Denise Norton Park (Park 2)

Adelaide Aquatic Centre Redevelopment: Construction Licence and Lease Agreement

A local perspective about the city council's Park 2 lease and licence proposal in August 2023

From Peter Fenwick, resident, Barton Terrace West, North Adelaide*

This brochure contains Frequently Asked Questions presented recently by the state government and city council as background to a 21-day public consultation period, which has now concluded. The council's aim was to explore public views about a proposal to enter into a construction licence and lease agreement for this park. (Refer to the questions posed, **formatted in bold**.) The text in quotes features city council responses, to aid respondents.¹

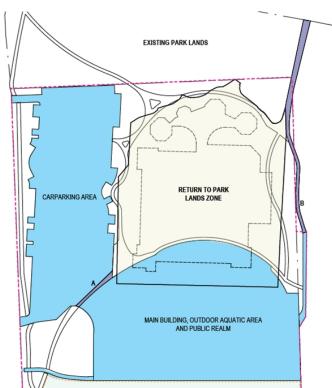
What is the City of Adelaide's involvement in the project?

"Although the Adelaide Aquatic Centre Redevelopment is managed and funded by State Government, the City of Adelaide has care, control, and management of the park lands. City of Adelaide has provided support for the project and to ensure that the project delivers outcomes that are beneficial to the city, is working collaboratively with DIT and their project team."

LOCAL RESPONSE: The city council's 26,000 ratepayers are not unanimously agreed about the council's decision to pay the state government \$20m to demolish council's Adelaide Aquatic Centre on the basis that the state Labor opposition pledged before the March 2022 election to build something else, somewhere else. Who knew then that the council would happily commit to spending \$20m when its budget was under siege? If studies were done to explore why \$20m could not deliver an improved existing centre, ratepayers have yet to see them.

Why is the public being consulted at this stage? "Under the *Local Government Act 1999*, before a Council grants a lease or licence relating to

¹ Note that, at the date of compilation of this brochure (11 August 2023), no city council summary of the consultation responses had been publicly released.



The Adelaide park lands Park 2 site proposed to be subject to an aquatic centre construction licence and lease agreement. The road at the base of this figure is Barton Terrace West, a residential precinct. The road at the left is Jeffcott Road, a major traffic thoroughfare. The shaded area illustrates land to be subject to a licence agreement in two phases. The bottom section will be fenced off in phase 1, and the whole of the site (to the top dotted line) will be fenced in phase 2. During that phase, about 3.5ha will become inaccessible to the public for more than a year.

community land (such as the park lands), it must follow the relevant steps set out in its public consultation policy, when it is for a term that is greater than five years (draft Lease Agreement). As the draft Licence is part of and required for project delivery, we [the city council] are also consulting on the draft Licence to complete the community consultation engagement."

LOCAL RESPONSE: There was no advance warning sent to city council ratepayers about the licence and 42-year lease consultation. It was welcome, but the very short notice and brief 21-day period (it closed on 3 August) meant that many who were not aware of it did not get to respond.

There's already been a lot of consultation, is this going to be the final chance to have my say?

"This process is [was] for feedback on the draft Licence and draft Lease Agreement ... For any other help with providing your feedback, please contact the City of Adelaide Customer Service Team through emailing customer@cityofadelaide.com.au (External link), by phoning 8203 7203 or by calling into our Customer Service Centre on Pirie Street. If you wish to seek information or provide feedback on the State Government's construction project to redevelop the Adelaide Aquatic Centre, this can be provided any time to the DIT project team by contacting them at:

* DIT.Engagement@sa.gov.au (External link), or * by phoning the enquiry line on 1300 794 880."

Is the new Aquatic Centre bigger than the current Adelaide Aquatic Centre?

"No, the total footprint of the building, car park and external areas will be 1,000sqm smaller than the total footprint of the current facility.

LOCAL RESPONSE: The answer to this question ('Is it bigger?') is misleading. The new building will comprise multi-storeys, unlike the existing single-storey building. Its bulk and scale will be much bigger. (See the image on page 3.)

