



Adelaide Park Lands Preservation Association, Inc.

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## Proposed Helipad in Adelaide Park Lands – Bonython Park/Tulya Wardli (west of Morphett Street Bridge)

### 1. *Summary*

- Adelaide Park Lands Preservation Association opposes this proposed commercial Helipad because it directly results in exclusion of the public from a part of Bonython Park, which is community land and part of the Adelaide Park Lands. The public will be excluded 100% of the time from an area identified for public use in Council documents.
- The proposal is illegal in that it is contrary to the provisions of section 200(2) of the *Local Government Act 1999*.
- The information package is deficient in that the area / dimensions of the Helipad are not stipulated, and no indication is given of the extent of the approach path, which is very likely to extend over Park Lands. Nor is there any information about the extent of fenced-in area, the location and extent of car parking, the location and footprint of requisite buildings. Essentially, Councillors have insufficient information to make an informed decision.
- The report “*Helicopter Landing Facility Social and Environmental Assessment*”, Feb 2017, is a preliminary report of a desktop only study, which purports to prioritise potential sites; *no on-site field work into social or environmental impacts has been undertaken*.
- APPA is also aware of submissions that seriously question whether the proposed site can ever meet CASA regulations, particularly in regards to the adjoining nRAH helipad. At the very least, CASA should have the opportunity to comment on the proposal.
- APPA submits that the whole of the proposal should be abandoned.

### 2. *Alienation of Park Lands for commercialisation*

The documents provided for public consultation are not clear at all about the area that will be licenced and fenced off, from which the public will be excluded. However, given CASA requirements for clearance and approach path, the helipad site is likely to be about 50 ha, and possibly will extend north across the river. This is further excessive alienation of Park Lands and should not proceed.

Council needs to take seriously its custodial responsibilities and not relinquish Park Lands to



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commercial intrusions. Indeed, the proposal is clearly beyond the provisions of both the Park Lands Community Land Management Plan and the Park Lands Management Strategy. (See “Illegality” below.)

The consultation documents also fail to indicate the extent and location of any requisite buildings on the proposed site.

Council has a policy of not increasing the extent of car parking on the Park Lands, for example, as mentioned in the (recently revised) Adelaide Park Lands Management Strategy, and in the ACC Development Plan. The extent and location of car parks has not been given, however it appears such provision is contra-indicated by Council’s own policies.

### 3. *Illegality*

The Council’s consultation document states:

“Under the *Local Government Act 1999*, councils are required to formally undertake public consultation for a lease or licence over community land that is not provided for in the relevant community land management plan.”

This statement represents a fundamental legal error. It is apparent that the author of this statement was relying upon sub-section 202(2) of the *Local Government Act 1999* which provides:

(2) *Before the council grants a lease or licence relating to community land, it must follow the relevant steps set out in its public consultation policy.*

However subsection 202(2) must be read alongside an earlier provision in section 200(2) of the *Local Government Act 1999* which provides:

(2) *The council cannot approve the use of community land for a business purpose contrary to the provisions of a management plan*

Clearly there is a distinction in Chapter 11 of the *Local Government Act 1999* between leases or licences “for a business purpose” and leases and licences for other, non-business purposes.

The proposal for a helicopter landing site is clearly a proposal “for a business purpose”. The Council’s own documentation refers to it as a proposed commercial enterprise. All Council resolutions on this topic have been made in confidence on the basis that they are commercially sensitive. Therefore the proposal must be captured by the provision at section 200(2). That is to say, it is prohibited unless the proposal would be consistent with the management plan for the Park Lands.

The *Park Lands Community Land Management Plan* (recovered from the Council’s web site at <http://www.adelaideparklands.com.au/plans-policies/> on 25 June 2017) relevantly provides in Chapter 7, Tulya Wardli (Park 27)

1.3.27 *Permit leases and licences as shown on Lease and Licence Areas Map in 2.3 and in accordance with Chapter One.*



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There is no support within these provisions for a commercial helipad in Tulya Wardli (Park 27). Indeed the opposite is true. Chapter One of the *Park Lands Community Land Management Plan* relevantly provides:

Leases for commercial facilities

*The Park Lands may be subject to leases and licences for commercial services (such as restaurants, cafes, hire services etc.) where the use:*

- *is consistent with the objectives of management of the Park*
- *provides community benefit and*
- *supports outdoor recreational use of the Park Lands.*

*consistent with the Adelaide Park Lands Management Strategy and subject to the provisions outlined above.*

Clearly a commercial helicopter landing site is not consistent with any of these provisions. Therefore, the proposal cannot proceed as it is prohibited by section 200(2) of the *Local Government Act 1999*. **The basis of this public consultation is a proposal for a lease that is prohibited by law.**

#### 4. *Totally inadequate assessment*

A report has been prepared for Council titled “*Helicopter Landing Facility Social and Environmental Assessment*” (Feb 2017). It is very clear from this report that it is very preliminary, limited to a desktop only study. This means there was no examination of site specific existent social or environmental conditions. It simply and very briefly summarises generalised existing information. Essentially, it is guesswork or speculative regarding site specific existent conditions. Additionally, the report methodology simply purports to prioritise potential sites; despite the title, it does not assess site specific social or environmental evidence. It is totally inadequate as a basis for leasing the area and to do so would leave the Council open to forceful criticism.

To the extent that the Assessment document should be relied upon, it should lead to the use of other locations, such as Site 3 (a City rooftop) or Site 5 (the existing old RAH helipad) for which no ‘red lights’ are indicated in the report on the basis of the desktop assessment of Noise, Air, Ecology, Heritage, Contamination, Planning, Public Spaces, Public Activities, or Accessibility..

#### 5. *CASA Regulations*

APPA is also aware of submissions that seriously question whether the proposed site can ever meet CASA regulations, particularly in regards to the adjoining nRAH helipad. At the very least, CASA should have the opportunity to comment on the proposal.



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