



Adelaide Festival Plaza Precinct Upgrade

Environment Protection and Biodiversity Conservation Act 1999

Referral of proposed action

September 2016

Referral of proposed action

Project title: Adelaide Festival Centre Precinct Upgrade
(incl. Festival Plaza/Public Realm Development & Adelaide Festival Theatre Development)

1 Summary of proposed action

1.1 Short description

The Riverbank Precinct is at the heart of the government's agenda for revitalising the city. The next stage for the redevelopment of the Riverbank is the upgrade of the Adelaide Festival Centre (AFC) Precinct. The upgrade will transform the AFC Precinct into a unique world-class hub for arts, culture, tourism and entertainment.

Broadly, the proposed action involves the redevelopment of the Festival Plaza (and neighbouring public spaces) and upgrades to the Festival Centre, including the following components:

- **Festival Plaza/ Public Realm Development –**
 - **Art Space Plaza (also known as the Dunstan Plaza):** featuring a central garden where people can wait for a performance or enjoy food and drink from nearby cafes.
 - **Station Road:** will become a primarily pedestrian, tree-lined avenue linking the city with the new Adelaide Festival Plaza, Elder Park and the Torrens.
 - **A new square:** that will be Adelaide's best meeting place, used for gatherings and events and boasting a water feature as well as shaded, leafy alcoves and "outdoor rooms".
 - **The promenade:** along the northern edge of the Adelaide Festival Centre is proposed to incorporate a "Walk of Fame", comprising stars set into the walkway to celebrate performers past and present.
 - **A new pedestrian link:** will provide direct, level access from the Riverbank Footbridge to a new entry for the Adelaide Railway Station (ARS), separating pedestrians from vehicles. The Adelaide Casino expansion will see a new arcade linking the promenade to ARS, featuring an arched ceiling and retail outlets.
- **Adelaide Festival Theatre Development –**
 - Adelaide festival theatre shell works
 - Adelaide festival theatre main plaza entry and foyer works
 - Dunstan playhouse main plaza entry and foyer works
 - Kiosk works
 - Data centre works & technical upgrade.

These works will be delivered by the Department of Planning, Transport and Infrastructure (the department) via a number of design and construct contracts.

The proposed works form part of a broader public private partnership project which will consist of a new underground car park, a premium office building along Station Road, a row of cafes, restaurants and retail.

1.2 Latitude and Longitude

location point	Latitude			Longitude		
	degrees	minutes	seconds	degrees	minutes	seconds
	34°	55'	12.315"	138°	35'	53.628"

1.3 Locality and property description

The Adelaide Festival Centre is located in the Adelaide CBD approximately 50 metres north of the corner of North Terrace and King William Street, near the banks of the River Torrens and adjacent to Elder Park. The Plaza area comprises public land situated between the Adelaide Festival Centre, Parliament House, Old Parliament House, Adelaide Casino (Skycity) and the Adelaide Railway Station. The space has a frontage to King William Road to the east and Elder Park to the north. Refer to Figure 1 for location map and information provided in Appendix A.

The area that will be developed is part of a highly modified and built-up urban environment that has been heavily developed and contains a number of buildings, roadways, in-ground services and an underground car park. The portion of works adjacent to Elder Park is the least developed, but has undergone significant landscaping.

The development area includes portions of land parcels owned by The Urban Renewal Authority (Renewal SA) and Minister for the Arts as well as Crown Land parcels under the custodianship of the Corporation of the City of Adelaide and the Minister for Transport & Infrastructure.



Figure 1 – Locality Map

1.4	Size of the development footprint or work area (hectares)	3.910 ha
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1.5	Street address of the site	Not applicable
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1.6 Lot description

The proposed development will occur within the following properties:

- Portion of Deposited Plan 46426 Allotment 9, Certificate Title 5522 Folio 16 in the Hundred of Adelaide (*Title Ref: CT5522/16 Plan Parcel: D46426 A9*) – Marked 1 on Figure 2
Description: Road – North Terrace to/from riverside entrance of the Adelaide Railway Station
- Portion of Deposited Plan 46426 Allotment comprising pieces 1, 2 & 3, Certificate Title 6134 Folio 983 in the Hundred of Adelaide (*Title Ref: CT6134/983 Plan Parcel: D46426 QP1*) - Marked 2 on Figure 2
Description: Adelaide Railway Station, Casino, Hyatt Hotel, Convention Centre, Offices, Car Parking Station, etc
- Portion of Deposited Plan 59055 Allotment 100, Certificate Title 5895 Folio 158 in the Hundred of Adelaide (*Title Ref: CT5895/158, Plan Parcel: D59055 A100*) – Marked 3 on Figure 2
Description: Adelaide Festival Centre (Festival Theatre, Playhouse, Space and Amphitheatre, the Southern Plaza, and Carparking, Restaurant and Convention Facilities)
- Portion of Deposited Plan 59055 Allotments 101 & 102, Certificate Title 5895 Folio 159 in the Hundred of Adelaide (*Title Ref: CT5895/159, Plan Parcel: D59055 A101 & D59055 A101*) – Marked 4 on Figure 2
Description: Road – Montefiore Road to/from riverside entrance of the Adelaide Railway Station/ Casino
- Portion of Hundred Plan 105100 Section 748, Crown Record Volume 6147 Folio 655 in the Hundred of Adelaide (*Title Ref: CR6147/655, Plan Parcel: H105100 S748*) – Marked 5 on Figure 2
Description: Old Parliament House
- Portion of Deposited Plan 46426 Allotment comprising pieces 1, 2, 3, Certificate Title 6134 Folio 983 in the Hundred of Adelaide (*Title Ref: CT6134/983, Plan Parcel: D46426 QP3*) – Marked 6 on Figure 2
Description: Rear of Old Parliament House
- Portion of Hundred Plan 105100 Section 6026, Crown Record Volume 6102 Folio 717 in the Hundred of Adelaide (*Title Ref: CR6102/717, Plan Parcel: H105100 S6026*) – Marked 7 on Figure 2
Description: Elder Park



Figure 2 – Map showing lot locations

1.7 Local Government Area and Council contact (if known)

Adelaide City Council
Chief Executive Officer: Mark Goldstone
25 Pirie Street, Adelaide SA 5001(GPO Box 2252, Adelaide SA 5001)
Phone: (08) 8203 7203
Email: city@adelaidecitycouncil.com

1.8 Time frame

The department intends to deliver a functional design which offers a value for money, whole of life proposition which will successfully deliver the project objectives in a timely manner. The department has been working through the design development phase of the project and approval processes.

The proposed works have been separated in to a number of packages including design only, construct only and design and construct contracts that will progressively be procured via competitive tender process and awarded.

The first construction contract was awarded in August 2016 to Lend Lease who will deliver the grade separation as well as early works. Construction activities for this component are planned to commence in the final quarter of 2016 and will take approximately 12 month to complete.

The overall public realm project works are expected to be completed by 2019.

1.9	Alternatives to proposed action	X	No
			Yes, you must also complete section 2.2
1.10	Alternative time frames etc	X	No
			Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3.3 (where relevant).
1.11	State assessment		No
		X	Yes, you must also complete Section 2.5 The action is subject to a state environmental impact assessment as part of the Development Act application process and the Department of Environment Water and Natural Resources will be consulted. Also, an internal environmental impact assessment report is required by DPTI in accordance with the Department's Environmental Management System.
1.12	Component of larger action		No
		X	Yes, you must also complete Section 2.7 Forms part of the Riverbank Precinct Redevelopment. See Section 2.7 for details.
1.13	Related actions/proposals	X	No
			Yes, provide details:

1.14 Australian Government funding	X	No This is a State government funded project. No grants have been received from Australian Government to fund the project. The state government has committed \$180 million toward redeveloping the precinct. Negotiations have commenced and are continuing between private investors and Renewal SA regarding their contribution towards the construction works to be managed by the Department of Planning Transport and Infrastructure.
		Yes, provide details:
1.15 Great Barrier Reef Marine Park	X	No
		Yes, you must also complete Section 3.1 (h), 3.2 (e)

2 Detailed description of proposed action

2.1 Description of proposed action

The Riverbank Precinct is at the heart of the government's agenda for revitalising the city. The next stage for the redevelopment of the Riverbank is the upgrade of the Adelaide Festival Centre (AFC) Precinct. The redevelopment of the festival precinct plays a leading role in realising the government's vision to "Creating a Vibrant City". In addition, it will reinforce the government's commitment to sustaining our reputation as a leading centre of the art and cultural festivals, bringing new life to the state's premier arts and entertainment precinct.

