

Our ref: JAL/218044

28 February 2020

Mr Michael Lennon  
Chair  
State Planning Commission  
GPO Box 1815  
ADELAIDE SA 5001

By email: [DPTI.PlanningReform@sa.gov.au](mailto:DPTI.PlanningReform@sa.gov.au)

Dear Mr Lennon

**Submission on Draft Planning and Design Code - Phase Three - Corner Hutt Street and South Terrace, Adelaide**

This firm acts for J1 Nominees Pty Ltd the owner of the St Andrews Medical Centre Building at 321 South Terrace (the north eastern corner of Hutt St and South Terrace) and J7 Nominees Pty Ltd, the owner of the land at 333 South Terrace (collectively "**J Group**").

This submission on the Draft Planning and Design Code - Phase Three is made on behalf of J Group.

**Summary of submission**

J Group respectfully submits that -

1. The Urban Corridor (Main Street) Zone is generally appropriate for Hutt St and should extend further south to include the land on the eastern side of Hutt St abutting the northern boundary of the allotments fronting South Tce (eg to and including 268 Hutt St);
2. The Capital City Zone (but not the City Frame Sub-Zone) should extend east along South Tce from and including 321 South Tce east to St John St;
3. Express policies should be included in the Urban Corridor (Main Street) Zone to prevent the extreme and deleterious impacts of uses such as the Hutt Street Centre from expanding in its present location or from decimating other Main Streets in the Metropolitan Area.

The basis for these submissions is detailed further below.

**Urban Corridor (Main Street) Zone southerly extension**

1. The Code presently proposes to include the land fronting Hutt Street on the eastern side from 262 Hutt St (opposite Davaar PI) south to South Terrace and then easterly along South Terrace within the Community Facilities Zone.

Level 1 Darling Building  
28 Franklin Street, Adelaide  
GPO Box 1042, Adelaide SA 5001  
t. 08 8212 9777  
f. 08 8212 8099  
e. [info@bllawyers.com.au](mailto:info@bllawyers.com.au)  
[www.bllawyers.com.au](http://www.bllawyers.com.au)

2. The land immediately north (260 Hutt St) is within the Urban Corridor (Main Street) Zone.
3. The Hutt Street Centre is located from 254-268 Hutt Street such that the proposed Zone boundary dissects its sprawling operations.
4. The Community Facilities Zone fronting Hutt St therefore presently includes part of the existing Hutt St Centre and the St Andrews Medical Centre Building recently established by J Group.
5. The Hutt Street Centre clearly has aspirations to expand (see the application lodged with the City Council last year - DA/851/2019).
6. The parcels on the eastern side of Hutt St that should be included in the Urban Corridor (Main Street) Zone are 262-268 Hutt St.
7. This zoning is appropriate because -
  - 7.1. The buildings and sites are partially heritage listed and limited in their larger scale development potential;
  - 7.2. Front Hutt St and form the southern extent of the physical main street,
  - 7.3. This land is not suited to larger scale medical facilities (because of its size and the mix of heritage buildings) and is remote from the facilities established along South Tce and extending from 321 South Tce in an easterly direction back to the St Andrews Hospital;
  - 7.4. The land is suited to main street uses and activities (in the event that the inappropriately located Hutt Street Centre eventually has its deleterious and unlawful activities curtailed and ideally relocated).
8. On the western side of Hutt St, the Draft Code presently includes the land north of Davaar Place in the Urban Corridor (Main Street) Zone (which we respectfully submit is appropriate).
9. Also on the western side of Hutt St, the Draft Code presently includes the land south of Davaar Place in the Capital City Zone and the City Frame Sub-Zone. Again, we respectfully submit that this is appropriate.

#### **Policies to protect the community from Hutt St Centre**

10. Express policies should be included in the Urban Corridor (Main Street) Zone to prevent the extreme and deleterious impacts of uses such as the Hutt Street Centre. Such policies would prevent expansion of the Hutt Street Centre in its present location but are also important to prevent the same planning conflict in other Main Streets in the Metropolitan Area also within the Urban Corridor (Main Street) Zone.
11. This is not merely an isolated issue related to one rogue operator but is a broader public planning policy issue for Main Streets throughout the Metropolitan Area. It is self-evident that adequately resourced facilities and services for homeless, mentally ill and drug and alcohol addicted or affected persons is vital.
12. The planning question is; where it is appropriate for those services and facilities to be located?

13. The answer in part is that main streets are not the proper location. Staggering drunk and drug affected violent people attracted to services and facilities in Main Streets is starkly antithetical to main street planning policy. The two are simply incapable of co-existence in the same location.
14. The Hutt Street Centre is a harrowing and well documented present example. The J Group has written to the Centre and the various law firms acting for the Centre on numerous occasions over several years listing their concerns about the unlawful activities occurring at and in the vicinity of the Centre and being caused by the activities of the Centre, particularly in this location.
15. The activities of the Centre lead to unacceptable impacts in the locality whereby patrons of the Centre are frequently (that is **on many occasions daily**) observed to -
  - 15.1. Buy and sell illicit drugs in public areas;
  - 15.2. Take (including by injection) illicit drugs in public areas;
  - 15.3. Take (including by injection) illicit drugs on private property;
  - 15.4. Be under the influence of drugs and alcohol in public areas and on private property;
  - 15.5. Trespass on private property;
  - 15.6. Break into and enter private property to steal, menace, harass or even just to sleep;
  - 15.7. Vandalism of nearby property;
  - 15.8. Urination and defecation in public areas and on private property;
  - 15.9. Approach, assault, abuse, harass, beg, menace and intimidate (including on occasion threats to kill) members of the public and our clients (with an apparent particular focus on patrons, staff and owners of nearby businesses);
  - 15.10. Engage in acts of public indecency;
  - 15.11. Engage in violence with each other;
  - 15.12. Inflict violence on innocent members of the community.
16. The South Australian Police Data of attendances from November 2016 - January 2019 (which does not include incidents resulting in persons being detained under the *Mental Health Act*) show a strong correlation of police attendances close to the Centre and during the operating hours of the Centre. The attendance number and seriousness of the nature of the attendances generally reduces with distance from the Centre. The data clearly shows a correlation with the operation and location of the Centre and a substantial increase in unlawful antisocial activity.
17. We have obtained numerous witness statements that provide a disturbing account of the persistent abhorrent impacts caused by the operations of the Centre.

