

CHELTENHAM PARK RESIDENTS GROUP

SECOND

SUBMISSION TO THE

LAND MANAGEMENT CORPORATION

GPO BOX 698 ADELAIDE
SA 5001

“.. being satisfied that it is in the public interest..”

OUR GOAL

CHELTENHAM PARK 100% PUBLIC SPACE

Robert Beaton
Chairman
12 October 2006

TOWN PLANNING ACT, 1929-1957:
SUBDIVISION OF CERTAIN LANDS
PROHIBITED.

SOUTH AUSTRALIA (*Proclamation by His Excellency the
Governor* (
 to wit... *of the State of South Australia*
(L.S.) EDRIC BASTYAN

BY virtue of the provisions of the Town Planning Act, 1929-1957, and all other enabling powers, I, the said Governor, being satisfied that it is desirable in the public interests to preserve the lands described in the schedule hereto as open spaces and on the application of the owner of such lands, and with the advice and consent of the Executive Council, do hereby declare that the lands described in the schedule hereto shall not be subdivided into allotments for sites for residences, shops, factories, or other like premises.

...29th day of June, 1961.

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At a public meeting at Woodville on Tuesday 19th September 2006, the Hon. Jay Weatherill MP, in his address claimed that the above Proclamation was simply a means of providing the owners (Port Adelaide Racing Club) with a zoning that minimised their obligation for the yearly rate payments they made to the local Council for the Cheltenham Park racecourse.

We would urge the reader to examine the actual structure and the language used in the Proclamation viz “I, the said Governor, being satisfied that it is desirable in the public interest to preserve the lands...as open spaces...”

The presenters of this submission choose the nobler interpretation of the words of His Excellency the Governor.

INTRODUCTION

This second submission to the Land Management's Corporation's Community Consultation process by the Cheltenham Park Residents Group (CPRG) follows on from the Group's first submission to the Land Management Corporation (LMC) dated 25 August 2006.

This second submission includes the period post release of LMC's three concept plans for a housing development site on the Cheltenham Park racecourse land.

The CPRG has always stated the position that Cheltenham Park racecourse land is essential for the engineering of flood mitigation with the opportunity for storm water harvesting, wetland cleansing, aquifer storage and reuse. It is now widely recognised that this land is the only land available and suitable for the essential conservation of water in this area of the City of Charles Sturt.

The first part of this submission deals with local storm water management. It is recognised that the topic of the Adelaide water-cycle as outlined in the Planning Strategy for Metropolitan Adelaide is important if metropolitan Adelaide is to be sustainable and prosperous in the future.

When the amount of land required for the flood mitigation and aquifer storage and reuse (ASR) has been determined the CPRG believe that the remaining Cheltenham Park land should be retained as public open space; as community land for community pursuits and activities. The second part of this submission arises from the suggestions and feelings of the people that participated in the community consultation occasions.

PART 1 - FLOOD MITIGATION

Before European settlement, the plains of the North West Adelaide region, although relatively flat, were crossed by a web of dry creeks.

Under conditions where the ground was saturated by the rainfall, these minor creeks channeled flood water across the plain, around the older inland sand dunes and into the reedbeds created by the confined end of the Torrens River and also into the elongated marine estuaries of the Port River and Patawalonga Creek systems. This water eventually dissipated into the marine environment.

A consequence of the total urbanisation of the Local Government Area of the City of Charles Sturt is that the region now relies solely on the engineered storm water system to discharge water into the Port River. This submission considers two of the main drain systems, one for the Port Road catchment discharging into West Lakes that in turn connects with the Port River. The other being the Torrens Road catchment that connects to the Magazine Creek that discharges into the North Arm of the Port River.

Minor Rain Events

During minor rain events our suburban roadways, bordered by kerbing and gutters, collect the run-off rainwater and direct this through box culverts into lateral pipes that finally connect to the major drains. These major drains empty into the marine environment.

If a storm event continues over an extended period of time and the precipitation rate (rainfall) exceeds the capacity of the box culverts to discharge water into the lateral pipes, the roadway will flood.

Engineers design this drainage system to cope with a 1 in 5 year flood event.