In 2015, the State Government announced it would contribute \$180 million towards the redevelopment of the Adelaide Festival Precinct, specifically the Festival Plaza/ Public Realm Development and Adelaide Festival Theatre Development. Proposed works consist of:

Festival Plaza/ Public Realm Development –

Adelaide Festival Plaza is set to become a unique world-class hub for arts, culture, tourism and entertainment, and can be defined by a number of key "places" including:

- **Art Space Plaza (also known as the Dunstan Plaza):** featuring a central garden where people can wait for a performance or enjoy food and drink from nearby cafes.
- **Station Road:** will become a primarily pedestrian, tree-lined avenue linking the city with the new Adelaide Festival Plaza, Elder Park and the Torrens.
- **A new square:** that will be Adelaide's best meeting place, used for gatherings and events and boasting a water feature as well as shaded, leafy alcoves and "outdoor rooms".
- **The promenade:** along the northern edge of the Adelaide Festival Centre is proposed to incorporate a "Walk of Fame", comprising stars set into the walkway to celebrate performers past and present.
- **A new pedestrian link:** will provide direct, level access from the Riverbank Footbridge to a new entry for the Adelaide Railway Station (ARS), separating pedestrians from vehicles. The Adelaide Casino expansion will see a new arcade linking the promenade to ARS, featuring an arched ceiling and retail outlets.

More specifically the scope of works associated with this project comprises of the following:

- Demolition of propositions for the existing Plaza, including demolition works within Station Road and Festival Drive, Except for areas of demolition required for the proposed office/retail building and underground carpark
- Installation of all new public realm ground surfaces (and/or reinstatement of original paving pattern in designated locations) and associated features, typically up to the façade edge and or proposed buildings within and around the Festival Centre
- Extension of the Plaza over the top of the redesigned Festival Drive to cover in this existing void and directly connect the Theatre with the Plaza
- Installation of urban design elements, landscaping and infrastructure including
 - Public seating
 - Tree planting and raised garden beds
 - An avenue of 5 metre high arbour structures
 - A water feature
 - Art works (relocation of existing and new) and
 - Lifts, stairs, ramps and upgrade of existing public toilets
- Redesign of Festival Drive to accommodate two-way vehicle access from King William Road (triggering a relocation of the existing intersection and traffic lights on King William Road)
- Removal of one (1) Regulated "London Plane" Tree on King William Road to facilitate the relocation of the Festival Drive crossover to King William Road
- Redesign of Station Road to accommodate only a limited number of vehicles with enhanced pedestrian access
- Creation of a visible, but secured court yard garden space to the immediate rear of Parliament House for Parliament staff, Government Officials and guests

Refer to Attachment B for indicative images of the proposed development.

Adelaide Festival Theatre Development –

Since the opening of the Festival Centre in 1973, areas of the building have deteriorated and are in urgent need of repair. In addition, over recent years, the technical equipment at the Festival Centre has fallen below national standards. Upgrades to the Adelaide Festival Theatre will address the most critical technical needs of the Centre and provide new sound, lighting and stage equipment.

Works include:

- Adelaide festival theatre shell works
- Adelaide festival theatre main plaza entry and foyer works
- Dunstan playhouse main plaza entry and foyer works
- Kiosk works
- Data centre works & technical upgrade.

As part of the upgrades, the construction of cooling towers is required to meet current standards for air conditioning. The project team is exploring numerous options for the towers. Concept designs have positioned the towers on the eastern side of the Festival Theatre in an area that is the least utilised and trafficked by pedestrians. In this location the towers will be visible from North Terrace and it is intended to conceal the towers in a manner that is complimentary to the upgraded Adelaide Festival Theatre and Plaza and incorporates elements of digital display. The towers stand approximately 7.7 m tall and are estimated to take up a space of 13.2 m by 20 m (incl. a required exclusion zone).

Reason for engaging into the referral process –

Works to be undertaken as part of the Festival Plaza/ Public Realm Development and Adelaide Festival Theatre Development are positioned between, and immediately adjacent to, the Nationally Heritage Listed Adelaide Park Lands and Old and New Parliament Houses. In addition, at the far northern end of the Adelaide Festival Centre, some minor works are intended that will result in a protrusion of the promenade into the Parklands Zone. Due to the proximity of the development to the nationally heritage listed Adelaide Park Lands and Old and New Parliament Houses it has been decided to engage in the referral process to determine whether the proposed action (incl. Festival Plaza/ Public Realm Development and Adelaide Festival Theatre Development) requires an approval under the EPBC Act. Impact on the Adelaide Park Lands and Old and New Parliament Houses has been assessed by an independent heritage architect and the report is provided (Attachment D).

Works have been separated into a number of packages that will be delivered via several contracts. In August 2016, Lend Lease was awarded the first of the construction contracts for the grade separation component and early works. Work carried out by Lend Lease will not directly impact on any of the nationally heritage listed items.

2.2 Alternatives to taking the proposed action

There are no alternatives to taking the proposed action.

Since the opening of the Festival Centre in 1973, areas of the building have deteriorated and are in urgent need of repair. The interior and exterior upgrades will enable the State to continue to attract large shows to Adelaide, better support presenters and reward patrons with the best arts and entertainment experiences.

The upgrade of the Adelaide Festival Plaza is key to delivering a riverbank that not only generates economic growth, but becomes known as a 'go to' destination by enhancing the public experience and improving how the area is used and perceived.

Delivery of the State Government funded works are key to ensuring private investment in the precinct is suitably supported and integrated by public infrastructure. The state government has committed \$180 million toward revitalising Adelaide Festival Plaza, supported by a \$430 million contribution from the Walker Corporation. Other building projects within the precinct include the expansion of the Adelaide Casino and Adelaide Convention Centre.

2.3 Alternative locations, time frames or activities that form part of the referred action

There are no alternative locations, timeframes or activities that form part of the referred action.

Refer to section 2.2 above.

2.4 Context, planning framework and state/local government requirements

The Riverbank Precinct Festival Plaza Redevelopment is closely aligned with the State's Strategic Plans and Objectives. A summary of these is shown in

Table 1:

Table 1: Alignment with State's Strategic Plans and Objectives

State Strategies	Description of alignment with the project
South Australia's Strategic Plan (SASP)	<ul style="list-style-type: none">• Target 1 - Urban Spaces: Increase the use of public spaces by the community.• Target 3 - Cultural vibrancy: arts activities –Increase the vibrancy of the South Australian arts Industry by increasing attendance at selected arts activities by 150% by 2020.• Target 33 - Government Planning decisions – South Australia leads the nation in timely decisions of development applications through to 2020.• Target 35 - Economic Growth: Exceed the national economic growth rate over the period to 2020.• Target 38 - Business Investment: Exceed Australia's ratio of business investment as a percentage of the economy by 2014.• Target 47 – Jobs: Increase employment by 2% each year from 2010 to 2016• Target 56 - Strategic Infrastructure: Ensure that the provision of key economic and social infrastructure accommodates population growth.
30-Year Plan for Greater Adelaide	<ul style="list-style-type: none">• Chapter D – Adelaide City Centre, Urban Design, Communities and social inclusion, the Economy and Jobs, Open Space, sport and recreation
South Australia's Economic Priorities	<ul style="list-style-type: none">• Priority 5 - A destination choice for travellers• Priority 7 - South Australia – the best place to do business• Priority 8 - Adelaide: the heart of our state
Seven Strategic Priorities	<ul style="list-style-type: none">• Priority 1 - Creating a vibrant city

Further to this, in 2013 Renewal SA commissioned the development of a vision for the Riverbank (the *Riverbank Plan* formerly known as the *Greater Riverbank Implementation Plan*) providing a long term program for the revitalisation of the Riverbank. The plan sets to link up and enhance existing key sites within the Riverbank and create new attractions and facilities. The next stage for the redevelopment of the Riverbank is the upgrade of the Adelaide Festival Centre (AFC) Precinct.

Statutory Matters

The project is within the Adelaide City Council and City of Payneham, Norwood and St Peter's local government areas. The planning, design, construction and operation of this project will need to comply with relevant Australian and State legislation and Local Government by-laws and Development Plans.

The following legislation has been identified as applicable to the project:

- *Aboriginal Heritage Act, 1988*
- *Heritage Places Act, 1993*
- *Adelaide Park Lands Act, 2005*
- *Environment Protection and Biodiversity Conservation Act, 1999*
- *Urban Renewal Act, 1995*
- *Development Act, 1993*
- *Local Government Act, 1999*

2.5 Environmental impact assessments under Commonwealth, state or territory legislation

An Environmental Impact Assessment is required under state legislation (*Development Act, 1993*). An Environment Impact Assessment has been prepared internally by DPTI during the early planning phase to identify potential risks and opportunities.

