

# 88 O'Connell Development – Changes of Use

ITEM 15.3 08/03/2022  
Council

Council Member  
Councillor Martin

2018/02324  
Public

Contact Officer:  
Tom McCready, Director City  
Services

## QUESTION ON NOTICE

### Councillor Martin will ask the following Question on Notice:

'Having regard to the Government Architect's response and comments on the second application (prompted by the legal challenge to the development) for the development at 88 O'Connell Street, dated 16 November, 2021:

- a. Could the Administration advise, specifically, what conversations, if any, have occurred with C and G, contracted by the City of Adelaide to deliver the project, in respect of the following changes to the functions or the concept plans previously approved by Council for the development:

#### **Ground floor**

1. “ .....(Medical) consulting rooms (...in lieu of retail...)...are now proposed in the south west corner, fronting O'Connell and Archer Street ..” which could lead to “ .....potentially compromised public realm activation on the main street frontages .... includes obscured glazing (an anticipated requirement for privacy) and limited operating hours ...”
2. “ ... retail changed to shops/restaurants ...”
3. “ ....studio (wellness) description changed to indoor recreation facility ...”

#### **Level One**

1. “ ... commercial and medical consulting room uses changed to offices ...”

#### **Level 2**

1. “ ... commercial uses changed to offices ...”
  2. “ ... club changed to restaurant ...”
  3. “ ... day spa changed to public day spa (personal or domestic services establishment)
  4. “... removal of private dog park ....”
- b. Could the Administration advise whether such changes are at variance with either the original Guiding Principles endorsed by Council, following public consultations, or the commercial terms of the contract between City of Adelaide and C and G?’
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# REPLY

1. In relation to part (a), we were advised by Commercial & General that a second planning application was to be lodged with the State Commission Assessment Panel (SCAP) which was prompted by the legal challenge to the development.
2. As part of this notification, we were advised that some changes in terminology were to be applied in the planning application to reflect land use definitions contained in the Planning, Development, and Infrastructure (PDI) Act and subordinate Regulations.
3. In addition to the above, the application also comprised a change of use from retail to consulting room at ground level (on the corner of Archer and O’Connell Street). The proposed land use mix within the development is the responsibility of Commercial & General.
4. In relation to part (b), the changes as listed above are not considered to be at variance with the Guiding Principles.
5. Furthermore, while the Land Facilitation Agreement remains a confidential agreement between the City of Adelaide and Commercial & General, we can advise that the matters noted above do not require a decision of Council.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 4 hours
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