

Petition - 156-172 Franklin Street

Tuesday, 8 March 2022
Council

Strategic Alignment - Enabling Priorities

Program Contact:
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Governance

Public

Approving Officer:
Amanda McIlroy - Chief
Operating Officer

EXECUTIVE SUMMARY

This report presents a petition for Council to receive. The petition asks Council to uphold and enforce the current and legal Land Management Agreement in place for the proposed development site known as 'the Loft' located at 156-172 Franklin Street and opposing the current development plan.

There are 398 signatories to the petition; in addition 15 emails were also received in support of the petition.

RECOMMENDATION

THAT COUNCIL

1. Receives the petition containing 398 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 8 March 2021, asking Council to uphold and enforce the current and legal Land Management Agreement in place for the proposed development site known as 'the Loft' located at 156-172 Franklin Street and opposing the current development plan
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities Presentation of petitions align with the Strategic Plan objective that community consultation underpins everything we do.
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Petition presented for receipt in accordance with City of Adelaide Standing Orders and the <i>Local Government (Procedures at Meetings) Regulations 2013 (SA)</i> .
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. A petition has been received which states:

'We the undersigned, do hereby ask the Adelaide City Councillors to uphold and enforce the current and legal LMA (Land Management Agreement) that is in place for the proposed development site known as the Loft (Certificates of title volume 6057 Folio 769) located at 156-172 Franklin Street, Adelaide, South Australia.

Additionally, we ask that you oppose the current development plan:

- *open Balfour's Way to cars and trucks.*
- *the proposed traffic flow of the cars through Gallery and Altitude carpark.*
- *any additional building height over 25 metres with a 20% tolerance.*

2. In addition, 15 emails were received in support of the petition, stating:

'...hereby state that I am in support of the said Petition relating to:

Retaining the existing 2014 Land Management Agreement (LMA) over 156-172 Franklin Street, Adelaide, ensuring that the building height of any development on this site remains limited at the height in accordance with the 2014 LMA. In petitioning, we wish you to note that any increase of height at this site will:

- *Substantially erode property prices of existing apartment owners,*
- *Decrease the amenity and quality of life for residents currently in the precinct,*
- *Be contrary to the overarching plan for this precinct as previously endorsed by the Council; and*
- *Create Serious reputational damage for the City of Adelaide as an ideal place to live and invest in.*

We further ask that Adelaide Council consider the following and the impact this will have on the area and residents:

- *The developers traffic management diagram for Balfour's Way (Waste Removal)*
- *The developer's traffic management diagram for the car parks (Car Park Access through Gallery and Altitude)*

3. If a petition is received the Chief Executive Officer must ensure the petition is placed on the agenda for the next ordinary meeting of Council. The original petition will be distributed to all Council Members separately. Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.
4. To determine that a document presented is a petition pursuant to regulation 10 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (the Regulations), the following matters in conjunction with the requirements of the City of Adelaide Standing Orders, are assessed prior to the presentation of a petition to the Council:

- 4.1. What is a Petition?

A 'petition' is commonly defined as 'a formal document which seeks the taking of specified action by the person or body to whom it is addressed' or 'a written statement setting out facts upon which the petitioner bases a prayer for remedy or relief'.

- 4.2. Does the Petition contain original signatures or endorsements, accompanied by an address?

A petition being a document of a formal nature must contain original signatures or endorsements (not copies) and those signatures, or endorsements, must be accompanied by an address.

- 4.3. Does each page of the Petition identify what the signature is for?

Each signature must be on a true page of the petition which sets out the prayer for relief as part of that page - a sheet which contains signatures but not the prayer cannot be accepted as valid as there is no evidence as to what the signatories were attesting to.

- 4.4. Language in the Petition?

The request must be written in temperate language and not contain material that may, objectively, be regarded as defamatory or offensive in content.

5. Regulation 10 states that a petition to Council must:

- 5.1. Be legibly written or typed or printed.

- 5.2. Clearly set out the request or submission of the petitioners.
- 5.3. Include the name and address of each person who signed or endorsed the petition.
- 5.4. Be addressed to the Council and delivered to the principal office of the Council.
6. This petition listing 398 signatories meets the requirements of the Regulations and is presented for Council to receive.

ATTACHMENTS

Petition distributed separately to Lord Mayor and Councillors

- END OF REPORT -