"This means that there will be a return of 1,000sqm of open space to the park lands through a minimised facility footprint. A calculation of the area taken up by the existing Adelaide Aquatic Centre in Park 2 has been determined to occupy 30,305sqm. This includes the building, car park and external areas. The new Adelaide Aquatic Centre Redevelopment will occupy 29,305sqm." LOCAL RESPONSE: Detailed site analysis (including architect's drawings) on this was never publicly revealed during the March to August 2023 period, when various public consultations were under way. City council reliable sources recently confidentially suggested that independent third-party analysis would deliver different numbers. One key variable is "external areas", whose area remained uncertain at July 2023. Moreover, the most revealing data would emerge from a simple comparison: explicit footprint of existing building (minus exterior, fenced, but empty grounds), compared to footprint of the proposed building (including outdoor pools). Then there would be revealing total-floor-area comparisons. A floor area analysis would reveal that the proposed new project far exceeds the floor area of the existing facility, because the new plan comprises multi-storeys in a large-scale built form. Note that none of these comparisons was publicly available as at 3 August 2023, while the state government was continuing to make claims about footprints.

How big is the Work Compound that the Draft Construction Licence will cover?

"The maximum size of the work compound will be 3.5ha and delivered in two stages. * Stage 1: October 2023 – 31 July 2024 will be in the order of 25,000sqm [2.5ha] to enable the commencement of the project, and * Stage 2: 1 August 2024 – December 2025 will be in the order of 35,000sqm (3.5ha) and will include the existing centre area and the car park."

LOCAL RESPONSE: This detail reveals an intention to breach section 202 of the Local Government Act 1999, which refers to 'Temporary works and compounds, and restricts such works to "one hectare or less to minimise public exclusion". (Conversion numbers: 10,000sg m equals 1ha). That the state government would openly admit to contemplating a looming breach, in collaboration with the city council. illustrates a level of confidence that it can get away with breaching state legislation with impunity. (Note that the breach would be even more egregious with respect to the Stage 2 works, to commence on 1 August 2024 (3.5ha).) The city council is silent about this potential breach, because it has a major conflict of interest. It wants to dump the responsibility of running an Aguatic Centre and is thus supporting the state government in every way it can.

"This [work compound] area is limited to the western side of the Park 2 and will not impact access to the Bush Magic Playground, nor any of the facilities or playing fields on the eastern side of the park."

LOCAL RESPONSE: But it will impact on access to this playground, because families wanting to use it will lose easy (and safe) car parking access to the existing Aquatic Centre car park after 31 July 2024 (the playground is a short stroll from the car park: see photo page 4). There's more about this in additional comment later in this brochure.

"The DIT Project Team will work closely with the contractor and the City of Adelaide to ensure minimal disruption is experienced by park land users."

What will general construction methodology look like?

"All construction activities will be located within the fenced work compound areas. Stage 1 – October 2023 – 31 July 2024 * Site establishment and enabling works, and * Construction of main building and associated services."

LOCAL RESPONSE: During this period, many construction workers and contractor staff will start using the existing Aquatic Centre car park, diminishing access to spaces for pool users during the coming 2023 summer, a time of maximum demand. The council and the state government are maintaining a discreet silence about this. It's likely to be a contentious consequence of creating a large, fenced work compound adjacent to the car park, a year ahead of the closure of the Aquatic Centre. "Stage 2 – 1 August 2024 – December 2025 * Demolition of existing centre and construction of Return to Park Land Zone, * Construction of car park, * Return of the southern side of the new centre will be returned back to park land as agreed with City of Adelaide as part of the Return to Park Land Zone; and * Completion of main building, northern landscape area and car park."

Project Access and Safety

"Access to all sites throughout the construction process will be planned to minimise impacts to residents and local businesses. Alternate access routes will be promoted during the construction phase through directional signage and traffic/pedestrian management, engagement with the local community and information services." LOCAL RESPONSE: It is not clear what 'alternate access routes' means, but if traffic is to be diverted, or roads blocked, even for short periods, the MP for Adelaide, Lucy Hood. should have already warned everyone. Moreover, during the project, significant congestion will arise regarding Jeffcott Road, given that it is adjacent to the park lands site and is the major traffic carriageway (used by many daily buses) entering or leaving the city. More comment about this appears below.

