



# CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE

## Agenda and Reports

for the meeting on

Tuesday, 1 October 2024

at 7.00 pm

in the Colonel Light Room, Adelaide Town Hall

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Our Adelaide.  
**Bold.**  
**Aspirational.**  
**Innovative.**

CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE  
Meeting Agenda, Tuesday, 1 October 2024, at 7.00 pm

Members – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith

Councillor Noon (Chair)

Councillor Martin (Deputy Chair)

Deputy Lord Mayor, Councillor Snape and Councillors Abrahamzadeh, Couros, Davis, Elliott, Giles,  
Hou, Li and Dr Siebentritt

## Agenda

Item	Pages
<b>1. Acknowledgement of Country</b>	
At the opening of the City Planning, Development and Business Affairs Committee meeting, the Chair will state:	
‘Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.	
And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’	
<b>2. Apologies and Leave of Absence</b>	
On Leave -	
The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith and Councillor Abrahamzadeh	
<b>3. Confirmation of Minutes - 3/9/2024</b>	
That the Minutes of the meeting of the City Planning, Development and Business Affairs held on 3 September 2024, be taken as read and be confirmed as an accurate record of proceedings.	
View public <a href="#">3 September 2024 Minutes</a> .	
<b>4. Declaration of Conflict of Interest</b>	
<b>5. Deputations</b>	
Nil	
<b>6. Workshops</b>	
<b>6.1</b> Draft Adult Entertainment Premises Code Amendment Consultation Summary Workshop	3 - 19
<b>7. Reports for Recommendation to Council</b>	
<b>7.1</b> Heritage Incentives Scheme Allocation over \$75,000 for Approval	20 - 25
<b>7.2</b> City of Adelaide Review of Nuclear Free Zone Policy	26 - 36
<b>8. Reports for Noting</b>	
Nil	
<b>9. Closure</b>	

## Draft Adult Entertainment Premises Code Amendment Consultation Summary Workshop

Strategic Alignment - Our Economy

Public

**Tuesday, 1 October 2024**  
**City Planning, Development and Business Affairs Committee**

**Presenter:**

Sarah Gilmour, Associate Director, Park Lands, Policy & Sustainability

### PURPOSE OF WORKSHOP

The purpose of this workshop is to communicate key themes from the public consultation on the Adult Entertainment Premises Code Amendment and seek feedback on proposed changes to the Code Amendment arising from the consultation.

Council endorsed the Proposal to Initiate an Amendment to the Planning and Design Code – Adult Entertainment Premises Code Amendment on 8 August 2023 ([Link 1](#)).

The Code Amendment is being undertaken as per the State Government’s statutory Code Amendment process. Steps undertaken to date include:

- The Minister for Planning, Hon. Nick Champion MP, endorsed the Proposal to Initiate the Adult Entertainment Premises Code Amendment on 5 December 2023.
- On 11 March 2024 Council endorsed the draft Code Amendment for public consultation.
- The draft Code Amendment was open for public consultation from 11 June to 23 July 2024.

The draft Code Amendment that was on consultation does not propose to preclude or stop Adult Entertainment as a land use, it proposes to improve how those land uses are assessed noting there is currently limited policy in the Planning and Design Code.

Thirty-six (36) submissions were received during the public consultation period, 17 written and 19 online survey responses, which have been included in the consultation summary.

The City of Adelaide received an email that was distributed by 90 individuals to various members of Parliament in South Australia.

A summary of the submissions by themes is provided in [Link 2](#) and verbatim written submissions are provided in [Link 3](#). Key themes include:

- Identify more locations where these uses are not appropriate and/or increase the buffer distances from sensitive uses.
- The Code Amendment creates a perceived ‘Red Light District’ in Hindley Street and Hindley Street should be treated the same as the rest of the city.
- The Code Amendment is discriminatory and will impact business and the sex worker industry.
- The Code Amendment will result in fewer purpose-built premises and result in more unregulated activities.
- Support for Adult Entertainment venues having limited advertising and discrete advertising.

Through consultation, the Administration received a diverse range of views and is proposing to amend the draft Code Amendment policies in response to the public consultation feedback.

Following the workshop, a report will be presented to the City Planning, Development and Business Affairs Committee and Council in November 2024, to seek a decision on the draft Code Amendment prior to submitting it to the Minister of Planning for decision.

## KEY QUESTION

What are Council Members' views on whether the proposed amended policy in the Adult Premises Code Amendment achieves the Council's objectives?

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## DATA AND SUPPORTING INFORMATION

**Link 1** – [Council Minutes Tuesday, 8 August 2023](#)

**Link 2** – [Summary of Public Consultation Submissions on the Adult Entertainment Premises Code Amendment by Themes](#)

**Link 3** – [Verbatim written submissions on the Adult Entertainment Premises Code Amendment](#)

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- END OF REPORT -

# Our Economy

## Draft Adult Entertainment Premises Code Amendment Consultation Summary Workshop

The purpose of this workshop is to communicate key themes from the public consultation on the draft Code Amendment and seek feedback on proposed changes to the Code Amendment arising from the consultation

Park Lands, Policy & Sustainability  
Sarah Gilmour

## Workshop Purpose

- The purpose of this workshop is to:
  - Inform Council Members of the key themes from the public consultation
  - Discuss changes to the proposed Adult Entertainment Premises Code Amendment policies proposed following consultation.
- Consultation feedback on the draft Adult Premises Code Amendment identified opposing views on the policy framework proposed in the Code Amendment.
- The draft Code Amendment that was on consultation does not propose to preclude or stop Adult Entertainment as a land use, it proposes to improve how those land uses are assessed noting there is currently limited policy in the Planning and Design Code.
- The majority of the 36 submissions to the consultation sought changes to the Code Amendment.
- The final Adult Entertainment Premises Code Amendment will be presented to the Council for decision in November 2024.
- If endorsed the proposed Adult Entertainment Premises Code Amendment will be sent to the Minister of Planning for final consideration and approval.