In addition, as part of meeting Public Works Committee and Cabinet submission requirements the department has developed a Sustainability Management Plan (SMP). This was reviewed by the Climate Change Unit, Department of Environment, Water and Natural Resources (DEWNR), who provides comment on all Public Works and Cabinet submissions to ensure that both environmental and sustainability issues are addressed. ESD acquittal from DEWNR was received on December 8, 2015.

Via contract specific requirements an Environmental Management Plan will also need to be prepared for this project as part of tender documentation. This will outline the management requirements addressing the potential environmental impacts during construction.

2.6 Public consultation (including with Indigenous stakeholders)

The Riverbank Authority has been in consultation with the community, as well as established precinct stakeholders since 2013. A public information day was held on 24 January 2016, and information displays have been installed throughout the plaza precinct.

Community and stakeholder engagement will continue throughout the project delivery phase.

The program has the flexibility to enable works to occur on multiple fronts and is intended to be staged, so that the respective private and public developments can be delivered efficiently whilst maintaining operations of the adjacent stakeholders throughout the process.

The project team will work closely with local businesses and key stakeholders, particularly to ensure impacts during construction are minimised, where possible.

A statutory consultation period also took place as part of the Crown Development Application for the Public Realm works.

In addition, dedicated consultation, complying with section 23 of the *Aboriginal Heritage Act 1988*, has been undertaken with Aboriginal community bodies. As site works proceed, liaison with Kurna elders is also required with particular attention on the removal and relocation of the Indigenous public art pieces impacted by the construction works.

Consultation has also been undertaken in accordance with the *Heritage Places Act 1993* with the State Heritage Unit in the Department of Environment, Water and Natural Resources.

Arts South Australia and the Adelaide Festival Centre Trust have been key partners in influencing the design and manifold project details. For example, Arts South Australia has conducted a comprehensive audit of public artworks and, through the Minister for the Arts, will be assisting in liaising with artists (and the estates of artists) in relation to their moral rights obligations under the *Copyright Act 1968* as works are progressively decommissioned, relocated or recommissioned.

2.7 A staged development or component of a larger project

The Adelaide Festival Centre Precinct Upgrade forms part of a broader public private partnership between:

- **State Government** - Adelaide Festival Centre Precinct Upgrade (incl. Public Realm works and Adelaide Festival Theatre (AFC) Development); and
- **Walker Group** - Festival Square Development (including new underground car park (under the southern plaza), office tower and retail space);
- **SkyCity** - Adelaide Casino Hotel Development (new Adelaide Casino Development that will sit at the north of the existing Adelaide Casino/Train Station Building and includes restaurant, gaming and hotel facilities).

The Public Realm works will geographically bind the Adelaide Festival Centre, Walker Development and Skycity Development together.

More broadly the development aligns with the Strategic Vision for the Riverbank Precinct that plans to redevelop into a 'must see' destination that will draw more visitors and local people and increase expenditure in the area. Projects completed as part of the Riverbank Precinct include Redeveloped Adelaide Oval (complete late 2013), Riverbank Footbridge (and Adelaide Convention Centre Expansion (stage 1 complete, stage 2 scheduled for completion in 2017)).

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

3.1 (a) World Heritage Properties

Description

There are no World Heritage Properties within the vicinity of the proposed development area. The nearest World Heritage property is the Australian Fossil Mammal Site in Naracoorte, south-eastern SA (approximately 320 km south-east of Adelaide).

Nature and extent of likely impact

There will be no impact on World Heritage properties.

3.1 (b) National Heritage Places

Description

The proposed project will works to be undertaken within the National Heritage Listed Adelaide Park Lands and City Layout. In addition, the project is located adjacent to the Old and New Parliament Houses which are included on the National Heritage list.

Adelaide Park Lands and City Layout

As outlined in the criteria and values of Adelaide Park Lands National Heritage Listing, "the Adelaide Park Lands has outstanding value to South Australians who see it as fundamental to the character and ambience of the city" (Gazette Cat. No S23808). The open space, aesthetic qualities, recreational opportunities and environmental landscapes of the Park Lands are thus highly valued by the community. The Statement of Significance prepared by the Australian Heritage Council indicates that the Adelaide Park Lands and City Layout satisfied 6 out of the 9 criteria for listing. The significance of the heritage place is protected though the values assessed against the criteria in the EPBC Act. The values are summarized as follows:

- **Events and Processes** – The Adelaide Park Lands and City Layout forms part of the Plan designed and laid out by Colonel William Light. The Plan is also of outstanding importance because it signifies a turning point in the settlement of Australia, settled by free settlers rather than convicts.
- **Rarity** – The Adelaide Park Lands and City Layout is rare as the most complete example of nineteenth-century colonial planning. The historical layout also remains clearly legible today.
- **Principal characteristics of a class or place** – The Adelaide Park Lands and City Layout is an exemplar of a nineteenth-century planned urban centre. The expression of key features reflects the early theories and ideas of the Garden City movement.
- **Creative or Technical Achievement** – The Adelaide Park Lands and City Layout is regarded throughout Australia and the world as a masterwork of urban design. This is due to the encircling park lands and the way the design responds to the topography of the land. The siting and wide streets maximised views and vistas through the city and Park Lands and from some locations to the Adelaide Hills.
- **Social Values** – The Park Lands have outstanding social value and contribute to the character and ambience of the city. The Park Lands are utilized as a venue for recreation areas, sports grounds, gardens and public facilities.
- **Significant People** – Colonel William Light is associated with the plan of Adelaide.

Old and New Parliament Houses

The criteria and values contributing to the National Heritage listing of the Old and New Parliament Houses are strongly associated with the enfranchisement of men and women in the nineteenth century (Events and Processes). The project will not impact upon these values for which the properties are listed. In addition to this, a number of building works are identified as attributes of the listing.

Nature and extent of likely impact

Adelaide Park Lands and City Layout

While the Festival Centre (and hence majority of the plaza development) is located within the Adelaide Park Lands this land is excluded from the National Heritage Listing and only a small portion of works encroach into the heritage listed Park Lands (namely Elder Park).

Concept design show the completed new promenade on the northern side of the Festival Centre overlaying the heritage listed Park Lands by 31 m². Attachment C shows the extent and location that the project will encroach on the listed Park Lands. In addition, some encroachment into the listed Park Lands will also be required for construction purposes. The construction footprint into the Park Lands will be kept to a minimum and associated impacts will be temporary.

The impact on the above listed heritage values of the Adelaide Park Lands by the Adelaide Festival Centre Precinct Upgrade has been assessed by an independent heritage architect. In their view the values that are potentially impacted by the project include: Rarity, Principal characteristics of a class or place, Creative or Technical Achievement and Social Values.

The works required for the plaza redevelopment (including ground level landscaping and paving, and works to the upper plaza) are considered consistent with both the historic and present development of this area and areas impacted by construction will be remediated in keeping with the existing landscape. Based on this, it is the architect's opinion that there would be no significant impacts to the National Heritage Values of the Adelaide Park Lands and City Grid.

Old and New Parliament Houses

The works do not physically impact on these or any physical fabric associated with the structure. While parts of the development may have visual impact on the external setting of the buildings, this is not considered intrinsic to the values or attributes identified in the National Heritage Listing. Impact on the Old and New Parliament Houses by the Adelaide Festival Centre Precinct Upgrade has also been assessed by an independent heritage architect and it is their opinion that the project will not result in significant impacts to the National Heritage Values for which its listed.

3.1 (c) Wetlands of International Importance (declared Ramsar wetlands)

Description

There are no Ramsar Wetlands of International Significance within the vicinity of the proposed project. The nearest Ramsar site is the Coorong, and Lakes Alexandrina and Albert Wetland Ramsar Site near the mouth of the River Murray, approximately 70 kilometres south-east of Adelaide.

Nature and extent of likely impact

There will be no impact on any Ramsar Wetlands of International Significance.

