



# ADULT ENTERTAINMENT AND ADULT PRODUCTS AND SERVICES CODE AMENDMENT

Summary document 1 of 2 – Adult Entertainment Premises

Consultation closes **5:00pm, July 23<sup>rd</sup> 2024**

## PROJECT INFORMATION

This is summary document one of two, please see document two for information on the implications for adult products and services premises.

### Background

The City of Adelaide is proposing changes to the **Planning and Design Code** (<https://code.plan.sa.gov.au/>), to guide the use and development of land for the purposes of adult entertainment premises and/or adult products and services premises.

The Planning and Design Code (the Code), introduced in March 2021, sets development planning policy and is used to assess development proposals. The Code does not currently include planning policy on where and how adult entertainment premises or adult products and services premises should be located or assessed within the City of Adelaide.

A draft Adult Entertainment Premises Code Amendment has been released for public consultation. The City of Adelaide is inviting public comment on the draft Code Amendment before seeking the approval of the Minister for Planning of the recommended changes.

Consultation will take place in accordance with the Engagement Plan prepared by the City of Adelaide and as required by the Community Engagement Charter under the Act

### Timeline

This **draft** Code Amendment is on consultation from June 11<sup>th</sup> to July 23<sup>rd</sup> 2024.

# Adult entertainment and adult products and services code amendment

Summary document 1 of 2 – Adult Entertainment Premises



## Frequently Asked Questions

### What land uses are we talking about?

In the Planning and Design Code, **adult entertainment premises** “means a premises used for the exhibition, display, or performance of any entertainment or act which is sexually explicit such as nude dancing or lap dancing, and to which admittance by minors is restricted by law but does not include a personal or domestic services establishment.” These are premises where adult entertainment is the primary purpose, i.e. strip clubs.

It does not include premises where sexually explicit entertainment is undertaken temporarily and in a private or ticketed event space, i.e. some bars or function venues in Adelaide have prescribed entertainment consent (<https://www.sa.gov.au/topics/business-and-trade/liquor/vary-a-licence/prescribed-entertainment>) from Consumer and Business Services (CBS) (<https://www.cbs.sa.gov.au/>) to host hens or bucks parties. It also does not include premises that may host sexually explicit entertainment along with other forms of entertainment, e.g. a venue that hosts a sexually explicit burlesque show as part of the Adelaide Fringe Festival. These uses are often considered secondary or ancillary to their primary use as a bar, function centre or theatre.

It is important to note that this land use does not include premises that host illegal activities, i.e. prostitution. Brothels are illegal in South Australia under the *Criminal Law Consolidation Act 1935* and the *Summary Offences Act 1953*.

### What other agencies regulate adult entertainment premises?

#### Licensing

Adult entertainment premises who sell or supply liquor are regulated by **Consumer and Business Services** (CBS) under the *Liquor Licensing Act 1997*. Licensed premises which host entertainment that is sexually explicit or involves boxing or martial arts must apply for prescribed entertainment consent. If consent is granted, CBS commonly apply conditions requiring signage to notify patrons of explicit activity, restricted external view into the premises, and, where relevant, restricting these activities to private functions only.

#### Policing

Police officers can also enforce the provisions of the *Liquor Licensing Act 1997*. Licensing Enforcement Branch (LEB) is a specialist resource within SAPOL with a focus on reducing alcohol-related harms at licensed premises. LEB investigators regularly attend at licensed venues, including those with prescribed entertainment consent, to ensure licensees are complying with the requirements of the Act.

#### Advertising

Advertising content in Australia is regulated through a system of self-regulation. This means the advertising industry, through the Australian Association of National Advertisers (AANA) (<https://aana.com.au/>), has rules advertisers must follow. The AANA [Code of Ethics](https://aana.com.au/self-regulation/codes-guidelines/code-of-ethics/) (<https://aana.com.au/self-regulation/codes-guidelines/code-of-ethics/>) guides the advertising in Australia, and includes:

# Adult entertainment and adult products and services code amendment

Summary document 1 of 2 – Adult Entertainment Premises



*“2.2 Advertising shall not employ sexual appeal: (b) in a manner which is exploitative or degrading of any individual or group of people.”*

*“2.4 Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.”*

Ad Standards (<https://adstandards.com.au/>) is Australia’s advertising regulator. They consider complaints about all advertising or marketing material across all mediums in Australia.