## Key Question

### KEY QUESTION

What are Council Members' views on whether the proposed amended policy in the Adult Premises Code Amendment achieves the Council's objectives?

## Policy Context

2021, 2022 and 2023: City of Adelaide made submissions to State Government seeking definitions and additional policy to be included in the Planning and Design Code (the Code) for Prescribed (Adult) Entertainment.

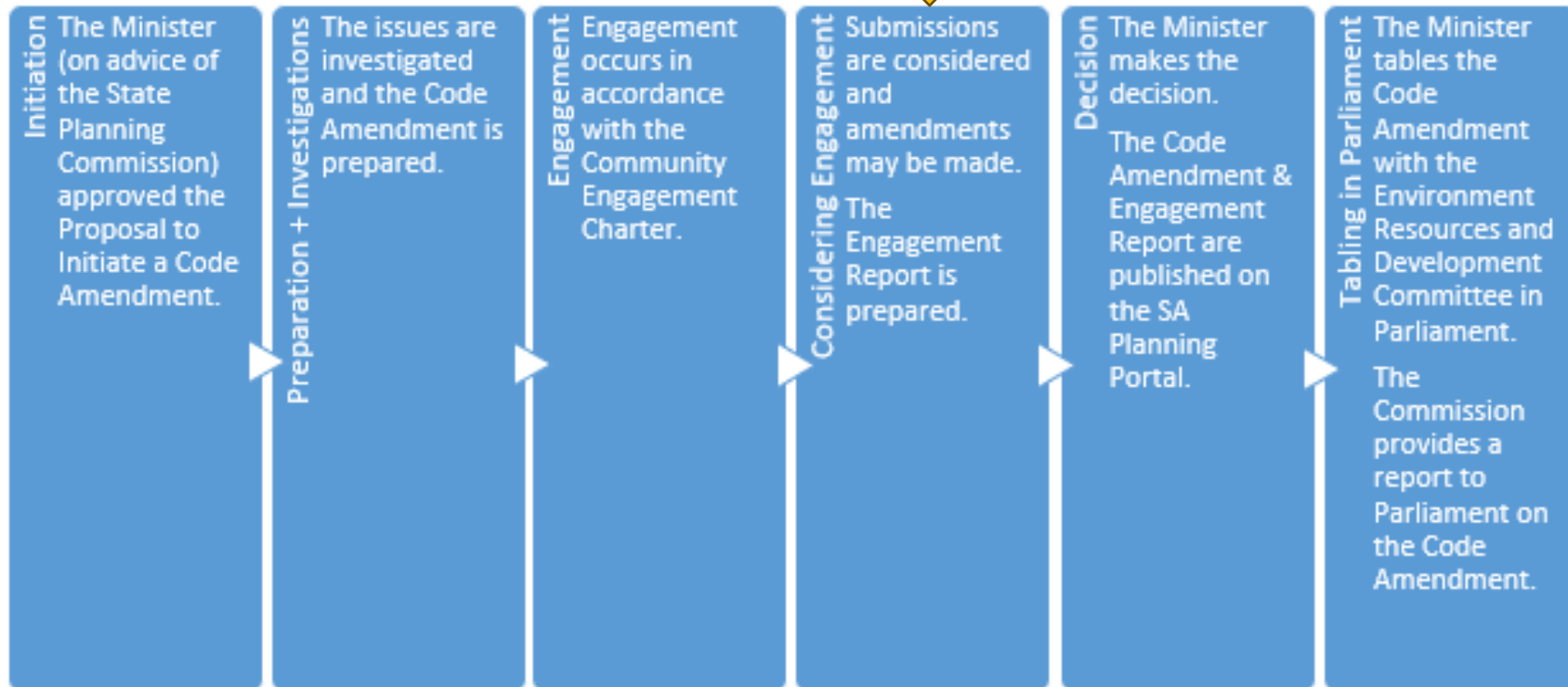
1 June 2023: State-wide Miscellaneous and Technical Enhancements Code (by the State Government) introduced land use definitions for Adult Entertainment Premises and Adult Products and Services Premises.



# Code Amendment Process

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We are here



## Code Amendment Timeline

- 8 August 2023 Council endorsed a request to the Minister for Planning to initiate the City of Adelaide Adult Entertainment Premises Code Amendment
- 5 December 2023 The Minister for Planning endorsed the proposal to initiate the Code Amendment
- 5 March 2024 Council endorsed the draft Adult Entertainment Code Amendment for public consultation
- 11 June - 23 July 2024 Public consultation

## Purpose of the Code Amendment

- Identify suitable and unsuitable locations for adult entertainment premises and adult product and services premises.
- Recognise that there is a place for all types of land use in the city subject to consideration of how they work with other land uses.
- Identify policy to support development assessment of applications for adult entertainment premises and adult product and services premises.
- Align with Adelaide's strategic goals for a vibrant city, growing population, entertainment venues, thriving night-time economy, and high-quality residential areas.
- Achieve desirable planning outcomes:
  - Reduce land use conflicts.
  - Improve certainty in the development assessment process.
  - Clarity and create efficiency in planning and licensing of premises.