"DIT will provide the community with regular updates on project progress and changes on the site. This will include works notifications to any impacted residents, businesses and park users." LOCAL RESPONSE: Here's an (ambiguous) hint that large trucks may use Barton Terrace West to deliver pre-cast concrete building



The state government's \$135m new Aquatic Centre concept announced in June 2023 as a replacement of the original \$82.4m project. The central section seen above is to comprise several levels, but the drawing obscures how many. The architectural plans had not been released at the time of the licence and lease consultation. Neither had the Development Application, which would reveal all. City council text reproduced in this brochure discusses whether locals will be consulted over the Application (see page 5), but there was at the time no guarantee that local views would carry any lawful weight.

modules, to be lifted by cranes using the park lands to deliver to the footprint site. This could occur any time between 7am and 7pm, up to six days a week. Intermittent road diversions and closures would be highly likely.

"The DIT project team will provide information regarding traffic changes/impacts to the public through a range of channels, including using direct notifications to affected stakeholders, signage and the project website: * Adelaide Aquatic Centre – Department for Infrastructure and Transport (External link). If you have any specific queries during the project, please contact the DIT Project Team directly on:

*email, <u>DIT.Engagement@sa.gov.au</u> (External link), or * by phoning the enquiry line on 1300 794 880."

Will the Adelaide Aquatic Centre still be available for use?

"The Adelaide Aquatic Centre will continue to provide access to all services until August 2024." LOCAL RESPONSE: To be clear, the centre, and the car park, will close in less than a year, on 31 July 2024. Demolition teams arrive on 1 August. The entire 3.5ha site will be fenced.

"DIT proposes to commence demolition in August 2024, at which time the current centre will close." LOCAL RESPONSE: This matter is of great sensitivity to the state government and to the MP for the electorate of Adelaide, Lucy Hood. The original \$84.2m proposal, ambiguously pledged before the 2022 state election, implied

that there would be no loss of existing Aquatic Centre access and services during the project. After the poll, in a 5 September 2022 Labor government media release, Ms Hood reinforced this. 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 community hub that keeps people active, healthy and connected," she assured users and Adelaide electorate constituents.

"The Office for Recreation, Sport and Racing (ORSR), the agency responsible for the operation of the new facility, is working with pool users and operators to make the temporary closure period as seamless as possible. If you have questions about access to alternative services, there is a dedicated hotline:

Email: <u>AACUserInfo@sa.gov.au</u> (External link), Telephone: 1800 942 974."

LOCAL RESPONSE: The government's determination to ensure completion of the project in line with a pre-March 2026 state election schedule (and to close down the existing centre 15 months early to guarantee this result) now delivers behind-the-scenes organisational challenges in managing the future needs of regular pool users after 31 July 2024. The most vulnerable groups are aquatic centre users on the basis of health needs. The most demanding groups will be school children (learn-to-swim programs) and thousands of children on holidays during the summer of 2024. The government's solution to this self-induced problem is to call on the generosity of aquatic site owners in mainly private schools (public schools rarely have such facilities). The deals, and inevitable taxpayer-funded costs, will never be publicly revealed, but funding will have to come from state budget amounts not originally anticipated to be spent on this. The minister in charge is Tom Koutsantonis (Transport and Infrastructure), no doubt working with Adelaide electorate MP, Lucy Hood. A number of the targeted schools are in her electorate.

Will the Bush Magic Playground still be available for use?

"Yes. However, when the Aquatic Centre is closed, and DIT commences the demolition of the Adelaide



Bush Magic Playground, north of the site proposed for the new, expanded Aquatic Centre. In warm weather this site attracts many families, but within a year (August 2024) access to the car park they have used for decades will cease, and families will be forced to park on nearby roads while the new expanded Aquatic Centre is being built. Completion is not anticipated before December 2025.

"Aquatic Centre in August 2024, access to the Bush Magic Playground will be maintained. However, the Park 2 car park will be closed, and visitors will be required to use on-street parking options." LOCAL RESPONSE: There are limited car parking options outside this park lands site, on Fitzroy Terrace or on O'Connell Street. Parking management headaches will become a city council problem. On Jeffcott Road, closest to the site, parking-space demand will mean that both sides may have to be used, narrowing the carriageway and creating significant risk to pedestrians walking to and from cars. Traffic will almost certainly be subject to a 25kph zone. enduring while access is blocked for 15 months, from August 2024 until at least December 2025 - if not later. This road carries heavy volumes of cars and buses daily, and the resulting congestion after August 2024 could cause morning and evening traffic leaving the city to back up into North Adelaide, and traffic coming from Torrens/Churchill Road entering a restricted-speed zone also could back up at peak times beyond the Torrens Road lights. The consequences would endure for a long time.

