Adelaide Circuit Redevelopment (ACR) Project

EPBC Referral 2026/10637 – Adelaide Circuit Redevelopment

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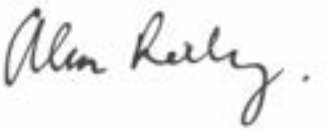
Alexander Reilly, Adjunct Professor of Law, Adelaide University	
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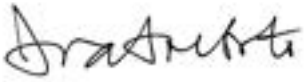
Veronica Soebarto, Professor, School of Architecture and Built Environment, Adelaide University	
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1. Sufficiency of the referral

The referral purports to cover the following actions:

- *The ACR Project (the proposed action) includes the modification and upgrade to the existing Adelaide motorsport circuit, Adelaide Park Lands and infrastructure to enable the hosting of the MotoGP™.*

The referral express excludes:

- *Erection and removal of temporary facilities including grandstands, viewing areas*

and public safety fencing, overpass bridges around the entire circuit and the temporary pit complex, corporate and media facilities and associated infrastructure.

- *Hosting of the three-day race weekend.*
- *Installation and removal of track safety elements including barriers, gravel traps (reinstated with grass areas post-race), road furniture, kerbing and internal access tracks for Event logistics and safety response.*

The effect of excluding these actions from the referral is that several impacts are not considered, including:

1. The impact on the National Heritage Listing of the Adelaide Park Lands of the gravel traps adjacent to the track.
2. The impact on remnant Greybox grassland woodland from the construction of the gravel traps and pollution from the running of the MotoGP and supercar races in November 2027 and beyond.
3. The impact of the running of the event, in particular the noise from MotoGP motorcycles on the breeding cycle of the endangered Grey-Headed Flying Fox whose camp is less than one kilometre from the track.

We submit that the law requires that the referral include the whole of the actions required to host the MotoGP event. Sections 523 & 528 of the Environment Protection and Biodiversity Conservation Act define ”action” to include a project, a development, an undertaking, an activity or series of activities, an alteration to any of the above. In *Tasmanian Aboriginal Centre Inc v Secretary of Department of Primary Industries, Parks, Water and Environment (No. 2)*, Mortimer J described the four definitions of ‘action’ in s 523 as embodying the concept of a number of smaller activities or steps or stages of conduct which should be considered together as forming a greater whole.

The new permanent track in Parks 13, 14, 15 and 16 of the Adelaide Park Lands is being built for one purpose only - the running of the MotoGP event. The impact of the building of the permanent track cannot be separated from the building of temporary infrastructure, and the closing of the Park Lands to prepare for the event and the running of the event itself. The impacts on the Park Lands are cumulative and should be considered together. These constitute a single 'action'.

In *Mees v Roads Corporation* (2003) 128 FCR 418, the Commonwealth Environment Minister decided that the proposal to construct, operate and maintain the northern section of the Mitcham-Frankston Freeway was not "a controlled action". Plans for a second part of the ring road, the Eastern Freeway-Greensborough link were underway, but not yet confirmed or budgeted for. The limited referral was challenged on the basis that it was ‘almost inevitable’ that the Eastern Freeway-Greensborough link would be built to complete the ring road around Melbourne, and that the environmental impact of this link should be included in the referral. The Minister argued he was not required to take into account the theoretical or hypothetical possibility that the Eastern Freeway-Greensborough link might be built in the future. The Court disagreed, noting that the building of the additional motorway was likely.

In the present case, the erection of temporary infrastructure and the running of the event, including the trench digging to make the gravel pits and paddocks adjacent to the track, are *certain* to happen. Indeed, the SAMSB is building all infrastructure (permanent or temporary) for the sole purpose of holding the MotoGP motorcycle race. There can be no rational ground for omitting all actions required for the event from the referral.

In our submission, under section 74A of the EPBC Act, the Minister should refuse to accept the referral on the basis that it is a component of a larger action the person proposes to take. If the Minister does not refuse to accept the referral in its current form, we submit that there are grounds for seeking a declaration or injunction requiring the Minister to consider all aspects of the project within the one referral.

2. If the referral is not rejected outright, it should include at least all aspects of the construction of permanent infrastructure and temporary infrastructure.