However, in some localities the ground contours are undulating so that when the 1 in 5 year event is exceeded, then water will flow to and collect in the lower sections of the roadway. In some locations water can flow out of the box culverts into the street also creating local flooding.

Council engineers try to avoid this as far as physically possible, however householders should be aware of their particular situation depending on the location of their residence.

Major Storm Events

During storm events greater than the 1 in 5 year event, local flash flooding of roadways does occur and householders are expected to protect their properties as well as they can.

However, it is Local Government's responsibility to have the capacity of the major drains large enough to cope with rain events greater than the 1 in 5 year event and have in place structures that mitigate against the local flooding that will occur if the major drain is at full capacity and cannot accept water inflow from the lateral pipes.

Major Drain: Torrens Road Catchment

From advice received it would seem that the main drain for the Torrens Road catchment is adequate for the section upstream of the Cheltenham Racecourse.

Beyond this point the capacity of the diversions into the Finsbury-Eastern Parade drain are more marginal.

Major Drain: Port Road Catchment

From advice received it can be said that the Port Road drain from its commencement at Hindmarsh down the plantation to the South Road intersection is adequate for that section.

There is some suggestion that the capacity for the section between the South Road intersection and Woodville Road needs to be increased. Fairly regular flash flooding of the Port Road/Woodville Road intersection is cited as evidence for this need.

This claim has not been investigated further but from observation, having property owners on Woodville Road (including Council's Civic Centre and Town Hall) adopt the criteria for "water sensitive urban design" for their buildings would reduce this problem.

Flood Mitigation by Diversion of Major Drains into Cheltenham Racecourse

The diversion of storm water from the Torrens Road catchment into the Cheltenham Racecourse is generally accepted as feasible. The only issue arising is how much of the available water flow should be diverted.

The diversion of storm water from the Port Road drain into the Cheltenham Park racecourse is clouded in “Engineering Dissertation”.

This submission has not attempted to examine the numerous reports, reports on reports and surveys of reports that have been undertaken over many years at great cost to rate payers with no clear statement of feasibility and outcome.

This submission takes the view that it can be done (hydrology); it can be done with minimum dislocation of services (by using a 500m easement through the Charles Sturt Industrial Park) and that the diversion would mitigate the flood potential down stream of the diversion.

Cheltenham Park Racecourse as the Flood Mitigation Site

It has been stated over a long period of time that if the Cheltenham Park racecourse site is not used for flood mitigation, then there is no other site available for such a purpose.

The question is then “how much of the area of Cheltenham Park racecourse (48.88 hectares) is required for flood mitigation”?

The “engineer” talk has been about a partial diversion of the Torrens Road drain water into Cheltenham Park. A partial diversion of water flow from this drain does not face up to the responsibility of recognising the financial cost that will be borne by many householders following an extreme major storm and consequent flood event.

Engineers do point out that the statistical 1 in 100 year major flood event is now due.

For a one day rain event in November 2005 (44.8mm) it is calculated that a 3.6 hectare bunded area of land to accommodate 1.2m deep water would have been required.

With a similar amount of water taken from the Port Road drain, then 7.2 hectares of retention pond would have been required.

If a rain event was between the 1 in 5 to 1 in 10 year event ranges it is evident that all of the Cheltenham Park racecourse area of 48.88 hectares could be utilised.

Previous feasibility studies for wetlands and ASR establishment on the Cheltenham Racecourse site have attempted to integrate the system with housing development. The amount of housing is then competing for sufficient space to be economically viable.

With no housing in the development some would make the claim that people are being denied places of residence. On the other hand a much greater number of people would claim that their risk of loss and damage arising from a major storm event with local flooding had been reduced.

This can be simply quantified by saying that if Cheltenham Park is used as a reservoir site to intercept all of the upstream storm water then essentially the capacity of the main drain system is doubled.

This submission takes the view that the site given over to 100% public space integrating flood mitigation and an ASR system for water management provides the greater benefit to people living in the area and the State of South Australia.

Harvesting of Storm water through Wetlands and Aquifer Storage and Reuse (ASR) at Cheltenham Park Racecourse

The “engineer” talk is that Cheltenham Park racecourse site could be used for some diversion of storm water from the Torrens Road drain for wetland cleansing and pumping to the confined aquifer for storage and reuse.