## Participation in the Public Consultation

- Seventeen (17) submissions were received during the public consultation period from industry groups, community groups, residents, and individuals.
  - One of these submissions had 16 signatories.
  - One of these submissions had 6 signatories.
- Nineteen (19) participants provided their feedback via a survey relating to the Code Amendment.
- The City of Adelaide also received an email that was distributed by 90 individuals to various members of Parliament in South Australia.
- Administration met with stakeholders as requested.

## Nature of Submissions to the Public Consultation

Submissions have been summarised into the following five categories:

Nature of the Submission	Count
Support the Code Amendment subject to increasing the buffer distance or increasing the number of zones where the buffer distance applies	12
Do not support the Code Amendment as it is perceived to negatively impact the sex worker industry	10
Neutral	5
Adult Entertainment should not be directed primarily to Hindley Street which should have the same controls as the rest of the city	3
Support the Code Amendment	2
Opposed to Adult Entertainment in the city	2
Do not support the Code Amendment (no reason provided)	2

## Key Themes arising from the Consultation

- Identify more locations where these uses are not appropriate and/or increase the buffer distances from sensitive uses.
- The Code Amendment creates a perceived 'Red Light District' in Hindley Street and Hindley Street should be treated the same as the rest of the city.
- The Code Amendment is discriminatory and will impact business and the sex worker industry.
- The Code Amendment will result in fewer purpose-built premises and result in more unregulated activities.
- Support for Adult Entertainment venues having limited advertising and discrete advertising.

## Proposed amendments arising from consultation

- Some respondents are concerned that the buffers are too restrictive while other respondents sought an increased size of buffer and/or use of buffers in additional locations (such as Hindley Street).
- To balance mixed views about the use of buffers, the proposal is to replace the role of the buffer with additional policies that address proximity to sensitive uses and siting of adult entertainment premises near compatible uses. For example:
  - **Adult Entertainment Premises are designed and sited to mitigate off site impacts, so as to not unreasonably impact the amenity of places of worship, childcare facilities or schools in the locality.**

## Proposed amendments arising from consultation

- Respondents generally support Adult Entertainment Premises being located away from sensitive uses such as schools.
  - Noting the proposal to remove buffers from sensitive land uses, the proposal is to include additional policy to manage interface issues between Adult Entertainment Premises and other land uses by guiding Adult Entertainment uses to be in areas with compatible land uses and hours of operation. For example:
    - Land uses typically open during night-time hours, including adult entertainment premises are located in areas that have land uses with compatible hours of operation.
- Respondents generally support Adult Entertainment venues having limited advertising and discrete advertising.
  - The proposal is to include additional policy to limit advertisements in relation to adult entertainment premises. For example:
    - Advertisements for adult entertainment premises should be discreet and limited to advertisements that identify the location of premises and business name.



## Rationale for policy changes

- The Code Amendment recognises that adult entertainment premises uses are anticipated within a capital city, are part of the economy and includes additional policy to guide development of premises and manage interface issues.
- The amended policy proposes the Capital City Zone and Hindley Street Subzone, as appropriate locations for adult entertainment premises, subject to assessment and appropriate management of interface issues.
- The proposed buffer distances, while a useful communication tool, would rely on data outside of the Planning & Design Code leading to uncertainty in the development assessment process and are removed from the proposal.
- Consultation highlighted that policy is supported to ensure adult entertainment premises and associated signage and advertising is discrete.

## Next Steps

- November 2024 Public consultation summary and assessment, and amended Code Amendment presented to City Planning, Development and Business Affairs Committee and Council for decision
- December 2024 Engagement report and amendment Code Amendment presented to State Government Agencies Planning and Land Use Services to prepare advice to the Minister for Planning
- 2025 Minister decides the Code Amendment.
- The Code Amendment and Engagement Report are published on the SA Planning portal and the Code Amendment comes into operation.
- The Minister tables the Code Amendment to the Environment Resources and Development Committee in Parliament.

## Key Question

### KEY QUESTION

What are Council Members' views on whether the proposed amended policy in the Adult Premises Code Amendment achieves the Council's objectives?

## Heritage Incentives Scheme Allocation over \$75,000 for Approval

Strategic Alignment - Our Places

Public

**Tuesday, 1 October 2024**  
**City Planning, Development and Business Affairs Committee**

**Program Contact:**  
Sarah Gilmour, Associate Director Park Lands, Policy & Sustainability

**Approving Officer:**  
Ilia Houridis, Director City Shaping

### EXECUTIVE SUMMARY

This report seeks approval for a funding allocation under the City of Adelaide's Heritage Incentives Scheme for heritage conservation and improvement projects at 'Cottage Homes', 51-60 Kingston Terrace, North Adelaide (State Heritage Place).

The proposed works are summarised in **Attachment A** and comprise repointing of brick chimneys and upper-level masonry, replacement of roof and gutters and minor conservation of timberwork.

The Heritage Incentives Scheme (HIS) Operating Guidelines require the Council to approve proposed funding allocations of more than \$75,000.

The 2024/25 Annual Business Plan and Budget includes an allocation of \$1.162 million for the Heritage Incentives Scheme. The State Government, auspiced by the Capital City Committee, has provided the City of Adelaide (CoA) with an additional \$250,000 grant in 2024/25 for the care of State Heritage Places through the Heritage Incentives Scheme.

The Cottage Works project is proposed to be funded through the CoA and Capital City Committee, with equal allocations, to a total value of \$153,009.