## What do the proposed changes mean for land in the City of Adelaide?

The changes proposed in the Code Amendment will have the following consequences for adult entertainment premises (see Map 1)

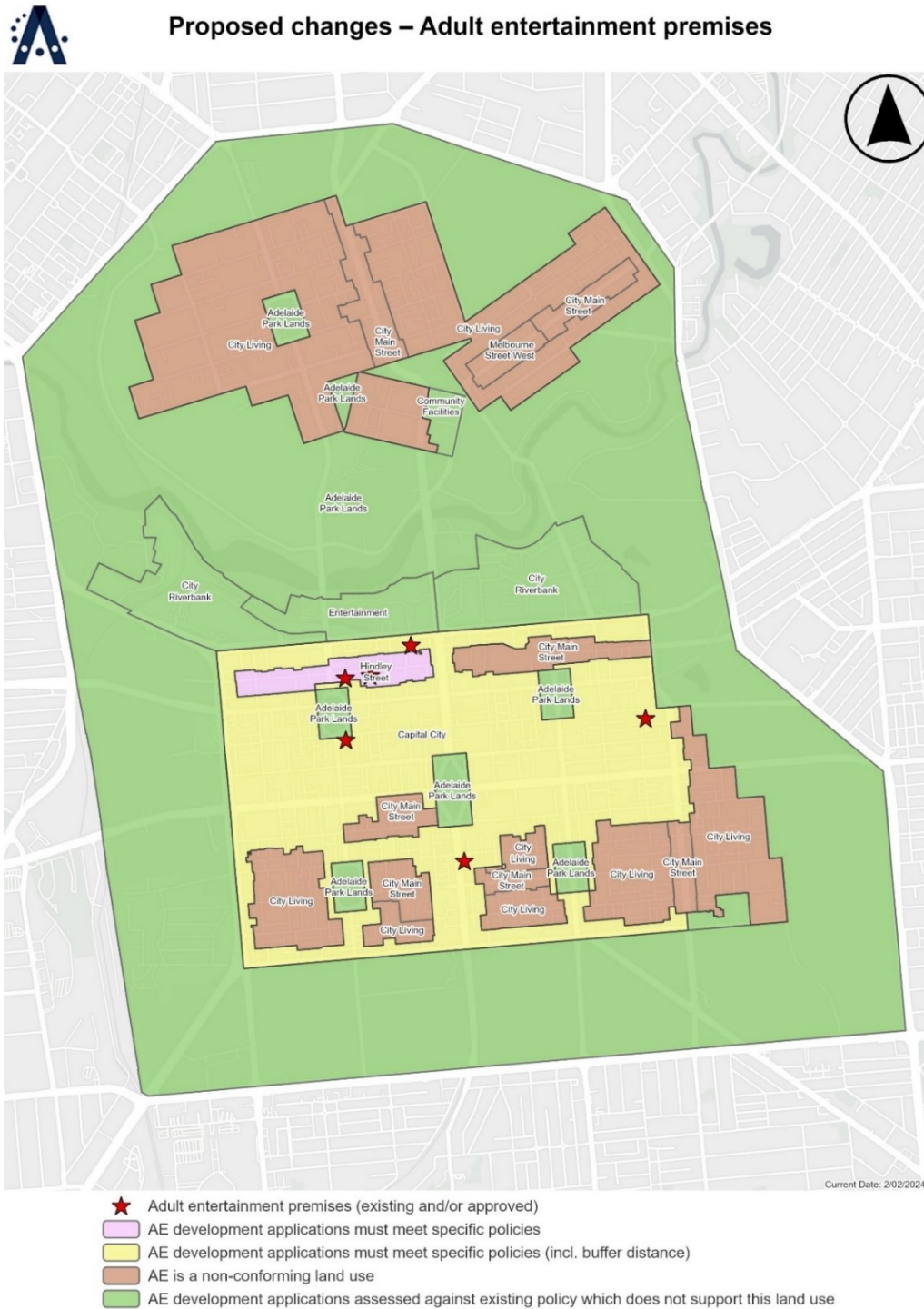
1. Development applications for adult entertainment premises in the City Living Zone are unlikely to be supported as this use will not meet the performance outcomes set out in the Code.
2. Development applications for adult entertainment premises in the City Main Street Zone (excluding the Hindley Street Subzone) and the Melbourne Street West Subzone are unlikely to be supported as this use will not meet the performance outcomes set out in the Code.
3. Development applications for adult entertainment premises in the Capital City Zone will need to be at least 50 metres from existing places of worship, schools, childcare centres, and residential uses, and meet specific policies.
4. Development applications for adult entertainment premises in the Hindley Street Subzone will need to meet specific policies regarding safety and amenity.
5. Development applications for adult entertainment premises in all other zones will be assessed as ‘all other code assessed development’, and would likely be assessed against all policies in Zones, Subzones, Overlays and General Development Policies.