This submission asserts, what is now self evident, that all rainfall is “precious”. Thus all “engineering” solutions should ensure the most efficient use of water to reduce metropolitan Adelaide’s dependency on water harvested in the reservoir catchment areas and that pumped from the River Murray, for its water supply.

Calculations for the period August through to December 2005, for the precipitation (daily rainfall) in the locality show that some 460 megalitres (1 megalitre approx. equal to the volume of an Olympic swimming pool) would have been available from the Torrens Road drain for wetland cleansing and aquifer storage at the Cheltenham Park site.

If the same amount of precipitation occurred in the Port Road catchment area, this would increase the amount to some 900 megalitres for the same period. This indicates that a substantial amount of water credits would accrue to the “owner” of the Cheltenham Park wetlands and ASR establishment.

Harvesting and storing rainwater for future use not only provides a tangible benefit to the community but also provides a measure of certainty to the community that something is being done about water sustainability.

In conjunction with this, the reduction of the amount of water and associated silt entering the marine environment is also a tangible benefit for the Port River and the Barker Inlet, now part of the Marine Park.

We now know that the announcement of the 30% of the site given to open space was made without consideration of the need for management of the Torrens Road drain storm water. However the use of Cheltenham Park racecourse land for wetlands and ASR meets the criteria of reserving space for storm water collection, treatment and reuse when redeveloping existing urban areas outlined in the Planning Strategy for Metropolitan Adelaide.

PART 2 - COMMUNITY CONSULTATION

The LMC has invited the Cheltenham Park Residents Group (CPRG) to be included as a stakeholder in the Community Consultation process required by the State Government in their consideration of the future of the Cheltenham Park Racecourse.

This follows the approach to the Government by the South Australian Jockey Club (SAJC) to lift the restrictions on development of the site contained in the 1961 Proclamation.

The removal of these restrictions would allow the SAJC to sell and develop the site at the higher market value.

CPRG has participated in the three community information days held at the Cheltenham Park Racecourse. Our displays invited visitors to consider the option of retaining the Racecourse site as 100% public space, that is as Community Land.

The LMC displays and questionnaires all sought community response to how people would like the site developed with 70% of the area given to residential buildings and 30% described as open space. The normal requirement is for 12.5% open space.

People studying the CPRG display were invited to sign the Visitor's Book if they supported Cheltenham Park being retained as 100% open public space in accordance with the 1961 Proclamation i.e. "not subdivided into allotments for sites for residences, shops, factories and other like premises."

The response was	Number
Friday 11 August	27
Sunday 13 August	68
Sunday 24 September	58

On Tuesday 19 September 2006, prior to the release of LMC's three concept plans for the site development, some 1000 people (attendance registration forms available) packed the Woodville Town Hall to hear speakers debate the future of Cheltenham Park Racecourse site.

The Speakers included the Hon Jay Weatherill MP, who clearly stated that he supported the "rezoning" of Cheltenham Park. This would allow the SAJC to proceed as a developer to sell the land at current market values.

It is concluded that this is the State Government's position and that it has now been clearly expressed.

Minister Weatherill claimed that a Liberal Government in power would proceed to allow the sale of 85% of the land as residential and 15% retained as open space.

So he supported the immediate sale as 70% of the land as residential and 30% retained as open space. The immediate sale would provide an additional 15% of the land as public open space.

The rejection of this logic was evident from the very noisy reaction of the audience. At the end of the meeting the following motions were adopted without dissent. (see included motions).

Following this Public Meeting the Hon. J. Weatherill MP distributed a letter to his electorate that stated:

“The State Government is currently consulting with the community to determine whether it is appropriate to consider a change in zoning,” for Cheltenham Park racecourse, and
“During the consultation we have an opportunity to make the case for converting parts of the site into public ownership for wetlands, bike paths, parks, playgrounds, sporting and community facilities”.

Allowing that 15% of the area would be located to provide benefits for the residents of the development, the other 15% equal to 7 hectares would be available for the above pursuits. However, given that the wetlands in the concept plan would occupy from 4 to 6 hectares, the invitation for residents to put forward ideas on “how the open space on the site might be configured” would seem to reflect a lack of understanding of the extent of public space area actually available.