It is not clear what is a permanent and what is a temporary impact of the proposed action. The best example of this is the gravel runoffs from the track. These are not included in the referral because they will be 'reinstated with grass areas post-race'. We submit that, given the extent of the gravel runoffs, greater than the area of the track itself, such reinstatement is unlikely to occur, and even if it did occur, any 'replacement grass areas' will represent a significant degradation of the areas of park land they replace, including established grass, trees, fountains, slopes, olive groves, and conservation areas. Therefore, they need to be considered in the referral as a permanent impact on the Park Lands.

The authors have located the following map from the State Department of Infrastructure and Transport, showing the extent of the gravel pits in orange. These do not appear on the maps in any of the documentation submitted with the referral.

We have transposed this map onto Google Earth so that the underlying vegetation can be seen from an aerial view.
The map is located here:
https://goo.gl/maps/oBkvoLjuiYNmDz7D6?g_st=am

It is immediately evident that once the gravel pits are included, the impact on the Adelaide Park Lands is significantly magnified compared to that suggested by the referral. We note that the Stenhouse Report on the impact on the National Heritage value of the Park Lands does not include any reference to the gravel pits. In particular, they make the claim that:

> The permanent disturbance footprint of the proposed track layout, including the asphalt track and runoff areas, the concrete slab for the temporary pit building, and the underpass covers 7.76 hectares of the area comprising the National Heritage Place which equates to 0.76%.

On the above map, the 7.76 hectares referred to in the Stenhouse Report covers the dark red line for the track, the green bitumen runoff areas, and the blue for the pits. If the orange for the gravel run-off is included, the footprint of the track layout is considerably enlarged. We estimate the gravel pits to cover an area of 9.45 hectares, more than the track and bitumen runoffs combined.

International Motorcycling Federation circuit standards indicate gravel run-off beds for a MotoGP track should be 25 cm deep. To reinstate the gravel pits with grass may not be possible. And even if possible, the best case scenario is flattened clear grass area which is a serious degradation of what currently exists.

It is incumbent on the proposer to provide a detailed plan for the regeneration of these gravel pit areas before the Minister can decide what impact they have on the Adelaide Park Lands, and therefore whether the development is a controlled action.

3. The inadequacy of information provided to the Minister

The actual development which is the subject of this referral was only released to the public on 1 September 2026. The public had until 20 September 2026 to provide feedback. Even at this stage the proposal did not outline the full extent of the track works, the earth works required, how the gravel pits would be remediated, or the time it would take to build. The two most significant pieces of information provided were the number and location of trees to be removed, and the precise location of the track and the bitumen and gravel run-off areas.

We note that the referral does not provide detailed plans of the works required to build the track. There is no report on the extent of earthworks, no topographical mapping or information about the extent of gravel pits including their depth, composition, and how they will be uninstalled and reinstalled between events. We submit that without more detailed plans on the track build, especially earthworks, including detailed maps of the projected changes to the Park Lands' topography (particularly in Park 15), it is not possible for the Minister to assess whether the action is a controlled action.

Consequently, the Minister must also treat the expert reports with caution. In this submission we focus particularly on the Heritage report which concludes that the development does not have a significant impact on the Heritage value of the Adelaide Park Lands. We note that the report relies on data available as of 9 July 2026 (p. 9, final para.).

4. Understanding the impact on the Park Lands

The overall strategy adopted by the referral documentation is to display the impact on the Park Lands through aerial photography and lines on a map. In addition to the google map overlay (https://goo.gl/maps/oBkvoLjuiYNmDz7D6?g_st=am), we have included an appendix with photographs taken on 25 & 26 September 2026 to give the Minister a visual sense of the impact from the ground. However, we submit this is still insufficient for the Minister to get a proper sense of the change to the topography of the parks, their visual appearance from key vantage points, and the overall extent of the changes to the parks. A site visit is essential. The Minister needs to have the impact of the development explained in detail before making a decision on whether the development constitutes a significant impact on the National Heritage value of the Park Lands.

