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Mr Michael Lennon  
Chairman – State Planning Commission

By email: [Dpti.planningreformsubmissions@sa.gov.au](mailto:Dpti.planningreformsubmissions@sa.gov.au)

Dear Mr Lennon

## Planning and Design Code Phase 3 Submission

We act for the Hutt Street Traders Association ('the Association').

The Association supports small and medium businesses in order for them to reach their potential while building business and economic prosperity for Hutt Street. The proposed Community Facilities Zone and Urban Corridor (Main Street) Zone comprise a substantial area along Hutt Street.

### Key Issues

We note that a key objective of the draft Planning and Design Code is to propose a 'like for like' rezoning however, the proposed Community Facilities Zone which extends from the southern end of Hutt Street and along South Terrace will result in:

- a significant loss of development potential when compared to the current zone (i.e. in terms of height and catalyst site provisions);
- a framework that does not envisage the development of important land uses within the zone such as the St Andrew's Hospital and other medical facilities which feed existing businesses and drive retail expenditure along Hutt Street;
- potentially more onerous interface development provisions;
- potentially more public notification;
- a lost opportunity to encourage medium to high scale development adjacent to the Park Lands; and
- most importantly, a framework that will potentially support the growth of **destructive land uses such as the Hutt Street Centre** ('the Centre') which is having a vast detrimental impact on Hutt Street businesses, the St Andrew's Hospital, the residential community and visitors to the area.

### Change of Zone

In our opinion, issues relating to development potential, height, interface and Park Land opportunity can be effectively addressed by simply changing a significant portion of the Community Facilities Zone to Capital City Zone (but not the City Frame Sub-Zone). Such a change will:

- afford development with the opportunity to exceed height guidelines subject to meeting certain design criteria;

- interface issues can become performance assessed rather than being restricted within the interface angle which results in a significant loss in development potential;
- encourage higher scale development to take advantage of the Park Lands which provides a high-quality amenity;
- continue the desired framing of South Terrace which is currently sought to the west.

However, in the case of land use it is much more challenging particularly where a **destructive land use such as the Centre straddles two zones** and will undeniably continue to adversely affect existing businesses along Hutt Street, discourage investment and visitation to the area.

### The Hutt Street Centre

The Hutt Street Centre straddles the Community Facilities Zone and the Urban Corridor (Main Street) Zone. Accordingly, we strongly encourage the State Planning Commission ('SPC') to take a holistic view when assessing envisaged land uses across both zones. We say this because in February 2019, Hudson Howells was engaged by the Association to prepare a Hutt Street Growth Plan ('Growth Plan') also enclosed to this submission. The Growth Plan considered both residential and commercial development, identified barriers to development and developed strategies to resolve the identified barriers. **The Growth Plan clearly identified that a major problem is the anti-social behaviour exhibited by people who utilise the suite of services offered by the Centre.** The Growth Plan concluded that the services being delivered at the Centre are having a vast detrimental impact on the Hutt Street residential and business communities.

It is on Council record that various people have written to the Centre on numerous occasions over several years listing their concerns about the unlawful activities occurring at, and in the vicinity of, the Centre. **The activities of the Centre lead to unacceptable impacts in the locality whereby patrons of the Centre are frequently observed to be involved in criminal activity, violence, vandalism, anti-social behaviour, drug abuse, assaults, harassment etc.** There is an also apparent particular focus on patrons, staff and owners of nearby businesses. Vacancy rates around the Centre are well documented.

There have been numerous approaches and demands that the Centre urgently cease the various uses it engages in and take measures to prevent the public nuisance arising from the operation of the Centre.

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 attendance 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 activity.

Despite these well documented concerns being regularly and clearly communicated to the Centre over several years, they remain. **Little or no action has been taken by the Centre, or the Adelaide City Council to cease the gamut of uses** of the Centre for its current purposes. The Centre is seemingly unwilling or unable to acknowledge and address these concerns or willing to take steps to address them, including to seek all relevant authorizations for the use of the land.

We are instructed the use of the Centre has morphed into:

- primarily a form of "office" conducting fundraising operations for the benefit of the Centre, the provision of legal advice and financial counselling;
- uses in the nature of consulting rooms (as defined by the *Development Regulations 2008*) offering health services including a hepatitis nurse, podiatrist, hearing or audiology and a GP;

- acting as a vocational training centre; and
- drug and alcohol counselling.

