

19 June 2023

Government's Adelaide electorate newsletter letterbox drop: "New Adelaide Aquatic Centre" – Park 2, Adelaide park lands

## **Public not to be formally consulted on park lands development application**

- Local community representation on pre-development-assessment application unlikely
- New aquatic centre footprint to be larger than existing site
- Huge car park expansion planned, up 108 spaces to 375
- Council to pay the state \$20m to destroy its own \$21m asset
- Procurement for the project builder already commenced
- Construction "to commence at Park 2 in September 2023".<sup>1</sup>

John Bridgland\*

**A** state government newsletter letterboxed throughout the city of Adelaide and North Adelaide on the winter weekend of 17–18 June 2023 confirms that there will be no formal public consultation phase ahead of the assessment of the new Aquatic Centre development application (DA).

Such applications usually reveal all of the detailed architect's drawings as well as the findings of reports exploring controversial matters. With proposed public land-use developments (especially regarding the Adelaide park lands) these matters are sometimes revealed by the state well ahead of the lodgement, to ensure that public views are taken into account before a planning body is asked to assess and approve. But in the case of the "New Adelaide Aquatic Centre" proposal, it appears that this will not be occurring. Lodgement is imminent.

*"In the coming weeks a development application will be lodged with the State Commission Assessment Panel [SCAP] that includes design details, architectural and landscape drawings, and a series of technical reports (eg traffic, sustainability, stormwater management, flora and fauna, heritage, acoustics etc),"* the newsletter states.

The absence of a pre-application public consultation phase, especially accessible to the Barton Terrace West residential community immediately adjacent to the site, will mean that reports covering traffic, noise and amenity consequences could remain unavailable until very close to the assessment date. Moreover, if the DA is quickly approved, which is likely, that residential community's voice would not be heard. However, the newsletter also states that: *"You will have an opportunity to have your say on the development application with a public consultation likely in Q3 2023".*<sup>2</sup> Planning law is strict about who has a right to provide formal input at SCAP stage and whether the assessment panel can formally recognise that input. Given the confusing timelines, it would appear that SCAP will first assess the application, which almost certainly already complies with recent amendments to the Planning and Design Code, but the government might later (in "Q3 2023") enable some sort of feedback procedure. Even so, such feedback would not compel an assessment body, or the government, to formally respond, especially if it had already finalised its assessment and given planning consent. The newsletter implies that development consent will swiftly follow, because it states that "Construction is scheduled to commence in late

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<sup>1</sup> Adelaide City Council, Adelaide Aquatic Centre redevelopment – CEO briefing – 13 June 2023, section F, 'Proposed timeline[s]', last line, page 22.

<sup>2</sup> This is confusing. A financial year Q3 would be January to March 2023, a period that has concluded. A calendar year Q3 would be July to September 2023.

2023”. Council-sourced information revealed a week before the newsletter’s circulation (but only released online on 19 June) clarifies that statement, claiming that “early site works” will commence in October 2023.<sup>3</sup>

### **Long-term park lands planning agenda gets the jump on city council**

Put into broad context, the state government’s new aquatic centre replacement strategy, hatched before the March 2022 election, was to accomplish a state takeover of tenure of a large slice of Park 2, as well as demolition of the site’s ageing council swimming facility at council’s own cost. The plan was to see it replaced by a large multi-use swimming facility whose revised planning allowances would introduce new functions such as shops, consulting rooms, gymnasium, offices and indoor recreation. During 2022, without providing a finalised concept plan<sup>4</sup> or building drawings, government news drops implied that a replacement facility would comprise one 50m swimming pool, focus on the same community needs as the old facility and feature no increase in footprint or total floor area (multi-storeys). The implication was that it would be a ‘like-for-like’ replacement. This illusion was kept alive for 15 months until 10 June 2023 when the government suddenly announced that its \$82.4m centre concept would be significantly expanded in scope and cost \$53m more – totalling \$135m. Government media managers convinced journalists that the cost had “blown out”, but this was a fiction. The reality was that it was a whole new game. On 10 June 2023, ministers at the media announcement said nothing about the fact that, by then, the Planning and Design Code had been successfully amended by Plan SA to reflect its new scope.<sup>5</sup> The city council’s planners, who had been struggling to negotiate various excessive elements of Plan SA’s proposed changes, did at least identify one game being played. “Existing minor or ancillary uses [are to be] introduced as uses in their own right,” they noted.<sup>6</sup> Resisting proposed Code changes, they noted: “Council is committed to ... minimising expansion of shops and ancillary uses in the park lands.”<sup>7</sup> They also stressed the importance of not increasing footprint or total floor area (jargon for multi-storey development). They failed in this pursuit. The public will now only fully comprehend what the state’s 2022 pre-election strategy anticipated after the new aquatic centre construction commences, the state’s formal park tenure takeover is finalised, and parties begin pursuing new leases to establish commercial operations in the new multi-storey building. These could feature ‘consulting rooms, gym, offices and indoor recreation’. The most contentious will be shops and special events facilities<sup>8</sup>, lease and licence matters capitalising on a new, largely taxpayer-funded park lands facility in the Adelaide park lands.

