

Adult Entertainment Premises Code Amendment for Endorsement

Strategic Alignment - Our Places

Public

Tuesday, 5 November 2024
City Planning, Development and Business Affairs Committee

Program Contact:

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Approving Officer:

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EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement of the Adult Entertainment Premises Code Amendment (the Code Amendment) that has been amended following public consultation (**Attachment A**).

The draft Code Amendment that was on consultation is provided in [Link 1](#). The Code Amendment consultation outcomes and proposed updates to the Code Amendment were presented at a workshop of the City Planning, Development and Business Affairs Committee meeting held on 1 October 2024 ([Link 2](#)).

Currently, a proponent can make an application for an Adult Entertainment Premises anywhere in the City of Adelaide and will continue to be able to do so if the draft Code Amendment is endorsed by the Council and approved by the Minister for Planning.

The difference with the introduction of the Code Amendment will be that the relevant planning authority (usually the City of Adelaide's Assessment Manager) will have criteria against which to assess Adult Entertainment Premises and Adult Entertainment Products and Services Premises. There are currently no such criteria.

This is important as all other land uses, such as hotels, petrol stations or consulting rooms have criteria which allow informed, transparent decision making based on land use issues relevant to that use. Without the Code Amendment an application can only be assessed against general policies within the State Government's Planning and Design Code.

The draft Code Amendment does not introduce any new zones or preclude or stop Adult Entertainment as a land use.

Consultation feedback on the draft Adult Premises Code Amendment identified opposing views on the policy framework proposed in the Code Amendment.

The Engagement Report is provided in **Attachment B** and includes the key themes identified during the consultation and the proposed changes to the Code Amendment.

The Administration received a diverse range of views through consultation, and in response to the public consultation feedback, it is proposing to amend the draft Code Amendment policies to focus on reducing land use conflicts. Key changes arising from the consultation include:

- Preferencing the use of policy statements and criteria that address proximity to sensitive land uses in place of buffers as a tool from land uses such as schools, childcare facilities, places of worship and residences.
- 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, and avoid the interface of neighbourhood-type zones.
- Additional policy to limit the style of advertisements and signage, as exists for other land uses in relation to adult entertainment premises.

The changes primarily relate to Adult Entertainment Premises and changes to the Capital City Zone. The proposed policy framework for Adult Services and Products remains largely unchanged.

The Code Amendment is being undertaken as per the State Government's statutory Code Amendment process ([Link 3](#)).

Pending the Council's decision, the Code Amendment and Engagement Report will be submitted to the Minister for Planning for approval.

RECOMMENDATION

The following recommendation will be presented to Council on 12 November 2024 for consideration