The patron numbers and numbers of staff and volunteers at the site has dramatically increased beyond the numbers and intensity contemplated by the approvals for the land.

The mere fact that these activities have been carried on for an extended period of time does not legitimise them.

### **Let Policy do the Hard Work**

We respectfully submit the proposed policy in the draft Code will only act to encourage the redevelopment of the Centre and will reinforce and exacerbate the adverse impacts of the Centre's activities in the locality.

**The two zones in question here should not support the Centre for the longer-term sustainability, performance, vibrancy and safety of Hutt Street and the City generally.** The draft policy framework as it currently stands has the potential to exacerbate and entrench the inappropriate use and prevent the opportunity for more appropriate uses to be developed, established and prosper. Put differently, **a policy framework that has the effect of phasing out an undesirable form of development and making it extremely difficult to expand or intensify can only lead to the betterment of other surrounding land uses which are complementary and which feed each other to stimulate economic activity and create a safe and attractive environment.**

Logically, providing a policy framework that supports the expansion or intensification of the Centre will only draw more people to the Centre from further afield and increase the violent and anti-social behaviour in the locality. That situation can come to an end if clear policies are incorporated within the Planning and Design Code, particularly the Urban Corridor (Main Street) Zone, to prevent Centre redevelopment opportunities. Put simply, **the Centre will need to find an appropriate alternative premises in a more suitable area having regard to both the conditions on the ground and the zone(s) applicable to that land.**

**It is not the role or responsibility of the SPC, the community or government to identify a suitable area for the Centre nor continue to accept or support the status quo. The Centre's existence directly conflicts with the expected growth of this part of the City providing a poisonous ingredient in what could otherwise be a burgeoning economic environment that is safe and comfortable.**

### **Recommendation**

In consideration of all the above, we respectfully submit that:

1. The Urban Corridor (Main Street) Zone is generally appropriate for Hutt Street and should extend further south to include the land on the eastern side of Hutt Street abutting the northern boundary of the allotments fronting South Terrace (eg to and including 268 Hutt Street);
2. The Capital City Zone (but not the City Frame Sub-Zone) should extend east along South Terrace from and including 321 South Terrace east to St John Street, consistent with that to the west of the Hutt Street intersection and in so doing providing 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;

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.

Such policy could be introduced as an additional Desired Outcome, Deemed to Satisfy and/or Restricted Development within the Urban Corridor (Main Street) Zone. Suggested wording is offered below.

**Desired Outcome**

*Development for, or related to, any one or more of the following, should not occur within the Zone:*

- *homeless shelters and day centres (including facilities for the provision of meals, showers, lockers, and services to homeless persons);*
- *facilities and services for homeless persons;*
- *employment agencies;*
- *housing agencies;*
- *boarding houses;*
- *soup/food vans (mobile or stationary);*
- *drug and alcohol rehabilitation and counselling services; and*
- *mental health services.*

**Deemed to Satisfy**

*New development, or the redevelopment of existing uses, in the Zone must not include or expand any one or more of the following uses or activities:*

- *homeless shelters and day centres (including facilities for the provision of meals, showers, lockers, and services to homeless persons);*
- *facilities and services for homeless persons;*
- *employment agencies;*
- *housing agencies;*
- *boarding houses;*
- *soup/food vans (mobile or stationary);*
- *drug and alcohol rehabilitation and counselling services; and*
- *mental health services.*

**Restricted Development**

*Any change in use to, or any redevelopment, alteration, addition or expansion of an existing development comprising any one or more of the following activities or uses:*

- *homeless shelters and day centres (including facilities for the provision of meals, showers, lockers, and services to homeless persons);*
- *facilities and services for homeless persons;*
- *employment agencies;*
- *housing agencies;*
- *boarding houses;*

- *soup/food vans (mobile or stationary);*
- *drug and alcohol rehabilitation and counselling services; and*
- *mental health services.*

We would be pleased to further meet with DPTI staff in order to provide further detail in respect to this submission/request.

Yours sincerely

A handwritten signature in black ink that reads 'Chris Vounasis'. The signature is written in a cursive, flowing style.

**Chris Vounasis**  
Managing Director

Encl. Hudson Howells Growth Plan