

Council Member
Councillor Martin

Public

Contact Officer:
Amanda McIlroy, Chief
Operating Officer

MOTION ON NOTICE

Councillor Martin will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council;

Asks the Administration to immediately release from confidentiality the Land Facilitation Agreement and any associated documents recording the agreement between Commercial and General and the City of Adelaide for the development of 88 O'Connell Street, without redaction, and before the next meeting of the elected body, noting Section 3 (3) of the Freedom of Information Act 1991 in regard to current applications for the release of the documents.'

ADMINISTRATION COMMENT

1. The *Freedom of Information Act 1991* (FOI Act) serves to promote openness and transparency in governance and accountability of government agencies, including councils.
2. The City of Adelaide considers Freedom of Information (FOI) applications received from the public in accordance with the FOI Act. This includes consulting third parties whose affairs may be affected by release of information.
3. The City of Adelaide is currently assessing a Freedom of Information request in relation to the Land Facilitation Agreement (LFA) with Commercial & General. The LFA was executed in December 2020 and is a comprehensive document outlining the obligations of each party and addressing design outcomes, pre-sales strategy, the physical completion of the construction works and the sale of completed lots.
4. The release of the LFA prematurely and in full may negatively impact both parties. A risk assessment approach is therefore being undertaken as well as a review against the provisions in the FOI Act before a determination is made to the applicant.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable

Legal advice / litigation (eg contract breach)	Release of the document without the full risk assessment being done may increase the likelihood of allegations of a contractual breach which would need to be investigated and likely incur legal costs.
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours.

- END OF REPORT -