagement



Thank You.

Kadaltilla