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<sup>3</sup> Adelaide City Council, Adelaide Aquatic Centre redevelopment – CEO briefing – 13 June 2023 (22 pages). The record, released on 19 June 2023, does not feature a timeline for any public consultation about the development application. The only reference is to a construction lease and licence. Consultation about those begins on 12 July and concludes on 15 August, but the council is under no legal requirement to take any notice of the feedback.

<sup>4</sup> It was labelled ‘Concept Plan X, Adelaide Aquatic Centre’, which PlanSA labelled as ‘Figure 4 Proposed Concept Plan’. It was not a finalised Planning Code sub-zone policy area instrument. It was merely a sketched map – a draft.

<sup>5</sup> Public consultation had concluded in March 2023 and the changes were then formally adopted by Plan SA for Park 2, safely ahead of the 10 June announcement.

<sup>6</sup> Adelaide City Council, Council, Agenda, Item 10.3, ‘Adelaide Aquatic Centre Code Amendment’, 28 February 2023, Point 8.5, page 35. The council argued that there was no need to change the Code, despite government pressures that the council described as “... broad-brush changes specific to a particular development which could have unintended negative and irreversible consequences.” (Same source: page 37.)

<sup>7</sup> Adelaide City Council, *ibid*, page 37.

<sup>8</sup> Planning and Design Code ‘Proposed changes by state government’, February 2023, Planning outcome 1.1, “A range of open space, recreation and/or sport facilities”, Code

Put into South Australian state election cycle context, the government's race is now on to complete the \$135m project in time for the March 2026 poll, when Labor incumbent Lucy Hood could seek re-election.

### **Council 13 June workshop session reveals startling new facts**

A Tuesday 13 June city council workshop advised by government planners, bureaucrats and architects exhibited colour slides relating to the proposal. Elected members observed and asked questions. Attended by city journalists, PowerPoint images and texts were presented.<sup>9</sup> Verbal advice responding to elected members' questions during the session prompted them to conclude that:

- The footprint of the proposed building and pool facilities will be 10 per cent larger than the existing site, contradicting government claims (published five days later on 17–18 June) that it would be smaller.<sup>10</sup>
- A redesigned car park will feature 108 more car park spaces, bringing the total to 375 (up from 267 spaces)<sup>11</sup>.
- The hard-stand area (car park and other non-grass areas adjacent to the new proposal) will feature an expansion over the existing site.
- The council's administration had accepted a proposal to pay the state government \$20m demolition costs of the existing aquatic centre, in several tranches (payments over three financial years). In other words, it will pay the state \$20m by the end of financial year 2025–26 to destroy a City of Adelaide asset valued at \$21m. Demolition will begin in September 2024.

None of these facts appears in the 17–18 June government newsletter.

### **Newsletter also prompts other questions**

A number of the state government's 17–18 June 2023 newsletter statements are either ambiguous, baffling and/or confusing, or silent when detailed explanation is warranted.

#### Ambiguity

- Ambiguity arises from the newsletter claim that the existing city council aquatic centre will now be closed in August 2024. No clear rationale is given to explain why the shut-down is to kick off 15 months ahead of time, especially given that the site identified for the new project is mostly not significantly overlapping the existing centre building site wall's edges. In other words, the bulk of the land required for the new site does not overwhelm the existing centre land. The early shutdown date also contradicts a pledge by Adelaide MP, Lucy Hood, who only six months earlier, in a September 2022 media release, had stated that the (then) plan was to allow the existing facility to stay open while the new project was being built. *"Building the centre alongside the existing one allows current services to continue for the centre's thousands of users. This is so important, given the Aquatic Centre is such a unique*

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'Deemed to satisfy' land-uses. Source: Adelaide City Council, Council, Agenda, Item 10.3, 'Adelaide Aquatic Centre Code Amendment', 28 February 2023, page 47.

<sup>9</sup> Adelaide City Council, Adelaide Aquatic Centre redevelopment – CEO briefing – 4.30pm, 13 June 2023 (22 pages).

<sup>10</sup> The 17–18 June newsletter claimed that: "The sustainably designed centre will be built on a smaller footprint than the existing facility, allowing 1000 square metres of additional land to be returned to park lands, going beyond the original commitment of no net loss of park lands."

<sup>11</sup> The 13 June documentation claimed 266 spaces, but confirmed the expansion to 375.

*community hub that keeps people active, healthy and connected,”* she wrote.<sup>12</sup> The government’s new shutdown deadline will also force the city council to jettison up to 15 months’ aquatic centre revenue flow while the new adjacent site is being constructed. One reason for the advanced shutdown is that the government simply seeks bare ground at the existing centre site so that a works compound can be created there. Moreover, given that a major expansion of the car park is planned, it cannot occur while the existing centre stays open. None of these explanations appears in the newsletter.