# Adult entertainment and adult products and services code amendment

Summary document 1 of 2 – Adult Entertainment Premises

## Map 1: Proposed changes to Adult Entertainment Premises



# Adult entertainment and adult products and services code amendment

Summary document 1 of 2 – Adult Entertainment Premises



## What does the Code Amendment do?

The Code Amendment proposes to introduce policy to improve assessment of development proposals for adult entertainment premises and adult products and services premises.

## How does it differ from current policy?

There is currently no policy in the Planning and Design Code that specifically guides the use or development of land for the purposes of adult entertainment or adult products and services. These land uses currently fall under 'all other code assessed development' in Table 3 of the Zone. The proposed changes would mean that the development application can potentially be assessed against all policies in the Planning and Design Code.

## How will the buffer areas work?

The City of Adelaide is proposing that new development applications for adult entertainment premises in the Capital City Zone be located 50 metres from existing uses that may be incompatible. Given the diversity of use in the Capital City Zone, the amendment proposes to set robust policies guiding the appropriate location of adult entertainment premises, including distances from existing residential uses, child care centres, places of worship and schools.

## How will I know if my proposal is in a buffer area?

A development application will have to be at least 50 metres from existing conflicting land uses. We have created an online map where you can explore the impact of this proposed buffer, and the impact if this buffer was to be increased to 100m, 150m or 200m -

<https://experience.arcgis.com/experience/9bd3218997fe4361b10662c5c4f2ca99>

## Will these changes impact development applications for new residential uses, schools, child care centres or places of worship that are within the radius of an existing adult entertainment venue?

The proposed changes that restrict the proximity of an adult entertainment premises to incompatible uses apply to development applications for adult entertainment venues only. These policies will not apply to residential or other development applications.

However, development applications should be aware of the nature of neighbouring premises and existing use rights of neighbouring sites.

## Can I object to a development application for an adult entertainment premises?

Development proposals for adult entertainment premises in the Capital City Zone or the Hindley Street Subzone will be assessed against policies in the Planning and Design Code - 'performance assessed'. Generally, these development applications will not require public notification. In circumstances where public notification is required, owners and/or occupiers within 60 metres of where the subject site are notified directly (via letter or confirmed emailed address).

## Who has the power to say no to a development application?

The City of Adelaide Council Assessment Manager is the relevant authority for a majority of development applications within the City of Adelaide. The City of Adelaide Council Assessment



# Adult entertainment and adult products and services code amendment

Summary document 1 of 2 – Adult Entertainment Premises



Panel is the relevant authority where an application requires public notification and speaking representations are received that wish to be heard.

Where applications have a development cost of over \$10 million, the State Commission Assessment Panel (SCAP) is the Responsible Authority. An application is assessed against the relevant Performance Outcomes and Assessment Provisions in the Planning and Design Code.

## Can a decision about a development application be appealed?

If a development application was assessed by an Assessment Manager and an applicant is not satisfied with a decision, they may apply to the relevant Assessment Panel for a review of the decision (or lodge an appeal directly with the Environment, Resources and Development (ERD) Court). If an applicant is not satisfied with the outcome of an Assessment Panel's review, they may still lodge an appeal with the ERD Court. If an Assessment Panel was the relevant authority, an applicant can lodge an appeal directly with the ERD Court. An appeal can also be against a condition imposed as part of a decision.

## Will the changes impact existing businesses?

No, these changes will not impact existing adult entertainment premises. These businesses are likely to have existing use rights based on an existing lawfully approved use or historical use that pre-date planning controls.

## I have a prescribed entertainment license from CBS that allows my venue to host sexually explicit content and/or boxing matches for private events e.g. for hens and bucks parties in a private event space, will these changes impact me?

No, these changes will not apply where adult entertainment is not the primary or main use of the site. In these cases, the use is considered secondary or ancillary to the existing primary use, e.g. a theatre or a bar, and will not require planning permission.

Please note that licensed premises may require a prescribed entertainment license from Consumer and Business Services to host sexually explicit entertainment.

## What about burlesque shows and events that may have sexually explicit content?

The proposed changes do not include premises where sexually explicit entertainment is undertaken temporarily and in a private or ticketed event space. These uses are likely to be considered ancillary to the primary use of the venue as a theatre, event space, bar etc.

Please note that licensed premises may require a prescribed entertainment license from Consumer and Business Services to host sexually explicit entertainment.