5. Proposed development has a significant impact on the National Heritage Listing of the Park Lands

The Stenhouse report states that ín determining significance, 'impacts are considered in the context of the Adelaide Park Lands and City Layout National Heritage Place as a whole, rather than solely the individual parks directly affected by the proposed action'. Therefore, although the Report examines the impact on the individual parks within the Adelaide Park Lands network (Park 13, 14, 15 and 16), its conclusion on significant impact depends on presenting it as a small percentage of the whole Park Lands footprint. Furthermore, it relies on general statements of impact of the permanent works without considering precise plans for the construction of the track, the extent of earthworks required, and the consequent changes these will have on specific features in the Park Lands.

This is not consistent with the Significant Impact Guidelines, which note that 'it is not necessary for an action to impact upon the whole of a National Heritage place, all of the values of a National Heritage place, or the whole value of a National Heritage place. It is sufficient if an action is likely to have a significant impact on a part, element, or feature of a National Heritage place which embodies, manifests, shows or contributes to the values of that place' (p22). This principle is particularly pertinent when assessing the heritage value of the Adelaide Park Lands. The Eastern Park Lands have a very different character to Park Lands in the north, south and west. East Terrace fringes the Park Lands in a unique way. It is the only Terrace in Light's layout that is not completely straight, shaped instead by the natural terrain and local watercourses.

The referral claims the proposed action is confined to 'existing Adelaide Park Lands and transport corridors and will not alter the city grid, encircling Park Lands, or the arrangement of roads, blocks, squares and open space established by the 1837 Adelaide Plan. These National Heritage values will remain intact and legible. Significant impacts are therefore unlikely.'

We submit this is incorrect. The Park Lands and City delineation are impacted by the imposition of a significant asphalt motor cycle track through Park 15 to the corner of Bartels Road. The earthworks required to create an elevated level surface in the undulating landscape of Park 15 are considerable (but as yet undefined). This will severely impact its natural character, and effectively split Park 15 into two individual parks. For the 50 weeks of the year that the motorcycle circuit will not be in operation, this will sit incongruously as a second major road of no additional utility, in place of the trees and grassland that were originally there. Not only is it a permanent eyesore, but the asphalt surface will radiate heat

during summer months. Studies show that unshaded asphalt can be at least 20 degrees higher than natural grass, resulting in air temperatures up to 6 degrees higher. This will discourage use of this area of the Park Lands for a significant portion of the year.

An image of the type of infrastructure that will be replacing the green space in the Park Lands:

https://driven-international.com/wp-content/uploads/2023/09/DRIVEN-Buddh-India-Runoff-Long-Lap-Gravel.jpg

The Stenhouse report claims that alterations to Park 16 are in keeping with original values of racing and sports grounds as well as public facilities that provide venues for individual and group activities and events. The referral suggests that 'the proposed action is consistent with the historic values of racing, sporting grounds and public facilities in Park 16'.

We submit this is incorrect. The existing motor sport track is confined to the northern half of Park 16. The additional track in Park 16 significantly increases the bitumen footprint in the northern part of park 16 and extends the track well into the southern half of Park 16 for the first time. Currently there is a clear delineation between the northern and southern halves of Park 16. The southern half of Park 16 has a very different character. There has been no incursion of asphalt into this section of the Park Lands before this action. From Greenhill Road to the south it has a large area of mature gums in a Eucalypt forest. To the north of the forest is a newly constructed wetland, which has increased the biodiversity of the park, and become a habitat for many species of bird. To the north of the wetland is a Chequered Copper Butterfly conservation area[1], and the Greybox grassland regeneration zone, and finally an open green field.

[1] The Chequered Copper butterfly had not been recorded on the Adelaide plains for 60 years when it was re-discovered in Victoria Park in 2011, although it would have been common on the Adelaide plains in pre-European times.

The Stenhouse report notes there is an impact on ‘olive trees’ within Park 15. It is important to note that the trees are part of an Olive Grove established in 1870. The Olive Grove is an attractive shaded corridor used by cyclists, walkers and runners. At each end it opens out into a more open sloped area with dramatic native gums. This has been the character of this park for 150 years. The sign below is located just to the East of the Olive Grove. The sign is evidently there because the Grove has historical significance.