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### RECOMMENDATION

The following recommendation will be presented to Council on 8 October 2024 for consideration

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Approves an allocation of \$153,009.00 for conservation works to 'Cottage Homes', 51 - 60 Kingston Terrace, North Adelaide contained in Attachment A to Item 7.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 October 2024, in accordance with the City of Adelaide's Heritage Incentives Scheme Operating Guidelines.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	<b>Strategic Alignment – Our Places</b> Protect, share and elevate our heritage and culturally significant places, maintaining the character while encouraging adaptive reuse, repurposing and upgrading buildings
Policy	In accordance with the Built Heritage Management Policy and HIS Operating Guidelines, allocations greater than \$75,000 are to be approved by Council.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Financial risk to the City of Adelaide is managed by allocations being reimbursed to owners upon satisfactory completion of heritage conservation and improvement works.
Opportunities	In 2024/25, the HIS leveraged an additional \$250,000 grant funding from the State Government into State Heritage Places.
24/25 Budget Allocation	The Heritage Incentive Scheme budget for 2024/2025 is \$1.162 million (exclusive of the Capital City Committee's \$250,000 funding for the care of State Heritage Places), with \$514,435 allocated to date. The recommended allocation, totalling \$153,009, would bring the total allocations for 2024/25 to \$667,444. Should the Council support the recommendation, the remaining allocation (inclusive of the Capital City Committee funding) for 2024/25 is \$744,556. This project is proposed to be funded through the CoA and Capital City Committee with equally split allocations.
Proposed 25/26 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
24/25 Budget Reconsideration (if applicable)	Quarter 1 Business Plan and Budget Reconsideration of \$250,000 to recognise the Capital City Committee contribution to the care of State Heritage Places.
Ongoing Costs (eg maintenance cost)	Ongoing maintenance costs are a matter for the property owner.
Other Funding Sources	The property owner will match the HIS allocation representing private investment of \$159,009

## DISCUSSION

1. The City of Adelaide has one of the most substantial heritage grant schemes in Australia, the Heritage Incentives Scheme (HIS).
2. The HIS is an important element in preserving, improving and enhancing the heritage fabric of the City of Adelaide, enabling many of the city's iconic and important heritage buildings to be preserved and retained for productive ongoing use.
3. The HIS Operating Guidelines ([Link 1](#)) require Council to decide funding allocations of more than \$75,000.
4. The HIS funding criteria are:
  - 4.1. Professional Advice and Documentation – funding of up to \$15,000 or 75% of the total documentation and professional cost, whichever is the lesser amount.
  - 4.2. Minor Conservation Works – for conservation works up to \$150,000 in cost, a grant of up to \$75,000 or 50% of the total project cost, whichever is the lesser amount, is available.
  - 4.3. Major Conservation Works – for conservation works over \$150,000 in cost, a grant is available based on the following incremental scale:
    - 4.3.1. 50% subsidy for works up to \$300,000 (maximum grant of \$150,000)
    - 4.3.2. 25% subsidy for works above \$300,000 (up to maximum grant of \$375,000)

### Historical Funding Allocations

5. From 2010 to current, the average HIS allocation has been \$11,846 per project with 1,642 projects supported by the scheme. Of these:
  - 5.1. 19 projects have had allocations over \$75,000 with an average value of \$120,010 for allocations endorsed by Council.
  - 5.2. The largest allocation was \$300,000 in 2013 for conservation works to Elder Hall.
  - 5.3. 1,365 projects have had allocations of \$75,000 or below with an average allocation of \$10,340.
  - 5.4. In 2023/24 the highest demand for HIS funding was for smaller projects such as salt damp treatment or masonry conservation. 65% of projects received allocations under \$15,000. There were only two projects over \$75,000. These larger projects are typically complex and involve multiple trades under the supervision of a managing contractor/architect.
6. A summary of allocations for 2023/24 is provided in the Heritage Achievements Annual Summary 2023-2024 ([Link 2](#)).

### Conservation works to 'Cottage Homes' 51-60 Kingston Terrace (Proposed Allocation: \$153,009)

7. What became Cottage Homes Incorporated was initiated by Anglican Archdeacon Charles Marryat in 1871. The organisation's purpose was to fund cottages for the aged poor. Sited on an acre of land, 10 row houses were built along Kingston Terrace, North Adelaide (the Lady Ayers Homes) and 10 along Stanley Street, North Adelaide (the Dean Marryat Homes). They are reminiscent of English alms-houses and are uncommon in South Australia.
8. The cottages are highly visible from Kingston Terrace, North Adelaide. The four rows comprising the Cottage Homes, including the Lady Ayers Homes, are listed as a State Heritage Place.
9. Cottage Homes Incorporated has had an ongoing program to conserve the cottages since 2016. Development Approval for conservation works was granted on 8 September 2022.
10. HIS funding of \$115,925 was granted in 2023/24 for repointing of the brick chimneys and upper level masonry, replacement of the roof and gutters and minor conservation of timberwork to the first row of seven cottages.
11. HIS funding of \$10,000 was granted for documenting the conservation works proposed in 2024/25. Previous HIS funding of \$22,000 was allocated in 2016 for professional fees and assistance with stormwater management for the two rows of cottages fronting Kingston Terrace.
12. The roof and masonry will continue to deteriorate unless essential conservation works are undertaken which is the subject of the current project.
13. The total cost of HIS eligible works (incl GST) for 7 cottages is \$ 312,027. An allocation of \$ 153,009 is recommended (\$300,000 @ 50%, and \$12,037 @ 25%).

14. **Attachment A** provides further information about the project, and an assessment of the proposal against the HIS Operating Guidelines.