## Additional documents

The draft Code Amendment and the Code Amendment Engagement Plan are available at:

- Community engagement page on City of Adelaide website  
<https://www.cityofadelaide.com.au/engagement/>

# Adult entertainment and adult products and services code amendment

Summary document 1 of 2 – Adult Entertainment Premises



- City of Adelaide, Planning and Design Code amendments, <https://www.cityofadelaide.com.au/development-infrastructure/planning-development/development-plan-amendments/>
- Planning and Land Use Services Code Amendment on consultation, [https://plan.sa.gov.au/have\\_your\\_say/code-amendments/on-consultation](https://plan.sa.gov.au/have_your_say/code-amendments/on-consultation)
- City Library (Hard Copy viewing), 3rd floor, Rundle Place. Enter via Francis Street, off Rundle Mall or Da Costa Arcade, using either stairs or lift (size 140 W cm x 160 L cm x 230 H cm).
- City of Adelaide Customer Service Centre (Hard Copy viewing), 25 Pirie Street, Adelaide. Monday to Friday from 8:30 am to 5:00 pm
- Information packs are also available at the Hutt Street Library, North Adelaide Library, Minor Works Building community centre, Box Factory community centre, and the North Adelaide community centre.

## How do I provide my feedback?

This Code Amendment is on consultation from June 11th to July 23rd.

There are a number of ways in which you can provide feedback:

**Submission Form** (attached to this information pack)

**Written submissions** can be addressed to Colleen McDonnell, Manager City Planning and Heritage, City of Adelaide and sent via:

- **Email:** [PDCSA.amendments@cityofadelaide.com.au](mailto:PDCSA.amendments@cityofadelaide.com.au)
- **Post:** Code Amendment Consultation, GPO Box 2252, Adelaide SA 5001

# Adult entertainment and adult products and services code amendment

Summary document 1 of 2 – Adult Entertainment Premises



## What will happen with my feedback?

The City of Adelaide is committed to undertaking consultation in accordance with the principles of the Community Engagement Charter and is genuinely open to considering the issues raised by people in the community.

All formal submissions will be considered by City of Adelaide when determining whether the proposed Amendment is suitable and whether any changes should be made.

Each submission will be entered into a register and you will receive an email acknowledging receipt of your submission. Your submission will be published on the PlanSA portal. Personal addresses, email and phone numbers will not be published, however company details will be.

The City of Adelaide will consider the feedback received in finalising the Code Amendment and will prepare an Engagement Report which will outline what was heard during consultation and how the proposed Code Amendment was changed in response to submissions.

The Engagement Report will be forwarded to the Minister, and then published on the PlanSA portal.

## For enquires please contact:

**Colleen McDonnell**

Manager, City Planning & Heritage

**T:** (08) 8203 7385

**E:** PDCSA.amendments@cityofadelaide.com.au

Or visit Community engagement page on City of Adelaide website, <https://www.cityofadelaide.com.au/engagement/>

## SUBMISSION FORM

Submissions close **5pm on July 23<sup>rd</sup> 2024**.

This form can also be completed online at <https://www.cityofadelaide.com.au/engagement/>

Please include your name and residential address to ensure your submission is considered by Council. Formal submissions including names and addresses of respondents may on occasions be made public through reports to Council. Required information is marked with an \*asterisk.

<b>*First Name:</b>		<b>*Last Name:</b>	
<b>Email Address:</b>			
<b>*Address:</b>			
<b>Business/Organisation Name (if applicable):</b>			
<b>Gender:</b>	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other Identity	<b>Year of Birth:</b>	



# Adult entertainment and adult products and services code amendment

Summary document 1 of 2 – Adult Entertainment Premises



<b>Are you a City of Adelaide Ratepayer?</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Please tell us how you participate in city life</b> (tick all that apply):			
<input type="checkbox"/> Work	<input type="checkbox"/> Live	<input type="checkbox"/> Shop	<input type="checkbox"/> Play <i>(e.g. leisure, recreation, entertainment, dining)</i>
<input type="checkbox"/> Study	<input type="checkbox"/> Tourist	<input type="checkbox"/> Own a Business	
<b>Please indicate your main areas of interest</b> (tick all that apply):			
<input type="checkbox"/> Council Services & Programs	<input type="checkbox"/> Open Space & Recreation	<input type="checkbox"/> City Design, Planning & Development	<input type="checkbox"/> New & Future Projects
<input type="checkbox"/> Social & Community Issues	<input type="checkbox"/> Policy, Budget and Management Plans	<input type="checkbox"/> Environmental Issues	<input type="checkbox"/> Arts & Events in the City
<b>Please indicate the locations that are of interest to you</b> (tick all that apply):			
<input type="checkbox"/> North Ward	<input type="checkbox"/> Central Ward	<input type="checkbox"/> South Ward	

**Q1. What is your interest in this draft Code Amendment?**

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**Q2. Do you support the draft Code Amendment?**

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**Q3. Do you have any suggested changes to the draft Code Amendment?**

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# Adult entertainment and adult products and services code amendment

Summary document 1 of 2 – Adult Entertainment Premises




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