



Proposed Amendment of the Community Land Management Plan (CLMP) for Bonython Park/ Tulya Wardli (Park 27) to permit a commercial helipad

The Adelaide Park Lands Preservation Association (APPA) is opposed to any proposal to amend the Community Land Management Plan (CLMP) for Bonython Park/ Tulya Wardli (Park 27) to permit a commercial helipad lease.

Our objections to the current proposal to the potential amendment of the CLMP, as identified below, rely on:

1. the (lack of) merits of the proposal;
2. an erroneous, misleading current consultation process; and
3. the fact that the proposal is contrary to both section 4 and section 19 of the *Adelaide Park Lands Act 2005*

1. LACK OF MERITS

A helicopter airport in Bonython Park would be:

- **Very Noisy** – affecting thousands of rowers, golfers, and tennis players nearby, and almost deafening joggers, cyclists, and pedestrians. How noisy? A helicopter's sound levels when 30 metres overhead would be comparable to that of a kitchen food blender (about 90 decibels). It would be even louder on takeoff and landing. The Council's own environmental assessment of this site indicates that helicopter noise would exceed acceptable levels even as far away as North Terrace. There has been no calculation of how bad it would be on the Torrens Linear Path.
- **Impractical** - Our aviation expert tells us that a helipad in Bonython Park would be “in controlled airspace (Class C) and directly under the ILS (main flight path) to Runway 23 at Adelaide Airport. Any operation to the proposed helipad would infringe on the aircraft landing sequence at Adelaide Airport”. As a result, choppers would need to sit idling on the helipad for a long time waiting for flight clearance.
- **Unnecessary** - as there are helicopter landing facilities less than 5km away at Adelaide Airport, and other landing pads at the old RAH and New RAH
- **Contrary** - to the recommendations of an independent expert hired by the Council whose “social and environmental assessment” found two better helipad sites in the City.

2. ERRONEOUS / MISLEADING CONSULTATION PROCESS

The current consultation process is fundamentally flawed.

- The Council's consultation documents repeatedly use the phrase “the CLMP needs to be amended” giving the false and misleading impression that an amendment is both obligatory and inevitable. This is a very significant failure. The consultation documents go to some length (at pages 3, 4 and 5) in describing what the Council intends would happen after the CLMP is amended to permit a helipad. The extent of any counter scenario receives no attention. The flow chart on page 5 suggests “No Further Action” would be taken, failing to acknowledge that there is any site for a helipad, other than in Bonython Park. In short the consultation pack is patently biased towards a “yes” result.
- The Council's consultation documents give no information about the wording proposed to be inserted in and/or deleted from the CLMP.

Accordingly APPA submits that the current consultation process should be aborted and re-started properly, addressing both of these above points.

3. CONTRARY TO LAW

3A. Contrary to statutory principles in section 4.

The City of Adelaide is required by law to “have regard to” and “seek to apply” the statutory principles in section 4 of the *Adelaide Park Lands Act 2005*.

The relevant principles in that section provide (inter alia) that:

(b) 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);

(c) 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.

...

(g) 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.

- Alienating a portion of Bonython Park/ Tulya Wardli (Park 27) for a commercial helipad is obviously contrary to the first part of principle (b) in that the land to be leased would be not be available for any purpose of “public benefit”. By definition it would be held for purely commercial reasons. The qualification in parentheses in principle (b) regarding “certain uses” is not expressed as undermining the policy intent of the rest of the principle and therefore must be read in the context of the other principles.
- For the purposes of principle (c) a commercial helipad cannot be regarded as falling within a range of “environmental, cultural, recreational and social values and activities.” It is intended to be a commercial operation, one which would impose a significant burden of noise pollution on other existing or potential activities – those that must be “protected and enhanced”. The severe impact of this noise alone on rowers, paddle boat users, joggers, walkers, cyclists etc on the Torrens Linear Path, renders a proposed commercial helipad fatally inconsistent with principle (c).
- Nor is it possible to regard a commercial helipad lease as consistent with principle (g). On the contrary, having commercial helicopter flights taking off and landing on a regular basis from a leased area facility within the Park Lands would be totally inconsistent with “maintaining or enhancing the environmental, cultural, recreational and social heritage status of the Park Lands”.

3B. Inconsistent with the Park Lands Management Strategy

Sub-section 19(1) of the *Adelaide Park Lands Act 2005* provides that:

19—Adelaide City Council

1. *The Adelaide City Council must ensure that its management plan for community land within the Adelaide Park Lands under Chapter 11 of the Local Government Act 1999 is consistent with the Adelaide Park Lands Management Strategy.*

Accordingly it is necessary to ascertain whether the proposed CLMP amendment would be consistent with the Adelaide Park Lands Management Strategy (APLMS)

The APLMS for 2015-2025 discusses the future of Bonython Park/ Tulya Wardli (Park 27) at pages 72 to 75. Nowhere in these pages is a commercial helipad (nor anything remotely similar) envisaged.

On the contrary the APLMS envisages “a substantial increase in the number of people accessing areas adjacent to Tulya Wardli”. The APLMS priority for this Park is:

An attractive formal park will be established at the southern end of Tulya Wardli to open up this area for a diverse range of recreational activities appealing to a broad cross-section of the metropolitan population. The revitalised park will build on the natural woodlands and riparian landscapes through the creation of two large hubs – one centred on the Old Adelaide Gaol and the other located close to the river around the existing playground and kiosk area.

When the aim of the APLMS in relation to Bonython Park, is to appeal to a “broad cross-section of the metropolitan population” it is clearly inconsistent to be now suggesting a fenced secure area for a noisy intrusive commercial heliport that would obviously discourage visitation by anyone other than paying helicopter passengers..

It is not sufficient for proponents of a helipad to argue that the mere omission of 'helipad' from the APLMS somehow renders such a provision in the CLMP “consistent with” the APLMS.

On the contrary, in order to satisfy section 19(1) the onus is on the City Council which “must ensure” that such an amendment would be consistent with the APLMS. Nowhere in the current consultation documents has this matter been addressed. Nor is there any evidence it has even been considered.

It would appear that in the City Council's planning for the proposed helipad thus far, sub-section 19(1) of the *Adelaide Park Lands Act 2005* has been either overlooked or ignored.

CONCLUSION

APPA supports the concept of allowing visitors to fly over the Park Lands to appreciate them from the air. However APPA argues that there are more suitable locations for a helipad that would not require alienation of Park Lands nor noise pollution in an otherwise peaceful Park Lands setting.

Our submission is that the proposed CLMP amendment suffers from:

- (α) lack of merits;
- (β) an erroneous and misleading consultation process
- (χ) inconsistency with law, being contrary to both section 4 and section 19 of the *Adelaide Park Lands Act 2005*.