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## DATA AND SUPPORTING INFORMATION

**Link 1** – [Heritage Incentives Scheme Operating Guidelines](#)

**Link 2** – [Heritage Achievements Annual Summary 2023-2024](#)

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## ATTACHMENTS

**Attachment A** – HIS Assessment of Application: HIS/40/2024 - 'Cottage Homes', 51-60 Kingston Terrace, North Adelaide

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- END OF REPORT -

**Attachment B – Assessment for HIS allocation**

<b>Property Details</b>	51 – 60 Kingston Terrace, NORTH ADELAIDE
<b>Project Category</b>	Major conservation works



**Lady Ayers Homes, 51 – 60 Kingston Terrace**



Source SLSA B 19973 & B 32816 - December 1971



Source SLSA B 19975 – June 1970

### **The Lady Ayers Homes**

What became Cottage Homes Incorporated was initiated by Anglican Archdeacon Charles Marryat in 1871.

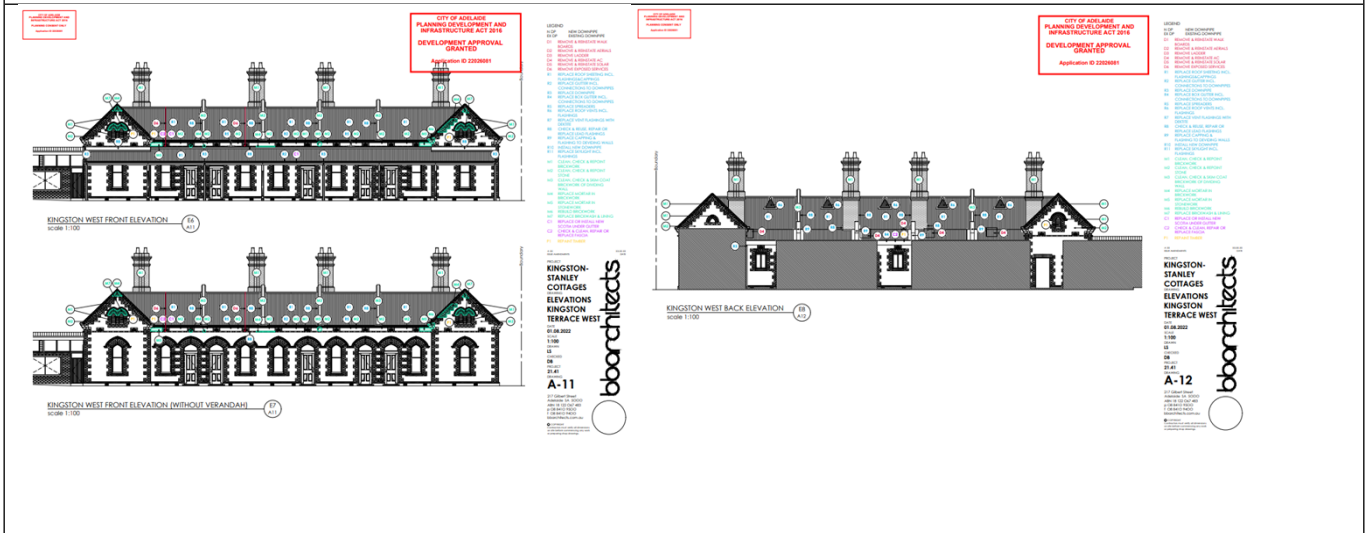
The organisation's purpose was to fund cottages for the aged poor. Sited on an acre of land, 10 row houses were built along Kingston Tce (the Lady Ayers Homes) and 10 along Stanley St (the Dean Marryat Homes). They are reminiscent of English alms-houses and are uncommon in South Australia.

### **Project Description**

The proposed works comprise repointing of brick chimneys and upper-level masonry, replacement of roof and gutters and minor conservation of timberwork.



## Roof & Façade Conservation



Assessment Criteria	Score	Comments
Needs of the place	3/3	All four rows of cottages require extensive conservation works. This row of cottages is the next (second) priority. The roof and masonry will continue to deteriorate unless essential conservation works are undertaken.
Visual contribution to public realm	3/3	The cottages are highly visible from Kingston Terrace, North Adelaide.
Heritage value of the place	3/3	The 4 rows comprising the Cottage Homes, including the Lady Ayers Homes, are listed as a State Heritage Place.
Level of past HIS financial assistance	2/3	\$115.9k HIS funding was granted in 2023/24 for work to the first row of seven cottages and a grant of \$10k for the documentation of these current conservation works.  \$22k HIS funding was granted in 2016 for professional fees and assistance with stormwater management for the two rows of cottages fronting Kingston Tce.
<b>Total Score</b>	<b>11/12</b>	
<b>Total Cost of HIS eligible works (incl GST) for 7 cottages</b>		\$312,037
<b>Proposed HIS Allocation for 7 cottages</b>	\$300,000 at 50% \$12,037 at 25% <b>Total</b>	\$150,000 \$3,009 <b>\$153,009</b>

## City of Adelaide Review of Nuclear Free Zone Policy

Strategic Alignment - Our Environment

Public

Tuesday, 1 October 2024

City Planning, Development and Business Affairs Committee

**Program Contact:**

Sarah Gilmour, Associate Director Park Lands, Policy & Sustainability

**Approving Officer:**

Ilia Houridis, Director City Shaping

### EXECUTIVE SUMMARY

The City of Adelaide declared itself a Nuclear Free Zone on 27 February 1995 and reaffirmed this position on 24 July 2000 by updating its Declaration as a Nuclear Free Zone (the Nuclear Free Zone Policy) (**Attachment A**). Since 2000, the Council has consistently taken steps to confirm its position as a Nuclear Free Zone.