The Adelaide Park Lands Redevelopment is being undertaken in Parks 13, 14, 15 and 16 to host a three day event annually for 6 years. The existing supercars event will then make use of the track for a further three day event. The MotoGP and super car events are commercial operations which are accessible only to paying customers. After the event, large sections of track remain a permanent scar on the Park Lands with no discernable use. Contrary to the claim in the Stenhouse Report, this is very different from previous modifications to the Park Lands, such as the inclusion of ovals, basketball courts, skate parks, bowling greens, golf courses. These are amenities used by the public throughout the year. Each of them adds to the matrix of diverse uses of the Park Lands.

It is claimed that the proposed action ‘avoids unnecessary impacts to important views and vistas’. It is evident from the photographs included in the Appendix, and in the map overlay in the google map, that there is a significant impact on important views and vistas, including:

- The view from the corner of Wakefield Street and Dequetteville Terrace - mature gums replaced with asphalt race track. Track cuts awkwardly across Wakefield Street, removing perimeter trees on each side of Wakefield Street. This will affect the view of the Park Lands from adjacent housing on Dequetteville Terrace and Fullarton road, as well as the view of all commuters on Dequetteville Terrace and Wakefield Street.

- The view at the intersection of Bartels Road, East Terrace and Hutt Street. The current view at these intersections is affected in all directions. Looking into Park 15 from Bartels Road there is a permanent track replacing sloping hills with trees and grass land. Looking from Bartels Road into

Park 15, the trees and Bridgeland Fountain are replaced with track and gravel. The gravel and track intrudes to the very edge of the Stolen Generations memorial, if it survives at all.

- The Track cuts the corner of East Terrace and Rundles Street and Rundle Street and Dequetteville Terrace, removing all trees and vegetation at these locations, and leaving a permanent reminder of the MotoGP track, well after its use has expired.

The referral claims that '[w]here perimeter or avenue plantings cannot be retained, replacement planting consistent with the Park Lands character will be undertaken. Significant impacts are unlikely.'

Two things need to be noted about the replacement plantings. First, a sapling cannot replace a mature tree for decades. Second, the replantings will not occur where the trees have been removed. The value of the existing mature trees is not only their size and age, but their location. They frame the Park Lands along its road perimetres. The permanent changes to the appearance of the Park Lands on the fringe of Parks 14, 15 and 16 have a significant impact on their National Heritage listing.

The Stenhouse Report also does not appreciate that national heritage is an evolving phenomenon. The discovery of the Checkered Copper Butterfly in Park 16 in 2011, and the discovery of the remnant Greybox Grassland in 2010, and the extensive efforts to protect the butterfly and regenerate the grassland are part of the evolving social and cultural value of the Park Lands, which are part of the Heritage Listing.

Furthermore, without doing any apparent investigation, the report concludes that the Project will not prevent or substantially limit use of the Park Lands for cultural or ceremonial purposes'. (p63) An Aboriginal memorial to the Stolen Generation titled 'Empty Arms' was unveiled by the Lord Mayor Jane Lomax-Smith in Park 14 in September 2023. The Lord Mayor said at the time that the Place of Reflection is now:

> *"…a dedicated space in the city for members of the Stolen Generation to reflect and connect … [This] high-profile piece of public art in the city … we hope will acknowledge the loss and help the healing process for members of the Stolen Generations, their families, friends and the wider community*
>
> *"Importantly, it will give the community of people affected a dedicated and safe space to meet, reflect and support each other.*
>
> *"The design is a powerful statement and I hope this memorial will start conversations to help educate future generations about the previous loss and ongoing pain of these practices."*

The track and the gravel runoff extend to the edge of this memorial removing the nearby trees and replacing them with track and gravel runoff. To have established this memorial in the Park Lands only three years ago, and then to substantially affect it with the building of a motor sport track immediately adjacent to it, fails to respect Aboriginal cultural heritage, and the way reconciliation has occurred in the Adelaide Park Lands. This has a significant impact on the Park Lands as a location for cultural and ceremonial purposes, and therefore on its National Heritage Listing.