3.1 (d) Listed threatened species and ecological communities

Description

An EPBC Act Protected Matters Search Tool identified that the following threatened species may occur, or may have potential habitat, within the general vicinity (within 2 km boundary) of the project area:

Table 2: Listed threatened species and ecological communities

	Species	Common name	Status
Threatened Ecological Community	Grey Box (<i>Eucalyptus microcarpa</i>) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia		Endangered
Threatened Species (Bird)	<i>Botaurus poiciloptilus</i>	Australasian Bittern	Endangered
Threatened Species (Bird)	<i>Grantiella picta</i>	Painted Honeyeater	Vulnerable
Threatened Species (Bird)	<i>Pedionomus torquatus</i>	Plains-wanderer	Critically Endangered
Threatened Species (Bird)	<i>Rostratula australis</i>	Australian Painted Snipe	Endangered

Threatened Species (Mammals)	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	Vulnerable
Threatened Species (Plant)	<i>Caladenia tensa</i>	Greencomb Spider-orchid, Rigid Spider-orchid	Endangered
Threatened Species (Plant)	<i>Prasophyllum pruinatum</i>	Plum Leek-orchid	Endangered
Threatened Species (Plant)	<i>Prostanthera eurybioides</i>	Monarto Mintbush	Endangered
Threatened Species (Plant)	<i>Thelymitra matthewsii</i>	Spiral Sun-orchid	Vulnerable

Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia

A vegetation survey of the project area was undertaken in December 2014. This survey, combined with desktop reviews of existing park management plans indicate that the Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and derived Native Grasslands of South-eastern Australia Ecological Community is not present in the project area and no remnant vegetation associations were identified as being located in or adjacent to the project area.

Landscaped park land and garden beds with planted native and exotic species were identified. Plantings are not remnant and in general, species are not native to the region or State.

Australasian Bittern (*Botaurus poiciloptilus*)

In Australia, the Australasian Bittern occurs in terrestrial wetlands and, rarely, estuarine habitats, mainly in the temperate southeast and southwest. It favours wetlands with tall dense vegetation, where it forages in still, shallow water up to 0.3 m deep, often at the edges of pools or waterways, or from platforms or mats of vegetation over deep water. It favours permanent and seasonal freshwater habitats, particularly those dominated by sedges, rushes and/or reeds (e.g. *Phragmites*, *Cyperus*, *Eleocharis*, *Juncus*, *Typha*, *Baumea*, *Bolboschoenus*) or cutting grass (*Gahnia*) growing over muddy or peaty substrate.

In South Australia, the Australasian Bittern is confined to the southeast, ranging north to the Murray River corridor and west to far southern Eyre Peninsula, and Kangaroo Island. It is most numerous in the swamps in the southeast of the state, notably Bool Lagoon (DSEWPac 2012).

This species has not been recorded in the project area previously and there is no available habitat that would make its presence likely. The main impact to this species caused by the project would be activities that reduced reed bed habitats and frog populations downstream. Pollution problems associated with the project are considered no higher than other issues across the metropolitan landscape. The project is not likely to have significant impacts on this species.

Painted Honeyeater (*Grantiella picta*)

Grantiella picta is sparsely distributed from southern Victoria and south-eastern South Australia to far northern Queensland and eastern Northern Territory, Australia. The species is a vagrant to Western Australia. After April, birds migrate to semi-arid regions, including north-eastern South Australia, central and western Queensland and central Northern Territory.

Much of its breeding habitat has been cleared altogether or has been reduced to ageing, widely-spaced trees, particularly box-ironbark and boree woodlands. Its non-breeding habitat is still being cleared for agriculture and habitat remnants in both the breeding and non-breeding ranges continue to be degraded by grazing (Barea 2008).

The most specialised of Australia's honeyeaters, being largely dependent on mistletoe fruits. The species lives in dry forests and woodlands dominated by Acacias. During breeding it requires berries from just two species, needle-leaved mistletoe *Amyema cambagei* and grey mistletoe *A. quandang*, which grow on nitrogen-fixing

hosts such as Acacias and Casuarinas (D. Watson *in litt.* 2007, Barea 2008). It also feeds on nectar and arthropods (the main type of arthropods fed to nestlings have been observed to be orb-weaving spiders) (D. Watson *in litt.* 2007). Recent evidence suggests that mistletoe nectar is an important food resource in the breeding season or when the birds are moving through sub-optimal habitat (D. Watson *in litt.* 2007, Barea 2008), especially when fruit is scarce, and may influence habitat choice (Oliver *et al.* 2003). Thus, its breeding distribution is influenced by the presence of mistletoes and the seasonality of mistletoe fruiting; positive relationship has been observed between the abundance of mistletoes per tree and per unit area and the presence of this species (Oliver *et al.* 2003).

Plains-wanderer (*Pedionomus torquatus*)

The Plains-wanderer is a small ground-dwelling bird that is found in the low-land native grasslands of the Riverina region of Queensland, New South Wales, Victoria and South Australia. Since European settlement the species has declined greatly in numbers and distribution. The main threat to this species is the clearing and modification of native grasslands for agriculture which has left little suitable areas for habitation. South Australia is one state where the species was once considered common, but is now endangered and effectively extinct in the south-east of the state.

Its diet consists of a mixture of seeds, invertebrates (insects and spiders) and leaves.

This species has not been recorded in the project area previously and there is no available habitat that would make its presence likely.

Australian Painted Snipe (*Rostratula australis*)

The Australian Painted Snipe is a wading bird that is usually found in shallow, freshwater or brackish wetlands. It is a cryptic species that nests among tall vegetation near water and feeds on invertebrates along the water's edge and mudflats. It has a scattered distribution throughout Australia but the most important areas for the species are within wetlands where it is known to occur and breed (DEH, 2011).

This species has not been recorded in the project area previously and there is no available habitat that would make its presence likely.

Grey-headed Flying-fox (*Pteropus poliocephalus*)

The Grey-headed Flying-fox is Australia's only endemic flying-fox and occurs in the coastal belt from Rockhampton in central Queensland to Melbourne in Victoria and sometimes ranges into South Australia (DoE 2012). A Grey-headed Flying-fox camp has been situated in Botanic Park, Adelaide, over the past 2 years with approximately 700 animals recorded. This camp is located some distance from the main construction activities and is unlikely to be impacted by the proposed works. Furthermore, there is unlikely to be any significant impact on individual flying-foxes when they leave the camp at night to feed in surrounding areas as they are already habituated to city traffic, activity and lighting (pers. comm. P Copley DEWNR 2013).

Greencomb Spider-orchid/ Rigid Spider-orchid (*Caladenia tensa*)

Historically, the Greencomb Spider-orchid was widespread on aeolian sand deposits surrounding, and including, the Little Desert in western Victoria and south-east South Australia. In South Australia the species exists in east and south-east where it is considered widespread, but uncommon.

This species has not been recorded in the project area previously.

Plum Leek-orchid (*Prasophyllum pruinatum*)

The Plum Leek-orchid is endemic to South Australia. The species is known to exist in eight geographically isolated and distinct locations, which extend from the Barossa Valley through Adelaide and Mount Lofty Ranges Region to Belair National Park.

Threats include urban development and agriculture, grazing, fire management and weed invasion.

There is no longer any suitable habitat for this species in the area and the project is not likely to cause impacts on current populations and/or recovery actions.

Monarto Mintbush (*Prostanthera eurybioides*)

An endemic of South Australia, *Prostanthera eurybioides* has a limited distribution and is located in two disjunct areas, Monarto (near Murray Bridge) and the Mt Monster area in the south east of the State near Keith. Given the specific habitat requirements of this species, it is likely most populations are known; although some populations may remain undiscovered on private property (DSEWPac 2012).

Therefore the Monarto Mintbush is unlikely to be present in the project area.

Spiral Sun-orchid (*Thelymitra matthewsii*)

The Spiral Sun-orchid is currently known to exist in Victoria, South Australia and New Zealand. Throughout its range the species is rare and of sporadic distribution. In South Australia, the species is known to occur on Kangaroo Island, south west of Keith and south of Meningie.

There is no longer any suitable habitat for this species in the area and the project is not likely to cause impacts on current populations and/or recovery actions.

Nature and extent of likely impact

It is considered that construction activities and vegetation removals required for the project will have no impact on threatened species or ecological communities. Given the anthropogenic vegetation and highly urbanised environment adjacent to a major transport corridor, habitat value is considered low. The following tables (Tables 4, 5 and 6) outline the Department of the Sustainability, Environment, Water, Population and Communities significant impact criteria for threatened species and ecological communities, applied to each of the threatened species and ecological communities that were listed in the EPBC Act Protected Matters Report.