This report recommends that the Nuclear Free Zone Policy (**Attachment A**) be replaced with the Nuclear Weapons and Power Policy (**Attachment B**) as the most current statement of the Council's commitment to a Nuclear Free Zone.

The declaration of a Nuclear Free Zone is a symbolic statement banning nuclear weapons and nuclear power, while not prohibiting the use of radiopharmaceuticals in nuclear medicine.

In response to correspondence received in March 2024 from the Medical Association for Prevention of War and Women's International League for Peace and Freedom seeking Council's support for Australia to sign the Treaty on the Prohibition of Nuclear Weapons (the Treaty), the Lord Mayor wrote to Mr Steve Georganas MP, Federal Member for Adelaide, asking that he support Australia signing the Treaty. A response to the Lord Mayor was circulated to Council Members in June 2024.

At its meeting held on 11 June 2024, Council received a deputation and considered a Motion on Notice regarding the Nuclear Weapon Ban Treaty ([Link 1](#)), and formally endorsed the following text of the Cities Appeal:

*"Our city/town is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment. Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017, and we call on our national government to sign and ratify it without delay."*

Nuclear Free Zones cannot be implemented by a Local Government Authority. Local Nuclear Free Zone declarations and signs have limited legal significance; however, they are a public statement of the views of the Council and its local community.

The updated Policy (**Attachment B**) will continue to act as a public statement of the views of the Council and its local community where it opposes the storage, transportation, and establishment of nuclear facilities, weapons and power within the city, excluding the use of radioisotopes in medical facilities.

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# RECOMMENDATION

The following recommendation will be presented to Council on 8 October 2024 for consideration

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Notes the 1995 Declaration of the City of Adelaide as a Nuclear Free Zone Policy (the Nuclear Free Zone Policy) reaffirmed in 2000 as contained in Attachment A to Item 7.2 on the Agenda for the City Planning, Development and Business Affairs Committee held on 1 October 2024.
  2. Adopts the Nuclear Weapons and Power Policy as contained in Attachment B to Item 7.2 on the Agenda for the City Planning, Development and Business Affairs Committee held on 1 October 2024.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	<b>Strategic Alignment – Our Environment</b> Outcome: Lead as a Low Carbon Emissions City
Policy	The City of Adelaide declared itself a Nuclear Free Zone on 27 February 1995 and reaffirmed this position on 24 July 2000 by updating its Nuclear Free Zone Policy Declaration. Nuclear Free Zones cannot be implemented by a local government authority and have limited legal significance; however, they are a public statement of the views of the Council and its local community. This report proposes a further update of the Policy.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	In 1998 and 1999 the Australian Government passed laws to ban nuclear facilities being built in Australia. Australia's only nuclear facility is in Sydney and is used for medical and industrial research, not energy production.  The South Australian Environment Protection Authority (SA EPA) administers anything related to the safe storage, transport, and handling of radioactive substances (nuclear material) under the Radiation Protection Control (RPC) Act 2021 (SA). An expert advisory body has been established under section 8 of the RPC Act. This body advises the Minister and the SA EPA on all aspects of radiation protection in medical, industrial, scientific and public uses of ionising and non-ionising radiation.  A range of Commonwealth and State legislation is broadly relevant to nuclear matters and is listed in the CoA's Policy.
Opportunities	Not as a result of this report
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 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
23/24 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

## Background

1. Council first formally resolved to declare the City of Adelaide to be a Nuclear Free Zone (the Nuclear Free Zone Policy) at its meeting on 27 February 1995. This position was subsequently reaffirmed by the Council on 24 July 2000 (**Attachment A**).
2. The declaration of a Nuclear Free Zone is a symbolic statement banning nuclear weapons and nuclear power, while not prohibiting the use of radiopharmaceuticals in nuclear medicine.
3. Nuclear Free Zones cannot be implemented by a Local Government Authority. Local Nuclear Free Zone declarations and signs have limited legal significance; however, they are a public statement of the views of the Council and its local community.
4. Council endorsed the “Abolition 2000 Local Authorities Resolution” on 14 July 1997 which supported the elimination of nuclear weapons early in the next century.
5. The City of Adelaide supported a Motion presented to the National General Assembly of the Australian Local Government Association in June 2021 that called on the Australian Government to sign and ratify the Treaty on the Prohibition of Nuclear Weapons.
6. In response to correspondence received in March 2024 from the Medical Association for Prevention of War and Women’s International League for Peace and Freedom seeking Council’s support for Australia to sign the Treaty, the Lord Mayor wrote to Mr Steve Georganas MP, Federal Member for Adelaide, asking that he support Australia signing the Treaty. A response to the Lord Mayor was circulated to Council Members in June 2024.
7. At its meeting held on 11 June 2024, Council received a deputation, and considered a Motion on Notice regarding the Nuclear Weapon Ban Treaty ([Link 1](#)), and formally endorsed the following text of the Cities Appeal:

*“Our city/town is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment. Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017, and we call on our national government to sign and ratify it without delay.”*