Recent media reports state that the LMC was “not there to tell the government whether to approve the sale or not” but was to advise the government on the conditions that should be attached to the proposed development.

The CPRG submit that the community consultation process has not provided the concerned public with adequate information on the extent and possible uses of the open space.

PUBLIC MEETING MOTIONS

Motion moved by Robert Beaton, President of the Cheltenham Park Residents Group

“That the State Labor Government honor its promise given before the 2202 State election and not rescinded at the 2006 State election to save the open space at Cheltenham Park”

Motion moved by Judy Morton, former SAJC Committee Member.

“That the State Labor Government sack the SAJC Board and Executive Officers and appoint an administrator to get horse-racing on the right track in South Australia.”

Motion moved by Robert Grant, Charles Sturt Councillor.

“That the State Labor Government and the Charles Sturt Council invoice the SAJC for the taxpayer and ratepayer subsidies given the SAJC for Cheltenham Park over the past 45 years.

“And with those funds, the Government and the Council compulsorily acquire the land for a storm water retention scheme with accompanying wetlands and leisure areas, thus protecting surrounding houses and businesses from flooding and terminal pollution of the West Lakes and Barker inlet waterways.

And allowing horseracing to continue if that is still desired.”

Motion moved by Janet Davis, Secretary of the Cheltenham Park Residents Group.

“That the State Labor Government respect and honour the history and heritage of our State given to us by our pioneer families and, in particular, save the open space at the Cheltenham Racecourse and allow the land at Victoria Park to revert to parklands.”

100% OPEN SPACE

The Planning Strategy for Metropolitan Adelaide (PS for MA) aims to provide a “Green City.” One having creative imagination, a gathering place and a place of light and style.

The strategy is to create an enhanced Metropolitan Open Space System (MOSS) for regional open space needs of the whole metropolitan area with linkage to the outer metropolitan Adelaide Region.

This will be attained by establishing a “Second Generation” of Parklands to complement the original city parklands.

The absence of MOSS areas in the North West Adelaide region stands out in stark contrast to other regions.

This is clearly illustrated by the outstanding photographs used by LMC in its Port Waterfront promotion where the green patch of Cheltenham Park racecourse interrupting the band of industrial areas is clearly seen.

“Kids need space” was a recent headline in the Weekly Times Messenger (20/9/06).

Nick Bowen reported that children in the western suburbs need more parks and a greater range of places to play outdoors.

A study of The Parks, Woodville, Croydon, Rosewater, Cheltenham, Hendon and Seaton recommended.

- More parks for children in Charles Sturt.
- Both Charles Sturt and Port Adelaide Enfield Councils could provide a diversity of play areas including sensory gardens, wild spaces and trees to climb.

The need for open space bike trails, including BMX challenge courses, in the North West Adelaide region is exemplified in the publication “Travel Smart” which shows traffic corridors including Main and secondary roads with and without bike lanes.

South of the River Torrens, numerous roads are marked with bike lanes to enable safer road use by cyclists.

Today's Vision, Tomorrow's Port

Plans for the
redevelopment
of the Port Waterfront.



October 2003



In the Charles Sturt Council area, with the exception of the Torrens River Linear Park region, there are no bike lanes on main and secondary roadways.

The absence of bike lanes indicates the total width of roadways is required for vehicular traffic at peak hour periods so that cyclists are at risk using these roads.

Given this, 100% Open Space at Cheltenham Park will enable the construction of dedicated cycle paths to encourage fitness and family recreation in safe areas.

In addition the development of a 100% Open Space facility at Cheltenham Park for recreation and sport will enable a diverse range of recreational, sporting, leisure and conservation opportunities.

Hansard: Weatherill (Cheltenham) re Torrens River Linear Park.

“...make sure that nobody is tempted in the future to raid this beautiful piece of open space which should be used for future generations...”

CHARLES STURT COUNCIL

The City of Charles Sturt Council for some time has publicly stated their position as “opposing the sale of Cheltenham Park racecourse”.

This statement may convey sentiment but Council has no authority to oppose the selling of privately owned property.

However, following the response to the 19th September 2006 Public Meeting, a motion on 25th September 2006 to compulsory acquire Cheltenham Park racecourse was moved but not carried.