Table 3: Significant impact criteria for critically endangered and endangered ecological communities

Criteria	Grey Box (<i>Eucalyptus microcarpa</i>) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia
Reduce the extent of an ecological community	No
Fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines	No
Adversely affect habitat critical to the survival of an ecological community	No
Modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns	No
Cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting	No
Cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including but not limited to: <ul style="list-style-type: none"> - assisting invasive species, that are harmful to the listed ecological community, to become established, - causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community 	No
Interfere with the recovery of an ecological community	No

The Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and derived Native Grasslands of South-eastern Australia Ecological Community is not present in the project area and no remnant vegetation associations were identified located in or adjacent to the project area.

Table 4: Significant impact criteria for critically endangered and endangered species

Criteria	<i>Botaurus poeciloptilus</i>	<i>Pedionomus torquatus</i>	<i>Rostratula australis</i>	<i>Caladenia tensa</i>	<i>Prasophyllum pruinatum</i>	<i>Prostanthera eurynoides</i>
Lead to a long-term decrease in the size of a population	No	No	No	No	No	No
Reduce the area of occupancy of the species	No	No	No	No	No	No
Fragment an existing population into two or more populations	No	No	No	No	No	No
Adversely affect habitat critical to the survival of a species	No	No	No	No	No	No
Disrupt the breeding cycle of a population	No	No	No	No	No	No
Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline	No	No	No	No	No	No
Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat	No	No	No	No	No	No
Introduce disease that may cause the species to decline	No	No	No	No	No	No
Interfere with the recovery of the species	No	No	No	No	No	No

Table 5: Significant impact criteria for vulnerable species

Criteria	<i>Grantiella picta</i>	<i>Pteropus nolicocephalus</i>	<i>Thelymitra matthewsii</i>
Lead to a long-term decrease in the size of an important population of a species	No	No	No
Reduce the area of occupancy of an important population	No	No	No
Fragment an existing important population into two or more populations	No	No	No
Adversely affect critical habitat to the survival of a species	No	No	No
Disrupt the breeding cycle of an important population	No	No	No
Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline	No	No	No
Result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat	No	No	No
Introduce disease that may cause the species to decline	No	No	No
Interfere substantially with the recovery of the species	No	No	No

3.1 (e) Listed migratory species

Description

The EPBC Protected Matters Search Tool identified that the following migratory species may occur, or may have potential habitat, within the general vicinity (within 2 km boundary) of the project area:

Table 6: Listed migratory species

	Species	Common name	Status
Marine	<i>Apus pacificus</i>	Fork-tailed Swift	
Terrestrial	<i>Merops ornatus</i>	Rainbow Bee-eater	
Terrestrial	<i>Motacilla cinerea</i>	Grey Wagtail	
Terrestrial	<i>Motacilla flava</i>	Yellow Wagtail	
Terrestrial	<i>Myiagra cyanoleuca</i>	Satin Flycatcher	
Wetland	<i>Ardea alba</i>	Great Egret, White Egret	
Wetland	<i>Ardea ibis</i>	Cattle Egret	
Wetland	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe	
Wetland	<i>Pandion cristatus</i>	Eastern Osprey	

Fork-tailed Swift (*Apus pacificus*)

The Fork-tailed Swift is a migratory bird species that is listed under the China-Australia Migratory Bird Agreement (CAMBA), the Japan-Australia Migratory Bird Agreement (JAMBA) and Republic of Korea Migratory Bird Agreement (ROKAMBA). This species spends its winters in Australia (from WA to SA), arriving in early October. It is an aerial species and inhabits open country from semi-deserts to coasts and islands (Pizzey, 1980).

Rainbow Bee-eater (*Merops ornatus*)

The Rainbow Bee-eater is found throughout the mainland of Australia and is widespread, except in desert areas. This species breeds throughout most of its range (although southern birds move north to breed) and is found in open forests, woodlands, shrublands and cleared areas, usually near water. Their diet consists mostly of insects, mainly bees and wasps (Australian Museum, 2007).

Grey Wagtail (*Motacilla cinerea*)

The Grey Wagtail is widely distributed, with populations breeding in Europe and Asia and migrating to tropical regions in Asia and Africa. The Grey Wagtail occurs in Australia as a vagrant. The species can be found near rivers and in open marshy ground or meadows and nest near the water in hollows and crevices lined with moss and twigs. Their diet consists of insects.

Yellow Wagtail (*Motacilla flava*)

Yellow Wagtails are migrants to Australia from the Northern Hemisphere where they are widespread. It inhabits wetland areas and feeds on insects.

Satin Flycatcher (*Myiagra cyanoleuca*)

The Satin Flycatcher is found along the east coast of Australia from far northern Queensland to Tasmania, including southeastern South Australia. The Satin Flycatcher is a migratory species that moves north in autumn to spend winter in northern Australia and New Guinea and returns south in spring to breed and spend summer in the south east of Australia. They inhabit heavily vegetated gullies in eucalypt-dominated forests and taller woodlands, and on migration, occur in coastal forests, woodlands, mangroves and drier woodlands and open forests. Their diet consists mostly of insects and some seeds.

Great Egret, White Egret (*Ardea alba*)

Eastern Great Egrets are widespread across Australia. The species is typically found in shallow waters has been reported in a wide range of wetland habitats (inland/ coastal, freshwater/ saline, permanent/ ephemeral, open/ vegetated, large/ small, natural/ artificial). The species migrates seasonally, mostly to and from breeding colonies, and towards the coast in the dry season. Their diet is diverse and consists of fish, insects, crustaceans, molluscs, frogs, lizards, snakes and small birds and mammals.

Cattle Egret (*Adrea ibis*)

The Cattle Egret is a relatively new colonist of Australia from Asia. Since its first documented natural occurrence in the Northern Territory in 1948 it has colonised much of the country including parts of South Australia. It typically inhabits tropical and temperate grasslands, wooded lands and terrestrial wetlands. It is commonly associated with the habitats of farm animals, particularly cattle fields and other farm areas that contain livestock. In Australia, the bird migrates from breeding colonies in south-east Queensland and north-east NSW to spend winter in either south-east Australia or New Zealand. During breeding season their diet consists mostly of grasshoppers, however they are known to consume other insects including cicadas, centipedes, spiders, cattle ticks, frogs (including cane toads), lizards (particularly skinks) and small mammals.

Latham's Snipe, Japanese Snipe (*Gallinago hardwickii*)

Latham's Snipe is the largest snipe found in Australia that is a non-breeding migrant to south-east Australia. Breeding occurs in Japan and the east Asia mainland. Their preferred habitat is freshwater wetlands and they can also be found amongst dense vegetation along the coast. They feed on seed, plant material, worms, spiders and insects, molluscs, isopods and centipedes (Australian Museum, 2007).

Eastern Osprey (*Pandion cristatus*)

The Eastern Osprey is considered to be moderately common in Australia, and occurs in low numbers in South Australia. They are mostly found in coastal areas but occasionally travel inland along major rivers. Adult birds tend to reside around breeding territories, but will range more freely in non-breeding periods during which they will return to breeding sites intermittently. Young birds tend to migrate more from their natal territories, but many return to breed. Their diet consists mainly of fish (especially mullet where available) and making up a smaller portion of their diet are molluscs, crustaceans, insects, reptiles, birds and mammals.

None of the above species have been recorded in the project area.

Nature and extent of likely impact

The anthropogenic vegetation and highly urbanised environment of the project area supports no significant habitat for wildlife. Existing vegetation size, density, floristic combination and proximity to other vegetation links/corridors is not considered sufficient to provide suitable habitat for native fauna species except as a temporary roosting and feeding site for common bird species. As such, it is not anticipated that the proposed Adelaide Festival Centre Precinct Upgrade will impact significantly upon any of the migratory species. None of these species have been observed previously in the area and it is extremely unlikely that they will be impacted by either construction or operation of the project.

Table 7: Significant impact criteria for migratory species

Criteria	<i>Apus pacificus</i>	<i>Merops ornatus</i>	<i>Motacilla cinerea</i>	<i>Motacilla flava</i>	<i>Myiagra cyanoleuca</i>	<i>Ardea alba</i>	<i>Adrea ibis</i>	<i>Gallinago hardwickii</i>	<i>Pandion cristatus</i>
Substantially modify, (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles) destroy or isolate an area of important habitat for migratory species	no	no	no	no	no	no	no	no	no

Result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species	no	no	no	no	no	no	no	no	no
Seriously disrupt the lifecycle (breeding, feeding, migrating or resting behaviour) of an ecologically significant proportion of the population of a migratory species	no	no	no	no	no	no	no	no	no

3.1 (f) Commonwealth marine area

(If the action is in the Commonwealth marine area, complete 3.2(c) instead. This section is for actions taken outside the Commonwealth marine area that may have impacts on that area.)