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

THAT COUNCIL

1. Endorses the amendments to the Planning and Design Code for the Adult Entertainment Premises Code Amendment as contained in Attachment A to Item 7.4 on the Agenda for the meeting of City Planning, Development and Business Affairs Committee held on 5 November 2024.
 2. Endorses the Adult Entertainment Premises Code Amendment Engagement Report as contained in Attachment B to Item 7.4 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 5 November 2024.
 3. Authorises the Chief Executive Officer, or delegate, to make minor typographical, syntactical and technical amendments to the documents as contained in Attachment A and Attachment B to Item 7.4 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 5 November 2024 for the purpose of seeking approval from the Minister for Planning.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	<p>Strategic Alignment – Our Places</p> <ul style="list-style-type: none"> • Encourage bold, interesting and purposeful development • Facilitate and activate our places in a safe and accessible way for our community
Policy	The Code Amendment seeks to amend planning policy in the Planning and Design Code relating to existing Zones and Subzones in the City of Adelaide. The Code Amendment responds to a Council priority made through the Planning System Implementation Review submission in January 2023 to seek improvements to land use policy in relation to adult entertainment.
Consultation	<p>The draft Adult Entertainment Premises Code Amendment was released for public consultation from 11 June 2024 to 23 July 2024 (6 weeks). The purpose of the engagement was to inform and consult on the proposed policies to guide the development of adult entertainment premises and adult products and services premises within the City of Adelaide.</p> <p>Administration updated content on the Our Adelaide website and had follow-up meetings with two key stakeholder groups following the close of consultation to clarify matters raised in their submissions.</p>
Resource	Not as a result of this report
Risk / Legal / Legislative	The draft Adult Entertainment Premises Code Amendment seeks to introduce robust policies to guide land uses within the City of Adelaide, to ensure that they are sited and developed appropriately.
Opportunities	<p>The Code Amendment seeks to introduce planning policy contained in the Planning and Design Code to assist development assessment in the City of Adelaide, including greater certainty for residents and development proponents in relation to Adult Entertainment and Adult Products and Services Premises.</p> <p>The amendments to the Planning and Design Code will support a cross-section of objectives contained in the City of Adelaide Strategic Plan 2024-2028 and the Council's submission endorsed in January 2023 to the State Planning System Implementation Review.</p> <p>The Code Amendment supports the City of Adelaide's strategic context and desire to create a vibrant city that attracts and supports a growing population through the provision of entertainment and music venues, a thriving night-time economy and high-quality residential amenity.</p>
24/25 Budget Allocation	The City of Adelaide Annual Business Plan and Budget includes \$240,000 for delivering year 2 of the Planning and Design Code Amendment Program 2023-2026.
Proposed 25/26 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Changes to planning policy in the Planning and Design Code is through a Code Amendment Process. The policies developed through this Code Amendment will be used for the ongoing assessment and management of these land uses within the City of Adelaide.
24/25 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (e.g. maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. The purpose of this report is to seek endorsement of the Adult Entertainment Premises Code Amendment (the Code Amendment) that has been amended following public consultation (**Attachment A**).
2. The Code Amendment is being undertaken as per the State Government's statutory Code Amendment process. Steps undertaken to date include:
 - 2.1. The Minister for Planning, the Hon. Nick Champion MP, endorsed the Proposal to Initiate the Adult Entertainment Premises Code Amendment on 5 December 2023.
 - 2.2. On 11 March 2024 Council endorsed the draft Code Amendment for public consultation.
 - 2.3. The draft Code Amendment was open for public consultation from 11 June to 23 July 2024.
3. The draft Code Amendment that was on consultation is provided in [Link 1](#).
4. The Code Amendment consultation outcomes and proposed updates to the Code Amendment were presented at a workshop of the City Planning, Development and Business Affairs Committee meeting held on 1 October 2024 ([Link 2](#)).
5. Currently, a proponent can make an application for an Adult Entertainment Premises anywhere in the City of Adelaide and will continue to be able to do so if the draft Code Amendment is endorsed by the Council and approved by the Minister for Planning.
6. The difference with the introduction of the Code Amendment will be that the relevant planning authority (usually City of Adelaide's Assessment Manager) will have criteria against which to assess Adult Entertainment Premises and Adult Entertainment Products and Services Premises. There are currently no such criteria.
7. This is important as all other land uses, such as hotels, petrol stations or consulting rooms have criteria that allow informed, transparent decision-making based on issues relevant to that use. Without the Code Amendment, an application can only be assessed against general policies within the State Government's Planning and Design Code.
8. The draft Code Amendment does not propose any new zones within the Planning and Design Code or propose to preclude or stop Adult Entertainment as a land use.
9. Consultation feedback on the draft Adult Premises Code Amendment identified opposing views on the policy framework proposed in the Code Amendment.

Summary of Consultation

10. The Engagement Report is provided in **Attachment B** and includes the key themes identified during the consultation and the proposed changes to the Code Amendment.
11. Consultation was undertaken in accordance with the approved Engagement Plan and the State Government's Community Engagement Charter and Practice Direction 2.
12. The City of Adelaide undertook early engagement with the following agencies at the request of the Minister for Planning:
 - 12.1. Consumer and Business Services
 - 12.2. SA Police
 - 12.3. State Government Agency, Planning and Land Use Services (PLUS).
13. Public consultation on the draft Code Amendment opened on 11 June 2024 and closed on 23 July 2024 (6 weeks).
14. Public consultation activities included:
 - 14.1. Letters/electronic direct mail to relevant state, regional and local government agencies, Members of Parliament, First Nations, and local business and community groups.
 - 14.2. Notices on the SA Planning Portal and the City of Adelaide Engagement Platform.
 - 14.3. Public notice via the Advertiser and SA Government Gazette.
 - 14.4. Face to face/online briefings by request.

- 14.5. Phone and email enquiries.
15. A total of 36 submissions were received during the public consultation period from industry groups, community groups, residents, and individuals.
- 15.1. Seventeen (17) written submissions were received:
- 15.1.1. One of these submissions had 16 signatories.
- 15.1.2. One of these submissions had 6 signatories.
- 15.2. Nineteen (19) participants provided their feedback via a survey relating to the Code Amendment.
16. The City of Adelaide also received an email that was distributed by 90 individuals to various members of Parliament in South Australia.
17. A diverse range of views were provided through the consultation, and the majority of the 36 submissions to the consultation sought changes to the Code Amendment.
18. Administration updated content on the Our Adelaide website and had follow-up meetings with two key stakeholder groups following the close of consultation to clarify matters raised in their submissions.