What will happen to the car park? Will I still be able to park my vehicle and access Park 2?

"Access to the car park will be maintained for access to the current Aquatic Centre and for general park lands use, until demolition of the Adelaide Aquatic Centre commences in August 2024."

LOCAL RESPONSE: Refer to various comments noted earlier in this brochure, about likely parking-space demand by contractors and site workers, diminishing existing capacity for pool visitors' cars. When centre demolition begins (August 2024) and access to the car park ceases, families seeking to use the playground also will have to park in a hazardous arrangement on adjacent roads (as is confirmed in the next council-authored sentence).

"After this date, the car park will not be available and on-street parking can be utilised."

LOCAL RESPONSE: This playground is very popular with young families from many local government areas, especially during spring and summer. Those electing to continue visiting this playground will be forced to park mainly along Jeffcott Road, using what will become an unsafe and hazardous parking site, given that traffic will continue to pass through. This is a consequence on young families that obviously neither the council nor the state government considered when deliberating on the project for Park 2 during 2021 and ahead of the 2022 state election. Each was seduced by different perceived benefits (the council: financial), and the state government and the state election outcome in March 2026: a lure to voters to reelect the Adelaide electorate MP).

What will happen to Blackfriars Priory School's occupation during construction in Park 2?

"As the head-lessee of the playing fields and sports building located in Park 2, Blackfriars Priory School will still maintain access to the sports building and remaining ovals on the eastern side of Park 2 and the tennis / basketball courts."

LOCAL RESPONSE: This access-to-the-Blackfriars-sports-building demand will simply add to the traffic street parking and congestion problem (after August 2024) when this school's teams and families use the licensed oval site.

I play sport in Park 2 – will my access be restricted?

"Due to the location of the new Adelaide Aquatic Centre, the ovals that are currently known as Barton Ovals West and East will no longer be available. However, access for sport and recreation will be maintained on the remaining ovals and courts on the eastern side of Park 2."

LOCAL RESPONSE: The issue is not about the tennis courts. It's about a problem for the community soccer and cricket groups that have

used these ovals most weekends annually, for many years. Their access to these fields will end FOREVER when the construction licence is signed – very soon. This area will be immediately fenced and all public access blocked. These cricket and soccer players have every right to be angry about this result. Their continuity of sports event weekend gatherings has effectively ended. The other ovals north of the existing centre are leased to Blackfriars. Its teams will always have priority because the school has the head lease.



Trees likely to be cut down to make room for a 108-space expansion of the existing Aquatic Centre car park. Board members of the Adelaide Park Lands Authority in July claimed that 15 trees were likely to be chain sawed. The actual number is 23.

Will any trees be removed?

"It is anticipated that trees will be removed. Significant and Regulated trees will be prioritised for exemption from removal. Tree Protection Zones (TPZ) will be in place for all trees that remain. No trees will be removed to enable the construction compound."

LOCAL RESPONSE: The precise details about the size of trees and their locations was not known during public consultation because a master plan for the area, and a Development Application for the project, had not been publicly released as at 3 August 2023. The statement that "no trees will be removed to enable the construction compound" is spin. On 8 August the truth emerged in a government Plan SA revelation detailing aspects of the Development Application: 16 regulated (big) trees and seven significant trees will go. But the text immediately below reveals the state government spin circulating as at 3 August 2023.

"However, some vegetation removal will be required to accommodate the works, however this will be minimised where possible. Council will require DIT to replant in excess of any trees removed to increase the tree numbers and canopy coverage post the project will be as per the drawings issued for Planning Consent when DIT lodge their Development Application with SCAP. "This application will be subject to Public Consultation in accordance with the Planning, Development Infrastructure Act 2016."

LOCAL RESPONSE: The bold, underlined text above is curious. If the project can be established and legitimised as complying with the planning rules (under the post-March 2023 government-approved sub-zone changes to the Planning and Design Code for this park lands site) then there is no legislative requirement for any public consultation to occur on the Development Application (DA).