Description

The proposed project is not located within or near a Commonwealth marine area. The closest Commonwealth marine area is three nautical miles from the coast and the coast is approximately 10 kilometres from the project area.

Nature and extent of likely impact

There will be no impacts in a Commonwealth marine area.

3.1 (g) Commonwealth land

(If the action is on Commonwealth land, complete 3.2(d) instead. This section is for actions taken outside Commonwealth land that may have impacts on that land.)

Description

The proposed project is not located within or near Commonwealth land.

Nature and extent of likely impact

There will be no impacts to Commonwealth land.

3.1 (h) The Great Barrier Reef Marine Park

Description

The proposed project is not located within or near the Great Barrier Reef Marine Park.

Nature and extent of likely impact

There will be no impacts to the Great Barrier Reef Marine Park.

3.1 (i) A water resource, in relation to coal seam gas development and large coal mining development

Description

The proposed project is not a coal seam gas development or a large coal mining development.

Nature and extent of likely impact

Not applicable

3.2 Nuclear actions, actions taken by the Commonwealth (or Commonwealth agency), actions taken in a Commonwealth marine area, actions taken on Commonwealth land, or actions taken in the Great Barrier Reef Marine Park

3.2 (a) Is the proposed action a nuclear action?	X	No
		Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment		

3.2 (b) Is the proposed action to be taken by the Commonwealth or a Commonwealth agency?	X	No
		Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment		

3.2 (c) Is the proposed action to be taken in a Commonwealth marine area?	X	No
		Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(f))		

3.2 (d) Is the proposed action to be taken on Commonwealth land?	X	No
		Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(g))		

3.2 (e) Is the proposed action to be taken in the Great Barrier Reef Marine Park?	X	No
		Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(h))		

3.3 Other important features of the environment

3.3 (a) Flora and fauna

Flora

Landscaping within the project area has changed and evolved over time. According to the Adelaide City Council State of the Environment Report (ACC, 2005) most of the vegetation in this area was cleared during settlement. Over time landscape designers have replanted the area, in this case, predominantly as a formal cultural landscape as designated in the Park Lands Management Strategy.

The project area includes planted native species in large raised beds on the Plaza and planted trees and shrubs over mown grass and garden beds on the surrounds of the Festival Theatre. The banks of the River Torrens are largely an open park with a sparse mixture of planted exotic, indigenous and interstate native trees of various sizes.

The large mature trees located adjacent to the plaza include 4 semi mature planted Eucalyptus at the base of the amphitheatre and an avenue of planted amenity trees on King William Street. There are no trees within the project footprint which are individually listed on the Significant Tree Register within Adelaide City Council (ACC) Development Plan.

Development Approval has been sought for the removal of 1 Regulated Tree located on King William Road. The exact number and location of amenity trees and other vegetation in garden beds to be impacted by the project will be determined as the project design is progressed. Vegetation removals will be offset by on-site plantings. The size, type and location of vegetation incorporated into the plaza development will be form a key design element.

It should be noted that the project area occurs outside the boundary of the Native Vegetation Act 1991 and therefore no vegetation complying with the Act is within the project site.

Fauna

Native mammal species are mostly absent from the area, due to extensive development and habitat modification. The ability of any land based animals such as reptiles and mammals to persist in a habitat devoid of shrubbery and tufted grassland is extremely unlikely. Any native mammal species now predominantly comprise bats (ACC, 2005). The Common Brushtail Possum (*Trichosurus vulpecular*) is well adapted to the urban environment and may use the larger tress of the revegetation, however, no secondary evidence such as scratches or scats were observed during the vegetation surveys. It is unlikely that any threatened species of mammals or reptiles are present in the project area.

The Adelaide Park Lands and River Torrens are inhabited by a number of bird species, however the Plaza area provides very limited suitable habitat due to its development. The nature and location of the proposed works is unlikely to cause any impact.

3.3 (b) Hydrology, including water flows

The project area falls within the Torrens Catchment area. The River Torrens, which originates in the Adelaide Hills near Mount Pleasant, flows across the Adelaide Plains and empties into the Gulf St. Vincent at Henley Beach South. The River Torrens within the Adelaide City Council is classified as part of the Adelaide Park Lands (ACC, 2005).

3.3 (c) Soil and Vegetation characteristics

In keeping with the floodplain character, most soils along the River Torrens were originally alluvial in nature, grading towards solonized brown soils further away from the river. These soils have since been modified to varying degrees. Drainage of these soils is rapid, but they can be temporarily waterlogged from surface flooding. They are likely to be fertile with abundant silt deposits (ACC 2007).

It is likely that contaminated soil could be encountered within the project site. Recent projects within close proximity to the proposed development (incl. Riverbank Footbridge and Adelaide Oval Development) have encountered varying levels of contaminated soil. Disposal and treatment of excavated material is likely to be costly. Innovative engineering design may offer opportunities for retaining/reducing contaminated material on site and therefore reduce disposal cost. This is to be further explored in the design and construction phase.

For vegetation characteristics of the project area refer section 3.3 (a) above.

3.3 (d) Outstanding natural features

With the exception of the Adelaide Park Lands themselves, there are no outstanding natural features such as caves, ocean cliffs, etc. within the project area.

3.3 (e) Remnant native vegetation

There is no remnant native vegetation. Refer section 3.3 (a) above for vegetation.

3.3 (f) Gradient (or depth range if action is to be taken in a marine area)

Not Applicable

3.3 (g) Current state of the environment

The project area comprises a highly modified urban environment that has experienced complete landscape change during the initial years of colonial settlement, and subsequent modifications with road upgrades and other developments in the area. Park Land and streetscape revegetation strategies have focused on restoring the tree layer, minimal shrubbery and an anthropogenic manicured grass layer (lawn) to facilitate an open space system for recreational purposes and amenity value. Revegetation attempts include mostly non-indigenous species (with the exception of River Red Gums). Pre-European vegetation associations are either non-existent or extremely reduced in habitat quality and viability.

The Plaza area itself is predominately paved/concreted and vegetation is sparse.

3.3 (h) Commonwealth Heritage Places or other places recognised as having heritage values

There are a number of State Heritage places within the vicinity of the proposed works, including:

- Old Parliament House, North Terrace, Adelaide
- New Parliament, North Terrace, Adelaide
- Adelaide Festival Centre (Festival Theatre, Playhouse, Space and Amphitheatre, the Southern Plaza, and car parking, Restaurant and Convention Facilities), King William Road, Adelaide
- Adelaide Railway Station/ Adelaide Casino, North Terrace, Adelaide
- Elder Park Rotunda, King William Road, Adelaide
- Adelaide Bridge over the River Torrens, King William Street, Adelaide

DEWNR and the South Australian Heritage Council are responsible for protecting and conserving cultural heritage places of state significance under the *Heritage Places Act 1993* (SA). Works on/to or that materially affect the context within which State Heritage places are situated will require development approval from the Development Assessment Commission and will require referral to the Minister administering the *Heritage Places Act 1993* for assessment of the potential impacts on the heritage values of the affected places and response.

The proposed plaza development is located within the Adelaide Festival Centre footprint (specifically the southern plaza and car parking facilities) and it is adjacent to the Old and New Parliament Houses, Adelaide Railway Station, Elder Park Rotunda and Adelaide Bridge over the River Torrens.

Adelaide Festival Centre was included on the State Heritage register for its architectural and cultural significance. While the listing includes the Southern Plaza area and car parking facilities it should be noted that these are considered to hold less significance to the heritage listing. This is further highlighted in the Adelaide City Council's Development Plan, which does not highlight these components as prominent heritage features and specifically notes that building work involving the demolition of a State Heritage Place is non-complying except in relation to Southern Plaza (as indicated on Figure Rb/3); car parking (as located below the Southern Plaza); art work, sculptures and landscaping on the Southern Plaza. The project team is working with HASSELL, the Festival Centre architects who regularly consult with John Morphett, the Centre's original architect to ensure any proposed changes do not compromise the original design vision. As a State Heritage listed building, any material changes proposed to the existing building fabric will need to be assessed by the Heritage Branch and a recommendation made to Planning SA's Development Assessment Commission before planning approval is granted. In addition works proposed as part of the Adelaide Festival Theatre Development will also require development approval and referral to the Minister administering the *Heritage Places Act 1993*.

The proposed development includes an arched portal over the pedestrian thoroughfare that leads to the northern (rear) entrance to the Adelaide Railway Station. The Adelaide Railway Station is associated with many major historical events and phases and is architecturally significant. The proposed works will require development approval from the Development Assessment Commission and will require referral to the Minister administering the *Heritage Places Act 1993* for assessment of the potential impacts on the heritage values of the affected places and response.