18. The building manager for the St Andrews Medical Centre owned by our client similarly reports persistent criminal behaviour as a result of patrons of the Centre or other associates of the Centre's patrons lured to the locality by the existence of and activities of the Centre. This criminal and vile behaviour occurs in the public realm and in the car park.
19. As anyone walking the footpath near the Centre (on Hutt St or even on South Terrace) would readily observe, the locality is far from safe. The patrons of the Centre congregate near to, deal drugs outside of and move to and from the Centre and its surrounds spreading violence and antisocial behaviour along the way in direct contravention of these policies. Nothing about the internal capacity of the Centre can affect that impact.
20. Despite these well documented concerns being regularly and clearly communicated to the Centre and its lawyers over several years, they remain.
21. The policies that should be included in the Urban Corridor (Main Street) Zone to protect against such inappropriate uses in main streets are -
  - 21.1. Ensure that the list of Restricted Development includes uses such as drop in or day centres, homeless shelters, drug and alcohol counselling and treatment facilities, employment services and agencies, soup kitchens, housing services and agencies and mental health facilities; and
  - 21.2. Include express policies that speak directly against such uses (such as simply "*Development listed as Restricted development is not appropriate in the Zone and should not occur*").

#### **Extension of Capital City Zone east along South Tce**

22. The draft Code presently has the Capital City Zone along most of the westerly extent of South Terrace, up to Hutt St.
23. The Community Facilities Zone is not appropriate for the land between Hutt St and St John St for the following reasons -
  - 23.1. The height limit of 15 metres inhibits investment in medical, hospital and related health and aged care facilities in this precinct where such facilities increasingly require patient and employee parking, specialist equipment, laboratories and treatment facilities etc that cannot be accommodated at scale in 3-4 level buildings;
  - 23.2. As the southerly extent of the City, there is no risk of overshadowing and the height limit should therefore be increased;
  - 23.3. The height and intensity policy in PO 2.1 ignores the fact that the bulk of this area faces directly onto South Terrace which is an active and increasingly utilised public area;
  - 23.4. There is no direct policy focus on health care, but a generic range of anticipated uses that are at odds with a health and medical precinct (eg PO 1.1 and DTS/DPF 1.1 which refer curiously to "indoor recreation facility", "place of worship", "pre-school" and "recreation area". These uses are anomalous to this precinct.

24. On the contrary, this precinct should be zoned to catalyse the progressive investment that has been and is being made to and around the St Andrews Hospital. That is most logically achieved by extending the Capital City Zone along South Terrace in an easterly direction to St John St.
25. The building at 321 South Tce marks the westerly extent of the medical precinct associated with St Andrews Hospital. It sits at a prominent corner, directly adjacent the Park Lands.
26. The location of this site makes it appropriate for inclusion in the Capital City Zone.
27. The extension of the Capital City Zone along South Terrace in this way has merit for the following reasons -
  - 27.1. It is a logical spatial extension (along South Tce) of the Zone as already shown in the Draft Code;
  - 27.2. The uses envisaged in the Capital City Zone contemplate health care and living uses at a suitable scale;
  - 27.3. The Zone provisions contain a suite of policies to deal appropriately with design, height and interface issues;
  - 27.4. The Zone provisions contain appropriate policies to deal with safety, walkability and vibrancy - issues of important in this precinct in light of the adverse impacts of the Hutt St Centre;
  - 27.5. Such an extension is consistent with the Zone to the west of the Hutt Street intersection and provides suitable flexibility for medical consulting and other complementary development including residential in particular at the upper level of buildings which is not otherwise provided for by the proposed Community Facilities Zone

#### **Limit of City Frame Sub-Zone**

28. We respectfully submit that unlike the Capital City Zone applicable along South Tce to the west of Hutt St (as set out in the Draft Code) the City Frame Sub-Zone should not apply to the east of Hutt St.
29. This is principally because that sub-zone has a limit on non-residential development. It seeks to limit non-residential development to the ground level. Such a restriction is not appropriate given that this precinct has been developing for medical and health care purposes. Such uses should be promoted and enabled to flourish in taller buildings at upper levels.
30. That is not to deny residential development in mixed use format, but likewise, our suggested approach would not prescribe that mixture either.

#### **Hutt Street Traders' Submission**

31. J Group has been provided with a copy of the submission prepared by Future Urban on behalf of the Hutt Street Traders Association. J Group supports the approach advanced by the Hutt Street Traders Association.

Thank you for the opportunity to make this submission. J Group would welcome the opportunity to appear before the Commission to speak to this submission and to answer any questions of the Commission.

Yours faithfully



**James Levinson**  
**BOTTEN LEVINSON**

Mob: [REDACTED]  
Email: [REDACTED]