However, it's possible that the government may arrange an unofficial 'feedback' opportunity for Barton Terrace West residents and others, if for no other reason than to placate frustrated objectors. But their feedback may not carry any lawful weight and can be lawfully ignored. The state government is following a very tight schedule to commence and complete this project. The realpolitik is that the DA must get a State Commission Assessment Panel (SCAP) green light very guickly, to commence the project on time, and then to meet the tight end-2025 scheduled completion deadline. (Remember, there's a state election only months later, in March 2026. That is the main game: delivery of a pre-election sweetener for a Labor candidate.) But if the project can be established and legitimised under planning law as "complying" (in the old language) and is consistent with a rushed revision of the park lands Community Land Management Plan, then there would be no legislative requirement for any public consultation to occur on the Development Application (DA).



Open space behind the existing Aquatic Centre. Was it factored in when the state government explored 'footprint' comparisons between the old site and the new proposed concept? The Development Application would answer this, but the government had not released it at the time of the late July 2023 lease and licence public consultation. The land in the photo above will become the site for a new playing field, to be paid for by the city council, using ratepayers' funds, under a Project Agreement whose contents had not been revealed to ratepayers during the lease and licence consultation.

"Any comments relating to impacted trees should be either directed to DIT Engagement Team, or directly to SCAP during public consultation process."

LOCAL RESPONSE: Again, this implies that any member of the public will be able to comment on the DA, because that will reveal the particular trees to be cut down. If the "public consultation" claim about the Development Application is misleading, any protests can be legally ignored. Which are the "impacted trees"? Are they significant at law, ie, big trees? Why the ambiguity about a) which ones, and b) where? The master plan would show the areas where these trees currently grow, but the master plan had not been released during the period of lease and licence consultation.

When will the areas used for construction be returned to park land?

"Upon completion of the project and remediation works (anticipated between December 2025 to February 2026)."

LOCAL RESPONSE: Every year, the threemonth December-to-February period is one during which many construction workers traditionally take holidays. Because of this, it is unlikely that this park lands site will be fully remediated during the period. But this won't matter when the 2026 candidate for Adelaide cuts the ribbon.

What will these areas look like after the work has been done?

"All areas within the park lands that will be returned to the care, control and management of City of Adelaide will be appropriately landscaped in consultation with Council. A park lands design concept will be developed as part of the master planning of this park."

LOCAL RESPONSE: The master plan already exists, but was withheld from public release as at 3 August 2023. Why? Moreover, given that the city council will retain 'care and control' custodianship of this park, it will almost certainly have to assume funding responsibility for the landscaping work, and for ongoing maintenance. In fact, a 4 August 2023 council Audit and Risk Committee agenda (page 124) revealed that under a secret Project Agreement the council would "provide a new playing field" adjacent to the new building. This cost will be exclusive to city council ratepayers.

What will be the distance from the new Centre to Barton Terrace West?

"The boundary set back will now be not less than 70m from the northern kerb of Barton Terrace West."

LOCAL RESPONSE: The state government and the city council are highly sensitive to adjacent residential concern about post-2026 noise consequences of events to be held at the new facility, or adjacent to it. They will come from within the new building, or where a new oval is to be created, on the site of the existing centre, less than 100m away. Alarmingly, the state managers of the project are presenting this 70m distance as token compensation for any future excessive noise-transfer consequences. However, events that use public address systems and feature crowds will easily deliver widespread noise to the bedrooms and yards of local residential homes, during day and (especially) night events. A 70m distance won't cut it. The city council's desperation to dump responsibility for running its existing swim centre, and the fact that, after 2026 there will be a new team of councillors, mean that this political problem is being quietly shelved at this time. While there is no event noise, it can't be tested!

How will dust and noise be managed during construction?

"Dust and noise will be managed in accordance with *Local Nuisance and Litter Control Act 2016* and the City of Adelaide regulatory requirements." LOCAL RESPONSE: Local residents will be confronted with inevitable summer 2024 construction noise and dust, especially given that works will commence six days weekly at 7am. Temporary fencing will not block dust and noise.

"Environmental controls will be implemented at all agreed site entrances and exits to prevent soils and the like impacting on the surrounding roads. The site will be securely fenced with suitable dust and noise monitoring in place to reduce the impact to the surrounding environment. Sediment fencing and environmental controls will be put in place around the perimeter of the site and regularly monitored."