In addition, to the National Heritage status of the Old and New Parliament Houses they are also included on the State Heritage Register. Their listing for State Heritage is related to both architectural and cultural significance. While no physical works are proposed to these structures, they are located immediately adjacent the plaza and the project's impact on the setting/context must be considered.

A heritage consultant has been engaged to undertake a detailed assessment of the proposed developments impact on the heritage values of these places.

No physical works are proposed to the Elder Park Rotunda and Adelaide Bridge over the River Torrens.

Construction works will need to be assessed and managed appropriately to ensure they do not have an adverse effect on the heritage structures (eg. vibration induced damage).

3.3 (i) Indigenous heritage values

The plaza redevelopment is part of a highly modified and built-up urban environment. The proposed area of works has already been heavily developed and contain a number of buildings, roadways, in-ground services and an underground car park. The portion of works adjacent to Elder Park is the least developed, but has undergone significant landscaping. Only minimal works (such as landscaping and planting) are planned in this area.

Before settlement the project area was very different and home to Aboriginal people. Their close connection to the country and to the area continues today. It is recognised and acknowledged that the Adelaide Parklands and River Torrens are important to Aboriginal groups from the perspective of history and past traditions. The Adelaide Parklands have been the subject of numerous cultural heritage investigations and reports over time and the significance of areas within the Parklands to Aboriginal people is well documented. The River Torrens and its tributaries also hold particular significance to Indigenous people and are part of a larger ethnographic story.

The Department of the Premier and Cabinet-Aboriginal Affairs and Reconciliation Division (DPC-AARD) has been consulted and have advised that the Central Archive, which includes the Register for Aboriginal Sites and Objects, has no entries for Aboriginal sites at the project location. However, this does not lessen the significance of this area to Aboriginal people. It should also be noted that several registered Aboriginal sites exist within close proximity to the project area.

An Aboriginal Cultural Heritage Impact Assessment including a heritage survey and risk assessment has been undertaken for the project site.

Initial consultation with the Kaurna and Ramindjeri groups has been undertaken and will continue throughout the design and construction of the project.

An application under Section 23 of the *Aboriginal Heritage Act 1988* has been lodged. The Section 23 process involves seeking an authorisation to damage, disturb or interfere with an Aboriginal site or object, should any be encountered during construction. Additional consultation, including with the Minister for Aboriginal Affairs and Reconciliation and representatives of the relevant Aboriginal communities, will be organised as part of a Section 23 process under the *Aboriginal Heritage Act 1988*. The Contractor must comply with any conditions outlined in the authorisation from the Minister for Aboriginal Affairs and Reconciliation. In addition, the contractor will be required to work in accordance with DPTI's Cultural Heritage Guidelines and will be required to follow the 'stop work' provisions if sites are discovered during construction. A Cultural Heritage Management Plan will be established prior to works being undertaken as part of the main contract.

3.3 (j) Other important or unique values of the environment

As outlined in the criteria and values of Adelaide Park Lands... *"the Adelaide Park Lands has outstanding value to South Australians who see it as fundamental to the character and ambience of the city"* (Gazette Cat. No S23808). The open space, aesthetic qualities, recreational opportunities and environmental landscapes of the Park Lands are thus highly valued by the community.

3.3 (k) Tenure of the action area (eg freehold, leasehold)

The Adelaide Park Lands is Crown Land is under the care, control and management of the Adelaide City Council or Ministers of the Crown. Elder Park (Park Lands adjacent the project site) is under the care, control and management of the Adelaide City Council.

Land parcels containing Old and New Parliament Houses are also Crown Land under the care control and management of the Minister for Transport and Planning.

Adelaide Festival Centre and Plaza is owned in fee simple by the Minister for the Arts.

Other land parcels adjacent to be developed as part of the project (thoroughfares) are owned in fee simple by the Urban Renewal Authority (Renewal SA).

3.3 (l) Existing land/marine uses of area

The existing land uses within or adjacent to the project area include:

- Commercial premises
- Adelaide Park Lands (social, recreational, aesthetic, community use)
- Car parking
- Adelaide Railway Station
- Adelaide Festival Centre.

3.3 (m) Any proposed land/marine uses of area

Land use within the project area will remain unchanged.

4 Environmental outcomes

The project area comprises a highly modified urban environment that has experienced complete landscape change during the initial years of colonial settlement, and subsequent modifications with road upgrades and other developments in the area.

The redevelopment of the festival precinct plays a leading role in realising the government's vision to "Creating a Vibrant City". In addition, it will reinforce the government's commitment to sustaining our reputation as a leading centre of the art and cultural festivals, bringing new life to the state's premier arts and entertainment precinct.

Urban design and landscape architecture are key to the success of this project. Shading provided by both planned and built structures is recognised as an integral component/element to enhance useability of the space. Urban design and landscape architecture concept design reports have been drafted for the Department of Planning, Transport and Infrastructure to establish the framework and ensure the best urban design outcomes are achieved. The details of these (incl. the best type of plants given the environment, material selection, etc) will be refined through further design development.

The department has engaged a heritage consultant to assess the impact of the proposed project on the nearby heritage listed places. The works are considered to not significantly impact on the values of nearby National Heritage places. The project team is working with HASSELL, the Festival Centre architects who regularly consult with John Morphett, the Centre's original architect to ensure any proposed changes do not compromise the original design vision. The Department of Environment, Water and Natural Resources and the South Australian Heritage Council are responsible for protecting and conserving cultural heritage places of state significance under the *Heritage Places Act 1993* (SA). Any the works on/to or that materially affect the context within which State Heritage places are situated, require development approval from the Development Assessment Commission and will require referral to the Minister administering the *Heritage Places Act 1993* for assessment of the potential impacts on the heritage values of the affected places and response. As part of the Development Application assessment process the application has been referred to the State Heritage Board for review and comment.

The State Government has committed to the 'National Strategy for Ecologically Sustainable Development' (Council of Australian Governments 1992), which seeks to ensure decision making incorporates principles for Ecologically Sustainable Development (ESD). Consistent with this commitment, a key objective in South Australia's Strategic Plan (Government of South Australia 2012) 'Attaining Sustainability', aims to minimise the depletion of the state's resources and human impact on the local environment. The plan includes a vision that 'South Australians think globally, act locally and are international leaders in addressing climate change'. In line with departmental policies and procedures a Sustainability Management Plan has been prepared for this project. The plan has been sent to the Water and Climate Change Branch of DEWNR for review and received Ecologically Sustainable Development (ESD) Methodology acquittal in December 2015. The plan makes reference to sustainable design opportunities that will be explored and considered through design development (including WSUD) and measures that may be implemented to reduce construction impacts.

In addition, pedestrian and cyclist connectivity though the plaza and surrounds will be significantly improved as a result of the Festival Plaza/ Public Realm development. The design seeks to minimise level changes and improve linkages and sightlines. Improved way-finding signage for pedestrians and cyclist will also enhance pedestrian connectivity and convenience.

5 Measures to avoid or reduce impacts

Desktop investigations undertaken during the planning phase identified the Adelaide Park Lands as well as the Old and New Parliament Houses as matters of national environmental significance that are protected under the EPBC Act. Early identification and understanding of the values that contribute to the heritage listing of these places has meant that the design scope could be managed appropriately to limit potential impacts on these places.

The detailed planning, design and construction of this project will be delivered by contractors under the guidance and support of the Department for Planning, Transport and Infrastructure. Contracts developed for this project incorporate standard environmental clauses of the DPTI Master Specification as well as project specific clauses. These ensure environmental matters, including matters of national environmental significance that are protected under the EPBC Act, are considered from planning and design through to the construction and delivery phase of the project. Key environmental themes covered include: environmental authorisations, flora and fauna, water quality protection, erosion and sediment control, noise and vibration, air quality, contamination, heritage (indigenous and non-indigenous) and sustainability.

To address the management of the environmental issues, the Contractor's must establish, implement and maintain a Contractor's Environmental Management Plan (CEMP) as stipulated in the contract requirements. This document outlines:

- environmental objectives,
- responsibilities and accountabilities,
- environmental management processes and procedures,
- legislation, regulations and approvals.

In addition, attached as appendices are the contractor's environmental sub-plans that specifically outline management, mitigation and monitoring measures for construction. Sub-plans attached are project specific and dependent on the potential environmental issues that need to be managed as a result of project works.