## Nuclear Weapons and Power Policy

8. This report proposes that the Nuclear Free Zone Policy (**Attachment A**), is contemporised and replaced with the Nuclear Weapons and Power Policy (**Attachment B**), as the most current statement of the Council’s commitment to a Nuclear Free Zone.
9. A Nuclear Free Zone as defined in the CoA’s Policy is any geographic area, regardless of size, in which:
  - 9.1. There are no nuclear weapons, nor any facilities associated with the development, manufacture, transport or use of nuclear weapons, component parts and associated technology.
  - 9.2. There are no nuclear power plants, including power stations, uranium enrichment and reprocessing plants.
  - 9.3. No major radioactive materials or wastes are created, used, stored or transported.
  - 9.4. No uranium exploration, mining or export takes place.
  - 9.5. There are no ports of call or landing rights for any nuclear forces, including nuclear-armed and/or powered vessels and aircraft.
10. The purpose of the Nuclear Weapons and Power Policy is that:
  - 10.1. *The Corporation of the City of Adelaide declares a Nuclear Free Zone within the boundaries of the City of Adelaide, with the provision of exemption being made for the transport of small quantities of biomedical reagents to or from destinations in the city and radioisotopes used in medical facilities.*
11. A Nuclear Free Zone excludes any activities which are associated with nuclear radioactive material in its area, excluding the use of medical radioactive substances. Other fields such as geology, geophysics, forensic science, structural engineering and materials analysis use radioactive equipment.

12. The Policy includes the following statement:
  - 12.1. *A Nuclear Free Zone is the Council declaring its opposition to the nuclear arms race and all stages of the nuclear fuel cycle; nuclear power stations; and uranium nuclear waste and other material connected with the nuclear power industry being stored or transported through the city.*
13. The key changes to the Policy are:
  - 13.1. Clarifying Council's position on nuclear weapons.
  - 13.2. Clarifying the Policy excludes radioisotopes used in medical facilities.
  - 13.3. Replacing referencing with health risks from radiation which are more commonly understood from when the Policy was first introduced, with a reference to the *Public Health Act 2011 (SA)*.
  - 13.4. Removing references to other Australian local government authorities noting:
    - 13.4.1. Of the 10 South Australian Councils referenced, seven have subsequently been amalgamated and none of these listed Councils has a stand-alone policy position.
    - 13.4.2. The councils of more than 40 Australian cities, including Brisbane, Canberra, Hobart, Melbourne, and Sydney, have instead called on the Australian government to sign and ratify the Treaty, as has the Australian Local Government Association. The City of Adelaide has joined this list following the Council's decision at its meeting held on 11 June 2024 ([Link 1](#)).
  - 13.5. Updating references to Commonwealth and State legislation.

#### **Next Steps**

14. Should Council adopt the Nuclear Weapons and Power Policy (**Attachment B**), the Policy will be added to the CoA's Policy Register and published on the City of Adelaide website, replacing the Nuclear Free Zone Policy.
15. The next scheduled review of the Policy would be in 5 years and due in 2029.

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## DATA AND SUPPORTING INFORMATION

**Link 1** – [Council Agenda – Tuesday, 11 June 2024](#)

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## ATTACHMENTS

**Attachment A** – Declaration of the City of Adelaide as a Nuclear Free Zone Policy (2000)

**Attachment B** – Nuclear Weapons and Power Policy (2024)

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- END OF REPORT -



## **COUNCIL POLICY**

### ***Declaration of the City of Adelaide as a Nuclear Free Zone***

**Approved by:** *Council 27 February 1995*  
*Reaffirmed by City Strategy Committee 24 July 2000*

Subsequent Amendments:

**Document Owner**

Position: *Manager, City Development (Stuart Moseley)*  
Phone: 8203 7535

## 1. **PURPOSE OF THE POLICY**

For Council to declare the City of Adelaide a Nuclear Free Zone.

## 2. **DEFINITIONS AND LEGAL CONTEXT**

- 2.1 A Nuclear Free Zone is a place which has been declared “off limits” to the nuclear arms race and all stages of the nuclear fuel cycle.

Radioactive materials used for approved medical and research purposes and some industrial applications are generally not restricted by this definition even though there may be concern about the safe use, storage, handling and disposal of these materials.

A Nuclear Free Zone is any geographic area, regardless of size, in which:

- there are no nuclear weapons, nor any facilities associated with the development, manufacture, transport or use of nuclear weapons, component parts and associated technology;
- there are no nuclear power plants, including power stations, uranium enrichment and reprocessing plants;
- no major radioactive materials or wastes are created, used, stored or transported;
- no uranium exploration, mining or export takes place;
- there are no ports of call or landing rights for any nuclear forces, including nuclear-armed and/or powered vessels and aircraft.

- 2.2 Councils are charged with many aspects of the health, safety and well-being of people. It is important that Councils consider nuclear and radiation issues as part of their responsibilities for health, town planning, community information and education. Local Government’s powers in areas related to nuclear power, weapons and defence are limited but they can be a voice for their community and advocate positive initiatives that can be implemented by other levels of government.

Local nuclear free zone declarations and signs have limited legal significance, however, they are an important public statement of the views of a Council and its local community.

### 2.3 Legal Aspect

Nuclear Free Zones cannot be directly implemented by a Local Government Authority.

Anything in relation to safe storage, transport and handling of radioactive substance (nuclear material) is administered by Radiation Protection Control Branch of South Australian Health Commission under the Radiation Protection Control Act, 1983.

While the Commission is responsible for safe handling of radioactive substances and Council has no power, this does not derogate the Council to apply the general provisions of Public and Environmental Health Act in its municipality.



## 2.4 Health Risks of Nuclear Energy

Health Risks associated with nuclear energy are from radiation.

Two kinds of injury from radiation are recognised by National Health and Medical Research Council, called 'deterministic' effects and 'stochastic' effects, which correspond roughly to high and low radiation doses.

It is presumed that there is a small risk even at very low doses and that the higher the dose, the greater the risk.

Man has always lived in an environment which includes ionizing radiation from naturally occurring radioactive substances. Whether continuous exposure to low level radiation is deleterious to man it still a matter of speculation, hence the basis of concern expressed by the community at large today.

