

1 February 2019

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**Re: Adelaide Oval Redevelopment Inquiry**

The Environmental Defenders Office (SA) Inc (“the EDO”) is an independent community legal centre with over twenty five years experience specialising in environmental and planning law. EDO functions include legal advice and representation, law reform and policy work and community legal education.

The EDO appreciates the opportunity to provide a submission to this Inquiry and will focus on; *(h) the legislative, regulatory and other legal frameworks governing the operations of the Adelaide Oval, and any opportunities for improvement;*

*(i) the impact of the Oval and its operations on the surrounding Parklands and the legislative, regulatory and other legal frameworks governing further development in the Parklands; and*

*(j) any other related matters.*

The EDO is concerned about the use of the Adelaide Park Lands for inappropriate commercial and private purposes which alienate public use of this iconic nationally listed heritage asset and one which the South Australian Heritage Council has recently recommended for listing as a state heritage area.

For example, the EDO is strongly opposed to the Adelaide Oval Hotel proposal on Park 26 as we are of the view that it is not in keeping with the environmental and cultural values of the Park Lands. This proposal in a prominent part of the Park Lands was approved by the State Commission Assessment Panel (SCAP) last December without any public consultation. The merits of this approval cannot be legally challenged.

The complex regulation of the Park Lands has systemic flaws.

The *Adelaide Park Lands Management Act 2005* (APM Act) seeks to protect the Park Lands and provides opportunities for the public to be involved in the care, control and management of the Park Lands generally, particularly in relation to the development of the Management Strategy. The *Local Government Act 1999* (LG Act) refers to the creation of community land management plans in respect of the Park Lands.

The *Adelaide Oval Redevelopment and Management Act 2011* (AOR and M Act) which facilitated the redevelopment essentially introduces special rules regarding the redevelopment and what is referred to as ancillary uses and temporary uses from time to time (s4(4)). For example, the Adelaide Parklands Management Strategy under the APM Act and the Management Plan under the LG Act are expressly excluded from applying to the Adelaide Oval Core Area (s11(1) and s11(3)).

The AOR and M Act provides that the Adelaide Oval Core Area is an area or zone that may be used predominantly for the purposes described in section 4(4)-s10(1). In our view any further uses of Park 26 should reflect the statutory principles in the APM Act (s4). However there have been further developments and activities allowed since the initial redevelopment which in our view do not accord with these including the expansion of Oval No 2. In our view the proposed hotel does not reflect s4 APM Act principles, is not in keeping with the values of the site and beyond and is not an ancillary or temporary use as contemplated by the AOR and M Act.

Critically, the AOR and M Act provides that any development applications are complying and category 1 for public notification purposes regardless of their complexity and the likely impacts (s10(3)). Complying developments must be approved within 14 days of lodgement. With category 1 developments there is no statutory requirement for the public release of plans, no public consultation and no third party appeal rights (s38 *Development Act 1993*). Even though the Hotel plans were made publically available this was not a legal requirement.

We understand that these provisions were inserted to allow the redevelopment to proceed efficiently but in our view they should not have continued application to proposals of likely high impact such as the Hotel. This statutory regime is at odds with the generally accepted

principle that the greater the likely impacts a proposal has the greater scrutiny it should undergo including public and stakeholder input.

In our view these critical provisions of the AOR and M Act need urgent amendment to clearly define their application to small scale ancillary and temporary uses.

All other proposed uses on the Adelaide Oval site and other development proposals in the Park Lands must be given greater scrutiny and a higher level of assessment in the planning system so that there is no further compromise of the Park Lands' values and integrity. They should be categorised as non complying or equivalent and there should be expansive public information, consultation and appeal rights. The new Planning and Design Code should clearly articulate protection of the Park Lands from inappropriate uses and planning laws should require decision makers to prioritise protection over development.

Please advise if you have any queries in relation to this submission.

Yours faithfully

A handwritten signature in blue ink that reads "M Ballantyne". The signature is written in a cursive style and is positioned above the typed name.

Melissa Ballantyne

Coordinator/Principal Solicitor

Environmental Defenders Office (SA) Inc.