6. *Kemp Attrill v State of South Australia* [2026] FCA 1431

Judgement was delivered in this case on 1 October 2026, the day before public submissions were due in the referral. The case concluded that a different development in the Adelaide Park Lands did not have a significant impact on the National Heritage Listing of the Adelaide Park Lands. Thus, it is clearly of relevance to the Minister's consideration of the current project.

The judgment makes it clear that to determine whether an action has a significant impact on the National Heritage listing for the park lands, it is important to focus closely on the text of the Listing. We have done this in this submission.

We submit that the reconfiguration of a golf course within the existing footprint of an existing golf course is a completely different impact on the National Heritage listing of the park lands from the proposed motor racing circuit development. There are several features, such as the removal of perimeter trees, and their replacement with sweeping areas of bitumen motorsport track, which affect the listed values in a very different way from the golf course redevelopment.

The redevelopment of the golf course did not have a significant impact on the Parklands as an example of 18th century urban design. We have explained in this submission why the current proposal does have such an impact.

Charlesworth J stated that 'Listed Values include an imperative that the park lands serve as an aesthetic buffer and that they are to be predominantly comprised of landscape in preference over built form. The Listed Values contemplate that built forms in the park lands should have an outward appearance that is sensitive to their landscaped surrounds, to the extent that their utilitarian purposes will allow.' [340]

The MotoGP track in Park 14, 15, and 16 significantly shifts the balance between landscape and built form. Furthermore, the outward appearance of asphalt race track lacks all sensitivity to its landscape surrounds as described in our submission.

The applicants in Kemp Astrill relied predominantly on the extent of the removal of mature trees in its claim that the golf course development had a significant impact on the heritage listing. For Justice Charlesworth, the *context* of the tree removal was crucial to determining whether it had a significant impact on the Heritage listing. She said in relation to the number of trees removed, whether this had a significant impact on the listed values of the park lands had to be considered in the context of the park lands as a whole. It is not the number of trees removed that is of significance, but whether the removal of trees and what replaces them has a significant impact on the Listed values of the Park Lands.

7. Conclusion

We submit that the referral is inadequate for three reasons:

- It excludes most of the activities required to stage the MotoGP event, an event that is certain to follow if the track is constructed;
- It omits material regarding the construction (and remediation) of items integral to the track development, in particular the gravel runoff areas and topographic altering earthworks;
- The Stenhouse Report relies on incomplete and out of date information, and so mischaracterises the impact of the proposed development.

The Minister should refuse to accept the referral on the basis that it is part of an intended larger action. The Minister should visit the site to gain an understanding of the damage proposed.

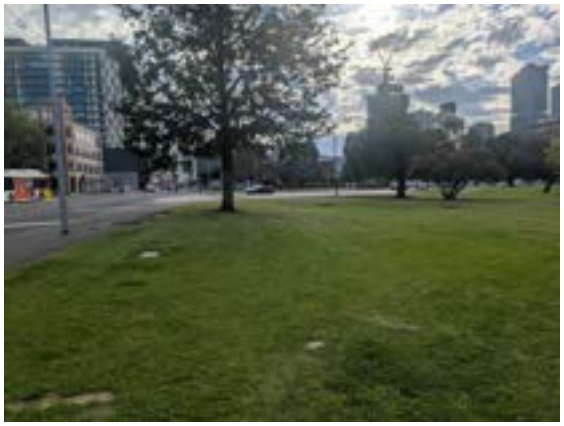
APPENDIX A

Photographs of key points along the proposed development.

This view is looking west from the point at which the MotoGP track diverges from the existing track. The whole of this grass area and trees become track and gravel runoff.	This view is looking south at some of the trees and grass areas that will become gravel runoff. All the trees lining the existing Adelaide Park Lands Trail on the right of the picture will be removed and replaced with gravel.
This view looks north to where the MotoGP track crosses the existing track and then Wakefield Street. Most of the trees in this picture will be removed.	