## 2.5 Issues on Nuclear Free Zone

Since 1977, 115 Australian Local Government Authorities declared their municipalities a Nuclear Free Zone, including 10 from South Australia. The 10 SA Councils are:-

- Elizabeth City Council;
- Gawler Town Council;
- Hindmarsh Town Council;
- Kensington and Norwood City Council;
- Munno Para City Council;
- Noarlunga City Council;
- Port Adelaide City Council;
- Prospect City Council;
- St. Peters Town Council;
- Unley City Council;

Also the Capital Cities of:-

- Sydney City Council;
- Melbourne City Council.

2.6 A "Nuclear Free Zone" excludes any activities which are associated with nuclear radioactive material in its area, but allows exclusion for the use of medical radioactive substance. Other fields such as geology, geophysics, forensic science, structural engineering and materials analysis use radioactive equipment.

## 3. **POLICY STATEMENT**

The Corporation of the Adelaide City Council declares a nuclear-free zone within the boundaries of the City of Adelaide, with appropriate signage and the provision of exemption being made for the transport of small quantities of biomedical reagents to or from destinations in the City.

# NUCLEAR WEAPONS AND POWER POLICY

*Date this document was adopted*

*non-legislative*

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## PURPOSE

This document outlines Council's position and declarations that the City of Adelaide is a Nuclear Free Zone.

The Corporation of the City of Adelaide declares a Nuclear Free Zone within the boundaries of the City of Adelaide, with the provision of exemption being made for the transport of small quantities of biomedical reagents to or from destinations in the city and radioisotopes used in medical facilities.

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## STATEMENT

A Nuclear Free Zone is the Council declaring its opposition to the nuclear arms race and all stages of the nuclear fuel cycle; nuclear power stations; and uranium nuclear waste and other material connected with the nuclear power industry being stored or transported through the city.

Radioactive materials used for approved medical and research purposes and some industrial applications, such as radioisotopes, are generally not restricted by this definition even though there may be concern about the safe use, storage, handling and disposal of these materials. The Council believes the benefits to the user outweigh the risks to the community at large.

Local governments are charged with many aspects of the health, safety and well-being of people. It is important that local governments consider nuclear and radiation issues as part of their responsibilities for health, town planning, community information and education. Local Government's powers in areas related to nuclear power, weapons and defence are limited but they can be a voice for their community and advocate positive initiatives that other levels of government can implement.

Local Nuclear Free Zone declarations have limited legal significance; however, they are important public statements of the views of a Council and its local community.

### Legislation

Nuclear Free Zones cannot be directly implemented by a Local Government Authority.

Anything in relation to the safe storage, transport and handling of radioactive substances (nuclear materials) is administered by the South Australian Environment Protection Authority under the *Radiation Protection Control (RPC) Act 2021 (SA)*,

*Radiation Protection and Control Regulations 2022 (SA)*, as well as the *Code for the Safe Transport of Radioactive Material 2019 (ARPANS Act Transport Code)*.

While the South Australian Environment Protection Agency is responsible for the safe handling of radioactive substances and the City of Adelaide has no power, this does not derogate from the City of Adelaide applying the general provisions of *Public Health Act 2011 (SA)* in its municipality.

A Nuclear Free Zone excludes any activities associated with nuclear radioactive material in its area but allows exclusion for the use of medical radioactive substances. Other fields, such as geology, geophysics, forensic science, structural engineering and materials analysis, use radioactive equipment.

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### OTHER USEFUL DOCUMENTS

#### Related documents

- Nil

#### Relevant legislation

- *Radiation Protection Control (RPC) Act 2021 (SA)*
- *Radiation Protection and Control Regulations 2022 (SA)*
- *Public Health Act 2011 (SA)*
- *Environment Protection Act 1993 (SA)*
- *Nuclear Waste Storage Facility (Prohibition) Act 2000 (SA)*
- *Australian Radiation Protection and Nuclear Safety (ARPANS) Act 19998 (Commonwealth)*
- *Code for the Safe Transport of Radioactive Material (2019) (ARPANS Act Transport Code) (Commonwealth)*
- *Customs Act 1901 (Commonwealth)*
- *Nuclear Non-Proliferation (Safeguards) Act 1987 (Commonwealth)*
- *Weapons of Mass Destruction (Prevention and Proliferation) Act 1995 (Commonwealth)*
- *Environment Protection and Biodiversity Conservation (EPBC) Act 1999 (Commonwealth)*

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### GLOSSARY

Throughout this document, the below terms have been used and are defined as:

**Nuclear Free Zone** is any geographic area, regardless of size, in which:

- There are no nuclear weapons, nor any facilities associated with the development, manufacture, transport or use of nuclear weapons, component parts and associated technology
- There are no nuclear power plants, including power stations, uranium enrichment and reprocessing plants
- No major radioactive materials or wastes are created, used, stored or transported
- No uranium exploration, mining or export takes place;
- There are no ports of call or landing rights for any nuclear forces, including nuclear-armed and/or powered vessels and aircraft.

**ADMINISTRATIVE** As part of Council’s commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision, a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **5** years unless legislative or operational change occurs beforehand. The next review is required in **2029**.

**Review history:**

Trim Reference	Authorising Body	Date/ Decision ID	Notes
COCO1995/173	Council	27/2/1995	New policy created
ACC2003/1077	City Strategy Committee	24 July 2020	Reaffirmed Council’s position
ACC2024/XXXX	Council	XX/8/2024	Policy reviewed and reaffirmed.

**Contact:**

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