

**PROPOSAL TO INITIATE AN AMENDMENT
TO THE PLANNING & DESIGN CODE**

**Adult Entertainment Premises
Code Amendment**

By the City of Adelaide (the Proponent)



(Signature Required)
City of Adelaide (the Proponent)

Date: 28 August 2023

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*. By signing this Proposal to Initiate, the Proponent acknowledges and agrees that this Proposal to Initiate, and any supporting documents may be published on the PlanSA portal by the Attorney General's Department.



(Signature Required)

MINISTER FOR PLANNING

Date: 5/12/23

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1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to the recent introduction by the Minister for Planning of Adult Entertainment Premises and Adult Products and Services Premises as Land Use Definitions.

The spatial extent of the application of any potential policy changes is limited to within the City of Adelaide Council boundaries.

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - (a) Colleen McDonnell, Manager, City Planning and Heritage
Email: c.mcdonnell@cityofadelaide.com.au
Telephone: 82037203
- 1.1.3. The Proponent intends to undertake the Code Amendment by engaging a consultancy to provide the professional services required to undertake the Code Amendment:

1.2. Rationale for the Code Amendment

The State Government introduced land use definitions for Adult Entertainment Premises and Adult Products and Services Premises into the Planning and Design Code in June 2023 through the Miscellaneous and Technical Enhancements Code Amendment (MTECA).

The inclusion of these definitions within the Code is as follows:

Defined Term	Meaning
<i>Adult Entertainment Premises</i>	<i>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</i>

Defined Term	Meaning
	<i>admittance by minors is restricted by law but does not include a personal or domestic services establishment</i>
<i>Adult products and services premises</i>	<p><i>Means a premises used for the sale, exchange, hire, exhibition, loan, delivery or display, or to otherwise render accessible or available to the public, sexually explicit material including:</i></p> <p>a) <i>publications classified as restricted or prohibited under the Classification (Publications, Films and Computer Games) Act 1995; and/or</i></p> <p>b) <i>material compounds, objects or devices (other than contraception and medical treatments) designed to be used in connection with sexual behaviour or activities; and/or</i></p> <p>c) <i>films, video films or tapes, any other form of optical or electronic records from which a visual image may be produced or any other pictorial matter, the sale, delivery, exhibition, advertisement or display of which is restricted or prohibited under the Classification (Publications, Films & Computer Games) Act, 1995.</i></p> <p><i>It does not include premises used for prostitution.*</i></p>

The purpose of this Code Amendment is to identify locations within the City of Adelaide where these land uses are either suitable or unsuitable. Locations need to reflect 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.

The Code Amendment investigations will consider locations where adult entertainment could reasonably be contemplated and areas where it is considered unsuitable (or in conflict with other land uses).

Identifying suitable locations ensures that appropriate policies in the Planning and Design Code (P&DC) can be applied that support these land uses where appropriate, while protecting the operation, amenity and character of existing land uses.¹

The amended planning framework will assist in:

- Reducing land use conflicts.
- Improving development assessment of these specific land uses.
- Providing clarity and efficiency to planning and licensing outcomes.

¹ Note: The planning system, including the Planning and Design Code, is not responsible for controlling activities which are illegal, and as such does not provide a policy framework for such activities. As such, the Adult Products and Services Premises land use definition does not include or support prostitution. It is important to note that the definitions do not include “tattoo parlours” land use definition. It is not intended that the proposed Code Amendment explore further controls or policies on these land uses.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land within the City of Adelaide as shown in the map in **Attachment A** and detailed in the table below.

2.2. Scope of Proposed Code Amendment

<p>Current Policy</p>	<p>The proposed Code Amendment will investigate locations in the following Zones/Subzones:</p> <ul style="list-style-type: none"> • Capital City Zone • City Living Zone • City Main Street Zone • City Riverbank Zone • Melbourne Street West Subzone (of the Business Neighbourhood Zone) • WCH and Memorial Hospital Precinct Subzone & St Andrews Hospital Precinct Subzone (of the Community Facilities Zone).
<p>Amendment Outline</p>	<p>The intended scope of the Code Amendment is to address and better articulate:</p> <ul style="list-style-type: none"> • Locations where Adult Entertainment Premises and Adult Products and Services Premises are suitable and unsuitable. • Policy to manage impacts on amenity from such premises to the character of localities (excluding noise impacts). • Policy to guide the external appearances and advertising of adult entertainment premises. • Any specific measures and controls that will strengthen the application of Crime Prevention Through Environmental Design to such premises. • Appropriate development assessment pathways. <p>It is expected that the principal focus for policy amendment will be at the Sub-Zone or Zone level, however, the amendment will also examine the role or gaps of Overlays and general modules, where appropriate.</p>
<p>Intended Policy</p>	<p>The Code Amendment investigations will consider which of the City of Adelaide Zones and Subzones may be suitable or unsuitable for each of the following land uses:</p> <ul style="list-style-type: none"> • Adult Entertainment Premises • Adult Products and Services Premises

3. STRATEGIC PLANNING OUTCOMES

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

Key strategic documents, including State Planning Policies, Regional Plan, City of Adelaide Strategic Plan and relevant City of Adelaide policies and action plans are summarised here.