This view looks north from the northern side of Wakefield Street where the track crosses into Park 15. The trees in the foreground become track and gravel runoff.	This view looks west and follows the track adjacent to Wakefield Street in Park 15. All the trees in the picture except a line of trees next to Wakefield Street will become track and gravel runoff. The track will effectively create a second road next to Wakefield Street in this section.
This view is a view west from the northern side of Wakefield Street further west of the previous photo. The track will replace the trees, grass and existing cycle/pedestrian way (including the lights) with track and gravel runoff.	This view is north-west as the track turns towards the 1870s Olive grove and eventually to Bartels Road. The Glover Playground (saved from destruction) is visible in the left side of the photo.

This view is north-west as the track enters the Olive Grove. Cross reference with the Google map for the extent of destruction of the Olive Grove.	This view looks west in the Olive Grove with the Glover Playground to the left. Showing more of the olive trees to be converted to bitumen and gravel.
This view is north-west as the track continues through the Olive Grove.	This is a view north-west as the track exits the Olive Grove and heads to the corner of East Terrace and Bartels Road. All the trees in this image including the gum to the left will be replaced with bitumen and gravel. This image and the next give a sense of the significant slope and undulation in this section of the Park Lands which will have to be converted to a flat area for the track, requiring extensive earthworks and significantly modifying the topography of Park 15.

	
This view is west towards Bartels Road. The track enters from the right of the photo travelling north-west to the intersection of the road. The two trees on the left in the foreground may be spared from destruction. The rest will go in the background will go.	This view is looking west from Park 14. Bartels Road is to the left of the image. The track crosses Bartels Road here, and all grass and trees will become bitumen and gravel.
This is a view north-west from a similar vantage point to the previous image. The historic Bridgeland Fountain (1966) is in the background. All the trees and the fountain become track and gravel.	This image is closer to the fountain, to give a better view of this attractive part of the Park Lands adjacent to East Terrace.

This view is south from the corner of Rundle Street and East Terrace. This section of East Terrace becomes track. The trees in the middle of the road will be removed. Although not in the Park Lands, this is an example of the broader impact of the proposed development.	This is the south-east corner of Rundle Street and East Terrace. The track cuts this corner converting all grass and trees in the foreground to bitumen and gravel.
This view is east from the same location showing more of the trees on the corner of East Terrace and Rundle Street that will be sacrificed for the track.	The track travels east along Rundle Street to Dequetteville Terrace

This view is south-east as the track cuts the corner of Rundle Street and Dequetteville Terrace. All these trees in this photo will be removed and replaced with asphalt and gravel.	This view is north-west of the same corner. The trees in the foreground will be removed.
This view is south-east at the point the track cuts back into the Park Lands on the corner of Dequetteville Terrace. These trees will be replaced with bitumen.	This view is south where the track crosses Wakefield street from Park 15 back into Park 16. The trees on the other side of the road will be relocated.

This view is west along Wakefield Street showing the trees that will be relocated. Notably, there will be no trees to replace these on the fringe of Wakefield Street. This has a significant impact on the visual appearance of the Park Lands at this location.	This is a view north back towards Wakefield Street from Park 16. Most if not all the trees in the picture become bitumen and gravel.
This view south is taken from near the Victoria Park grandstand. The track crosses the existing track in the photo and then travels south replacing trees on the right hand side of the image. The grass in the centre of this image will be permanently replaced by the cement foundation for the MotoGP grandstand and pits. Refer to the google map overlay of the track in the link above.	This view is south from the existing track. This track and the trees in the centre and right of the image are replaced by the cement slab for the grandstand and pits.

This view is east to Fullarton Road. The garden bed is replaced with the cement foundation for pits and grandstand.	This view is south from the existing Victoria Park cycle way between Grant Avenue and Halifax Street. The trees in the foreground will be removed for the bitumen slab for pits and grandstand.
This view is south at the southern end of the track. The Victoria Park Wetlands are directly behind the hill. This is a place teeming with birdlife. The trees in the image are removed for the track where it turns back into the Park Lands. There is an extensive gravel runoff to the south of the trees extending to at least the base of the grass hill at the left of the image.	This is a view west to the protected Greybox grassland. The Track travels from left to right, cutting into the grassland.

This is a view north-west. It shows the track where it intrudes on the grassland to the left of the image and replaces the wide open grass area as it heads back towards Wakefield Street. Most (if not all) of the grass in this image is replaced with track and gravel runoff.	