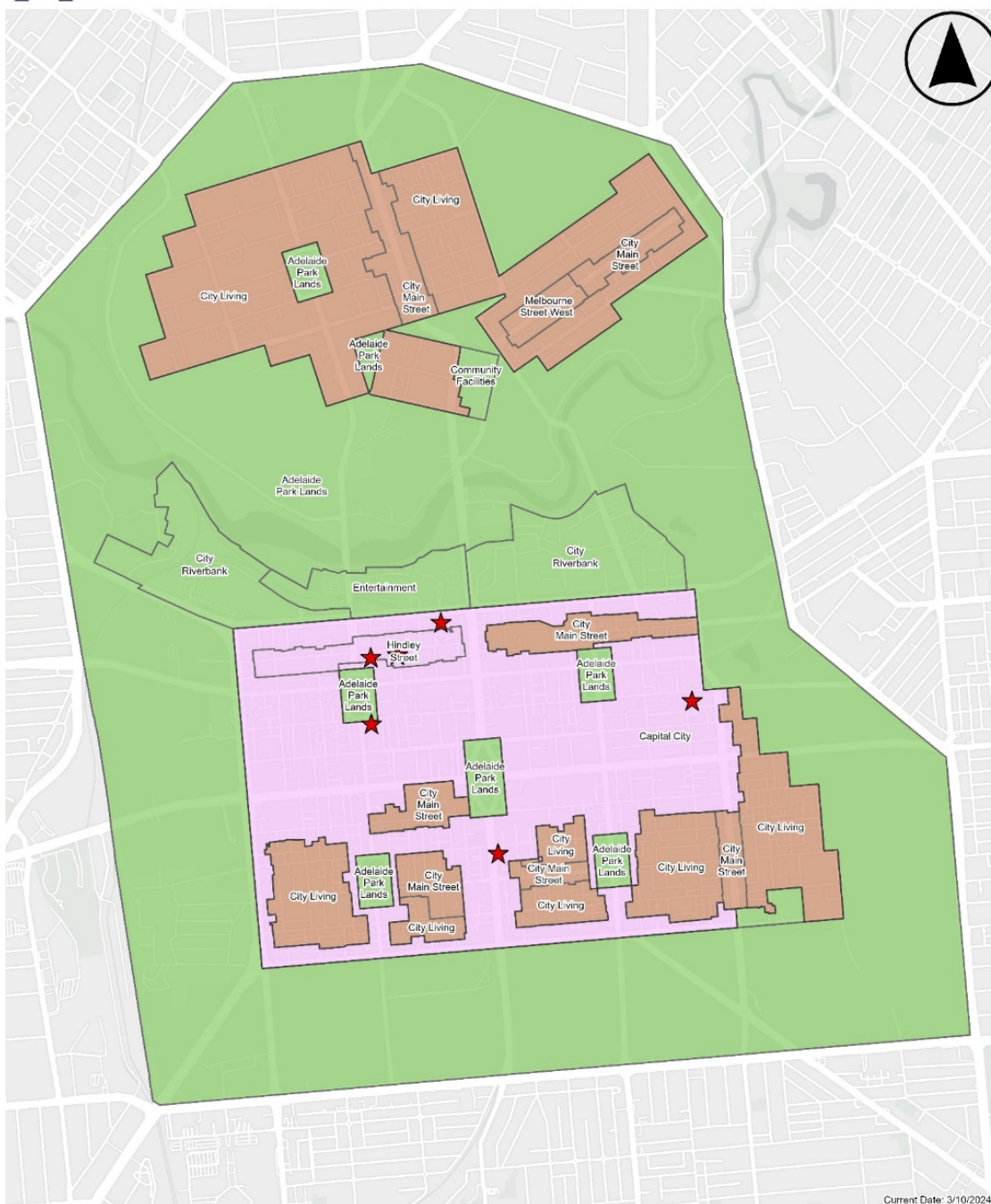
Proposed Amendments to the Code Amendment

19. In response to the public consultation feedback, the Administration is proposing to amend the draft Code Amendment policies. The proposed amendments are depicted in red in **Attachment B**.
20. Key changes arising from the consultation include (refer to Map 1):
- 20.1. Removal and replacement of buffer distances from schools, childcare facilities, places of worship and residential land uses, with additional policies that address proximity to sensitive land uses.
- 20.2. 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, and avoid the interface of neighbourhood-type zones.
- 20.3. Additional policy to limit advertisements in relation to adult entertainment premises.
21. The changes relate to Adult Entertainment Premises. The proposed policy framework for Adult Services and Products remains largely unchanged.

Map 1 – Adult Entertainment Premises – proposed policies



Proposed changes – Adult entertainment premises



Current Date: 3/10/2024

- ★ Adult entertainment premises (existing and/or approved)
- AE development applications must meet specific policies
- AE is a non-conforming land use
- AE development applications assessed against existing policy which does not support this land use

Next Steps

22. Pending Council decision, the Code Amendment and Engagement Report will be sent to the Minister for Planning for approval.
23. If the Minister decides to adopt the Code Amendment it is then referred to the Environment Resources and Development Committee (ERDC) in Parliament within 28 days of the Code Amendment taking affect.
24. Following the outcome of the statutory processes, the Administration will close the public consultation process in accordance with its Engagement Plan.

DATA AND SUPPORTING INFORMATION

Link 1 – [Draft Adult Entertainment Premises Code Amendment – Consultation Version](#)

Link 2 – [Draft Adult Entertainment Premises Code Amendment Consultation Summary Workshop, Tuesday, 1 October 2024](#)

Link 3 – [State Government's statutory Code Amendment process](#)

ATTACHMENTS

Attachment A – Amendments to the Planning and Design Code for the Adult Entertainment Premises Code Amendment

Attachment B – Engagement Report

- END OF REPORT -