On the 9th October 2006, a follow up Notice of Motion was carried in relation to compulsory acquisition “for the purpose of utilising the land to undertake flood mitigation and other works for aquifer storage and reuse (ASR).”

The full Notice of Motion is shown attached that includes the requirement to ascertain and report back to Council as to the level of financial support available before taking further action.

The time required for the Council’s plan of action to be brought to conclusion may exceed the time allowed by the Government for its decision on the future development of Cheltenham racecourse.

TO: Council
FROM: Acting Chief Executive
DATE: 9 October 2006

7.28 **NOTICE OF MOTION - CHELTENHAM PARK RACECOURSE SITE -**
FLOOD MITIGATION (B53)

Brief

A follow up Notice of Motion has been received from Councillor Rau following consideration of compulsory acquisition of the Cheltenham Park Racecourse by Council on 25 September 2006.

Proposed Motion

- “1. *That the Acting Chief Executive Officer ascertain and report back to Council as to the level of financial assistance available to Council from the State and/or Federal Governments and other sources to assist the Council with a proposal to acquire (whether by agreement or under the Land Acquisition Act) the Cheltenham Park Racecourse site for the purpose of utilising the land to undertake flood mitigation and other works for aquifer storage and reuse (ASR).*
 2. *That conditional on there being adequate confirmed financial assistance, Council then engage the appropriate legal, technical and financial expertise to investigate the capacity for a flood mitigation system and determine whether the City Of Charles Sturt has grounds to pursue the compulsory acquisition of the Cheltenham Park Racecourse site.*
 3. *That an officer's report be brought back to Council, with reference to the above advice, that provides recommendations for possible flood mitigation measures and details of the opportunities for aquifer recharge storage and re-use in the City of Charles Sturt, including at the Cheltenham Park Racecourse.*
 4. *That the Mayor write to the Federal Member for Port Adelaide, advising on the results of our investigations into flood mitigation and aquifer recharge storage and re-use opportunities and seek a commitment to assist Council to secure Federal Government funding for the projects identified by the technical and professional advice.”*
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SUMMARY

The CPRG consider that the three concept plans released by the LMC for the future development of the Cheltenham Park racecourse do not adequately consider that the land:

- is the last remaining open space left in the Western suburbs
- is available for flood mitigation for both the Torrens and Port Road drains
- is vital for storm water harvesting and reuse, essential for water conservation in the State of South Australia
- is an immediate solution for water reuse, including revenue raising by on-selling water by water credits
- is unique in the West as a place for public recreation, safe bike paths, family gathering areas and other sporting, leisure and conservation opportunities
- is a pollution and noise buffer zone from vehicular traffic and industrial sites.

The land has been declared to remain open space. All the above points are considered to be in accord with the Proclamation as it continues to meet current and future needs and aspirations of local people and visitors from around the State of South Australia.

The CPRG submit that as the LMC's three concept plans for development of Cheltenham Park racecourse do not meet the criteria for preserving open space, help to create a green city, promote healthy activities for the wider community, allow for water management schemes etc. then it is not in the public interest to lift the Proclamation and develop Cheltenham Park as proposed.

CONCLUSION

This submission by the CPRG has been made in good faith as the representor for and on behalf of the residents of the Cheltenham Park area, the residents of the City of Charles Sturt and we believe in the interest of the people of South Australia.

We have presented our beliefs on why the State Government should not rezone the Cheltenham Park racecourse land for residential development.

We have presented the alternate use of retaining the open space for the benefit of people now and to remain open space for future generations in perpetuity.

The CPRG committee has respected the constraints on LMC in that their community consultation was limited to the development options for the site if the State Government were to change the zoning that at the present time prohibits subdivision.

Water management issues must now take priority for the site. Charles Sturt Council has belatedly accepted that it has the responsibility for storm water management, flood mitigation and water conservation.

The CPRG has complied with LMC's request for the group to address only the Cheltenham Park site so this submission has avoided issues associated with the Sheridan site and cars/grandstands at Victoria Park.

Recently issued media statements and information distributed in the electorate have now caused confusion for many concerned residents.

The CPRG public consultation and this submission have at all times attempted to present the issues in a form that all the community would understand.

The CPRG committee thanks the LMC staff and the consultants that have assisted the CPRG through the community consultation process.