What are the construction hours and days?

"Working hours will be as per City of Adelaide and EPA construction working hours, noting that construction noise should be limited to the allowed hours 7:00 am to 7:00 pm (Monday to Saturday)." LOCAL RESPONSE: This explanation delivers ambiguity. Given the political pressure behind management of a very tight construction schedule, it's possible that work could at times occur 7 days per week if necessary, especially if the government's schedule falls behind. Construction noise consequences on local residential families could be considerable. If seven days weekly, this would feature noise commencing at 7am on Sundays. That would be popular! The city council will be responsible for managing noise complaints, but it already has a bad long-term record for responding promptly to noise complaints about major park lands-related noise. During construction, the state government will be quick to pass the blame for noise-control mismanagement onto the council. Remember, too, that when completed, this site will become a formal 'major events' site under council park lands management control.

How will the storage of soil and spoil be managed?

"All soil stockpiles and building materials will be: * covered where necessary, * located behind the sediment controls, * protected from run-on water by placing diversion banks up-slope, and with sediment control structures placed immediately down-slope, and * located at least 2m from hazard areas,

especially likely areas of concentrated or high velocity flows, such as waterways, kerb inlet pits, paved areas and driveways."

LOCAL RESPONSE: Movement of trucks carrying soil away from the site (because of extensive excavations to create the pools) will require traffic managers to stop passing traffic while trucks carrying the soil enter local roads. These intermittent road blocks would add to local traffic congestion during the 15-month construction period.

How are potential impacts on cultural heritage being managed during construction?

"During the early phases of the project the State Government undertook detailed site investigations to assess and determine the cultural heritage of the site, indicating that there are no known Aboriginal Heritage sites located on the proposed land. During the site enabling and excavation phases of the project, cultural heritage monitors will be engaged to monitor the works by the State Government."

What will happen to my feedback?

"Feedback related to the draft Licence and draft Lease Agreement will be presented to Council for their consideration prior to any decision to enter into the draft Lease Agreement and draft Licence agreement with the DIT."

LOCAL RESPONSE: Note that this feedback opportunity closed on 3 August 2023. But the city council had by 7 July 2023 (almost a month earlier) already determined to enter into a Park 2 lease and licence agreement with the state government to enable this project. The evidence for this is presented clearly in a draft Community Land Management Plan subject to a public consultation period (7 July to 31 July 2023). The government text, therefore, is misleading. The decision had already been made at (or before) 7 July. **Evidence: extract from page 22 of the draft** July 2023 CLMP with reference to the development proposal for Park 2 of the Adelaide park lands:

- "A2.6 Management proposals
- Support State Government commitment to the relocation and development of a new aquatic facility (incorporating upgraded landscaping and other works to surrounding areas) within the park, including by authorising:

- * the grant of any licence(s) overall areas necessary to facilitate construction activities (including decommissioning of the existing aquatic centre and commissioning of a new facility); and * the grant of a form of long term lease to or entry into other form of long term arrangement with the State Government to facilitate the State Government's ownership, management and operation of the new facility;
- * support other facilities and commercial activities complementing the provision of aquatic activities, fitness and allied health uses and ancillary use that are consistent with the purposes for which the land is held;
- * encourage a master plan of the site to promote the integration of uses and spaces."

Two concluding observations:

1. There was no complete lease draft provided during the council's consultation period, and the construction licence draft was incomplete. The consultation procedure was obviously flawed.

2. What is the plain-English meaning of "other facilities and commercial activities" reproduced above? Neither the council nor the state government appeared interested in explaining this in its Q&A online text during the public consultation period.

CONCLUSION

A disturbing feature about this chapter in the city council's record of Adelaide park lands management was that key information required by the public to fairly respond to public consultation about the lease and licence proposal was not provided at the time. Another feature was that, although state law requires public consultation, it is clear that the city council had already determined to go ahead, regardless of ratepayers' views.

*Compiled with assistance from John Bridgland, former secretary and treasurer, The North Adelaide Society Inc., February 2001 to March 2021.

FURTHER CONTACT

Peter Fenwick: Email: peter@fenwicks.com.au>