The contractor must also adhere to the conditions of any environmental authorisations or approvals, which includes those associated with the approval of the Development Applications. Overall the project has required 3 separate Development Applications. Conditions associated with the approval of the applications also stipulates provision of Contractor's Environmental Management Plan as well as continued engagement with the State Heritage representatives.

The proposed action has been reviewed and accessed by an independent heritage consultant who has considered that it will not impact on values contributing to the national heritage listing of the Old and New Parliament Houses and Adelaide Park Lands. The design scope has been managed to limit long term impacts on the Adelaide Park Lands. Contractors will be required to work within a defined work zone approved by the Principal. This area will be fenced providing a clearly marked boundary which will help to reduce the potential for short term impacts resulting from construction activities. Some short term impacts to the existing landscaping of the park lands near the works is anticipated as a result of construction activities. These impacts will be temporary and for the duration of the works only. Any affected areas will be returned to landscaped open space at the conclusion of the project.

6 Conclusion on the likelihood of significant impacts

6.1 Do you THINK your proposed action is a controlled action?

<input checked="" type="checkbox"/>	No, complete section 5.2
<input type="checkbox"/>	Yes, complete section 5.3

6.2 Proposed action IS NOT a controlled action

A heritage consultant has been engaged to undertake a Heritage Impact Assessment to assist in the determination of whether the upgrade works (specifically those associated with the Festival Plaza/ Public Realm) have the potential to result in 'significant impacts' to the National Heritage values of the following nearby National Heritage places:

- South Australian Old and New Parliament Houses; and
- The Adelaide Park Lands and City Layout.

It was assessed that the works do not significantly impact on the National Heritage values of these places and as such the proposed action is considered not a controlled action.

Old and New Parliament Houses

The National Heritage values of Old and New Parliament Houses are associated with the 'Events' and 'Processes' that have taken place within the buildings, and accordingly their National Heritage values are attributed to the surviving fabric of various components of the existing buildings. The proposed public realm works will not impact on the values or attributes contributing to the National Heritage listing of either of the Parliament Houses.

Adelaide Park Lands and City Grid

The project footprint is located primarily outside of the designated National Heritage listing of the Adelaide Park Land and City Grid, with only a small encroachment into the Parklands Zone at the far northern end of the Adelaide Festival Centre for the provision of the promenade. Potential impacts on the associated National Heritage values of the place are primarily limited to visual (aesthetic qualities), legibility (of the 1837 Plan), and social (use) impacts. The proposed works are considered to be consistent with the historic and present development of the precinct.

Furthermore, the proposed public realm works seek to amend some of the existing plaza's shortcomings with regards to its use as a public space. In doing so, the proposed works will have a positive influence on the social values of the Park Lands in this location, supporting their present use for recreational and entertainment purposes.

It is recognised that construction works may result in some short term impacts to the existing landscaping of Elder Park. These impacts will be temporary and for the duration of the works only. Any affected areas will be returned to landscaped open space at the conclusion of the project.

As such, the referred action is considered to have no significant impact on the National Heritage values of the Adelaide Park Lands and City Grid.

6.3 Proposed action IS a controlled action

Matters likely to be impacted

<input type="checkbox"/>	World Heritage values (sections 12 and 15A)
<input type="checkbox"/>	National Heritage places (sections 15B and 15C)
<input type="checkbox"/>	Wetlands of international importance (sections 16 and 17B)

	Listed threatened species and communities (sections 18 and 18A)
	Listed migratory species (sections 20 and 20A)
	Protection of the environment from nuclear actions (sections 21 and 22A)
	Commonwealth marine environment (sections 23 and 24A)
	Great Barrier Reef Marine Park (sections 24B and 24C)
	A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
	Protection of the environment from actions involving Commonwealth land (sections 26 and 27A)
	Protection of the environment from Commonwealth actions (section 28)
	Commonwealth Heritage places overseas (sections 27B and 27C)

7 Environmental record of the responsible party

	Yes	No
<p>7.1 Does the party taking the action have a satisfactory record of responsible environmental management?</p> <p>Provide details Contractors will be selected by the Department of Planning, Transport and Infrastructure.</p> <p>As part of the tender requirements contractors will submit a copy of their Environmental Management Systems which will form part of the assessment process.</p>	Y	
<p>7.2 Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application - ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?</p> <p>If yes, provide details</p>		N
<p>7.3 If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework?</p> <p>If yes, provide details of environmental policy and planning framework The department, through its policies and guidelines, promotes Ecologically Sustainable Development (ESD). This is passed on to Contractors via the Contract requirements.</p> <p>Contracts developed for this project incorporate standard environmental parts and clauses of the DPTI Master Specification to ensure best practice is followed throughout the delivery of the project. It is a requirement that contractors will establish, implement and maintain an Environmental Management System in accordance with the requirements of AS 14001 "Environmental Management Systems – Requirements with Guidance for use". In addition, the contractor will be required to establish, implement and maintain a Contractor's Environmental Management Plan (CEMP) which addresses the management of the environmental issues for their works.</p> <p>The project will be delivered via a number of construction contracts, of which one has been awarded to Lend Lease. Their environmental policy statement outlines their aspiration and commitments to reducing their impact on the environment and where possible explore every opportunity to demonstrate a positive impact on the environment, specifically with respect to the atmosphere and climate change, land use and biodiversity, water, waste and built environment. A copy the policy can be found at: http://www.lendlease.com/au/company/sustainability/#/sustainability/heads-of-sustainability</p>	Y	
<p>7.4 Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?</p> <p>Provide name of proposal and EPBC reference number (if known)</p>		N

8 Information sources and attachments

(For the information provided above)

8.1 References

Department of Environment, Species Profile and Threats Database:

<http://www.environment.gov.au/cgibin/sprat/public/sprat.pl>

Water Connect:

<https://www.waterconnect.sa.gov.au/Pages/Home.aspx>

Department of Environment, Water and Natural Resources, EnvMaps:

<http://egismaps.env.sa.gov.au/Geocortex/Essentials/Web/Viewer.aspx?Site=EnvMaps>

Department of Environment, Protected Matters Search Tool:

<http://www.environment.gov.au/epbc/protected-matterssearch-tool>

Riverbank Precinct webpage

<https://riverbank.sa.gov.au/adelaide-festival-plaza-upgrade/>

http://www.dac.sa.gov.au/_data/assets/pdf_file/0018/250425/020_V091_15_Planning_Report_Appendix_5.pdf

http://www.dac.sa.gov.au/_data/assets/pdf_file/0019/250471/020_V091_15_Festival_Plaza_Public_Notice.pdf

8.2 Reliability and date of information

The information collated for section 3 of the referral is considered to be reliable, up to date and with no uncertainties. The information has been collated from recent date database searches, websites and onsite surveys and reports over the past 12 - 18 months.

8.3 Attachments

		✓ attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the project locality (section 1)	✓	Attachment A – Project location map and GIS file
	GIS file delineating the boundary of the referral area (section 1)		
	figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 3)	✓	Attachment C – Extent of encroachment into the national heritage listed Park Lands Attachment D – National Heritage Impact Assessment
If relevant, attach	copies of any state or local government approvals and consent conditions (section 2.5)	-	
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)	-	
	copies of any flora and fauna investigations and surveys (section 3)	-	
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)	✓	Attachment D – National Heritage Impact Assessment
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)	-	

9 Contacts, signatures and declarations

Project title: Adelaide Festival Plaza Precinct Upgrade

9.1 Person proposing to take action

1. Name and Title:	Department of Planning, Transport and Infrastructure c/- Jon Whelan, General Manager, Infrastructure Delivery
2. Organisation:	Department of Planning, Transport and Infrastructure
3. EPBC Referral Number:	
4: ACN / ABN:	92 366 288 135
5. Postal address:	GPO Box 1533, Adelaide SA 5001
6. Telephone:	8343 2269 (Mobile: 0408 857 495)
7. Email:	jon.whelan@sa.gov.au

Declaration I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.

I understand that giving false or misleading information is a serious offence.

I agree to be the proponent for this action.

I declare that I am not taking the action on behalf of or for the benefit of any other person or entity.

Signature



Date

27/9/16

ATTACHMENTS

Attachment A

Geographic Information System (GIS) data

- Plan showing point location (pdf)
- GIS shape files

Attachment B

Concept images

- Plan showing key components
- Concept plan
- Concept image

Attachment C

Extent of encroachment into the national heritage listed Park Lands

- Concept plan showing the new northern promenade extent of encroachment into the national heritage listed Park Lands

Attachment D

National Heritage Impact Assessment

- Report by DASH Architects