### Baffling and confusing

- Baffling #1: The newsletter states: “The updated positioning [of the proposed aquatic centre] aligns with National Heritage principles.” Readers familiar with the 2008 National Heritage listing of the Adelaide park lands know about its values, but must presume that the government copywriter got the ideas of principles and values mixed up. The values are the critical aspect. Moreover, it is likely that the new multi-storey building concept design will be in conflict with at least one of the values, with regard to ‘views’, because the scale of the new centre will block northern views of the park lands to anyone observing from south of the building. It is not clear whether the state government has ‘self assessed’ the project under the commonwealth legislation, and the newsletter says nothing about the state’s compliance with it.
- Baffling #2: The newsletter states: “The updated positioning ... [allows] the structure to be embedded within the natural landscape.” This is planner jargon and, as such, impenetrable. Moreover, given that the proposed building is obviously in sections to be several storeys high, it is difficult to perceive how such a huge building could ever be “embedded” in landscape in this way. Its obvious large bulk and multi-storey height will be permanently and grossly alien to the surrounding flat, open, green spaces of Park 2.
- Confusing #3: “Improved car parking ...”. These words in the 17–18 June newsletter were obviously deliberately vague. However, given the new demands of commercial parties likely to use the new building for shops, offices, club rooms, a gym and administrative functions, the implication is that the number of car park spaces must increase to accommodate future new users. Proposed expansion of the car park space numbers contradicts a principle in the existing government-endorsed *Adelaide Park Lands Management Strategy* version, which since adoption in August 2017 has sought a 5% *decrease* in total car parking spaces allowances in the park lands. The absence of car park expansion details (an additional 108 spaces) in the 17–18 June newsletter underscores the government’s political sensitivity regarding a major expansion of a car park areas in the park lands.

### Silences

- The 17–18 June newsletter makes no mention of the 144 employees who will be thrown out of work when the shutdown commences. These comprise 25 full or part-time workers, and 119 ‘active casuals’.<sup>13</sup> Moreover it fails to discuss likely departures leading up to the shutdown in August 2024, because staff will begin to seek work elsewhere, especially the casuals. A government-

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<sup>12</sup> Government of SA media release, Monday 5 September 2022, ‘Community backed location for new, ‘state of the art’ aquatic centre’.

<sup>13</sup> Adelaide City Council, Adelaide Aquatic Centre redevelopment – CEO briefing – 13 June 2023, pdf page number 19.

driven council CEO briefing report presented days earlier, on 13 June, did not reveal how this problem was to be managed.

- In relation to the building sketch in the newsletter, there is silence about what appear to be generous upper level floor-space areas among soon-to-be-revealed architectural drawings to allow for administrative (and probably commercial) office space purposes. However, no specific mention of these features appears in the newsletter's list of "exciting facilities". The upper storeys of the new concept could feature potential commercial club and their administrative functions, but specifics will only be revealed in the development application to be assessed and approved by the SCAP soon. Hints are, however, revealed in the pre-March 2023 draft Planning and Design Code documentation regarding the site. At that time the council was urging that an existing planning objective be revised to require that any extension of the existing centre, or new replacement building, featured "no increase in total floor area" (a measure of multi-storey development proposals). If sections of the proposed building are to be for club rooms and other purposes, they would now be consistent with the draft Planning and Design Code wording for the sub-zone which identifies the land chosen by the government for the new project.
- The silences in the 17–18 June newsletter highlight a political sensitivity regarding proposed changes compared to the planning allowances for the existing aquatic centre before the Code was recently amended. Under the changes to the Code, necessary for the sub-zone rezoning for the new centre, allowance will now be made for shops, clubs and related administrative functions. In February, the city council spelled out its specific areas of concern about this, identifying as problematic: "Consulting rooms, gymnasium, office, indoor recreation facility ..."<sup>14</sup> These are not consistent with a concept designed to focus explicitly on swimming activities. Moreover, there is no mention in the newsletter about revenues likely to arise from some functions. For example, a *Sunday Mail* report a day after the 10 June announcement reported: "Premier Peter Malinauskas said the new centre's facilities, including gym and café, would provide an ongoing revenue stream to underpin its costs."<sup>15</sup> This might tie in with a government plan to monetise some future centre functions, enabled through leases, reducing the number of state employees required to run aspects of the new centre. More may be revealed when the development application is tabled for SCAP assessment and approval. However, given that the government aims to assume tenure over the land (it's currently tenured to the city council) only when it subsequently opens negotiations for leases of areas in the new building, including upper level areas, will the public learn which parties are to become commercial participants. No doubt some have been in confidential negotiations with the state government for some time.

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<sup>14</sup> Adelaide City Council, Council, Agenda, Item 10.3, 'Adelaide Aquatic Centre Code Amendment', Point 8.5, 28 February 2023, page 35.

<sup>15</sup> *Sunday Mail*, 'First look at new Adelaide Aquatic Centre', News, page 17.