3.1. Summary of Strategic Planning Outcomes

The proposed Code Amendment will align with strategic policy outcomes including, but not limited to:

- Avoid land use conflicts between new and established land uses.
- Provide clarity and consistency in assessment and reduce legal disputes.
- Achieve broader strategic aims for the city.

These relate to providing activated and attractive places, and high-quality and amenity rich areas, including increasing night-time activities, as well as increasing the resident population of the city, through new housing and mixed-use development.

The Code Amendment seeks to implement a suite of contemporary policies and a planning framework, including assessment pathway that will provide greater clarity, to better achieve the balance of these strategic goals, particularly where they may conflict.

3.2. Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State’s overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>SPP2: Design Quality</p> <p>2.5. Prioritise performance-based design quality outcomes in Adelaide City, heritage and character areas, places where medium-rise buildings interface with lower-rise development, mixed-use renewal precincts, transit corridors, and iconic locations that attract high levels</p>	<p>The Code Amendment seeks to prioritise high-quality design outcomes that appropriately respond to the City of Adelaide’s variety of land uses and areas, especially high visitation areas.</p> <p>The Code Amendment supports the appropriate management of neighbourhood characteristics, both from a land use and external appearance viewpoint, particularly in locations where the established character and function of main streets</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>of pedestrian activity and/or tourism.</p> <p>2.9. Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of a place.</p>	<p>differs to those typically associated with Adult Entertainment Premises.</p>
<p>SPP9: Employment Lands</p> <p>9.7 Encourage appropriate retail development through the implementation of best practice retail planning guidelines (see Figure 5).</p> <p>9.10 Strengthen the primacy of the Adelaide city centre as the cultural, entertainment, tourism and economic focus of South Australia.</p> <p>9.11 Encourage the development of integrated employment and residential mixed-use precincts where conflicts between uses can be managed.</p>	<p>The Code Amendment seeks to protect the amenity, retail character and form of the City centre by incorporating land use policies that support Adult Entertainment Premises and Adult Products and Services Premises, whilst targeting their preferred locations in areas aimed for nightlife, entertainment, and tourism-based industries. This provides certainty to residential land uses, and retail and commercial activities.</p>

3.3. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long-term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The 30-Year Plan for Greater Adelaide (2017 Update) volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>Target 1.1</p>	<p>The City of Adelaide supports and promotes population growth within the city.</p> <p>The Code Amendment will identify where Adult Entertainment and Adult Products and</p>

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>85% of all new housing in metropolitan Adelaide will be built in established urban areas by 2045.</p>	<p>Services Premises are suitable or not in the city, and establish clearer policy guidance about managing their establishment, and visual appearance to minimise interface impacts with growing populations in residential areas.</p>
<p>Adelaide City Centre</p> <p>P9. Develop activity centres as vibrant places by focusing on mixed-use activity, main streets and public realm improvements.</p> <p>P13. Strengthen the primacy of the Adelaide City centre as the cultural, entertainment, tourism and economic focus of Greater Adelaide. Enhance its role as the centre for peak legal, financial and banking services, specialty health and medical services, higher education, the arts, and high-quality specialty retailers.</p> <p>P17. Reinforce the special character of the main streets of Gouger, Hindley, Rundle and Hutt Streets through contextual design responses that increase activity and vibrancy while also preserving the elements that make these places special.</p> <p>P22. Sustain the heritage, character and scale of valued residential precincts (including North Adelaide and the south-east and south-west corners) with contextually appropriate development that contributes to the needs of our growing population and provides services to the community.</p> <p>Design Quality</p> <p>P30. Support the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers context, location and place.</p>	<p>The Code Amendment recognises that Adult Entertainment Premises and Adult Products and Services Premises exist and form part of the entertainment and service offering within the City centre.</p> <p>It considers and respond to the appropriate main street settings where these facilities are anticipated, and establish clearer policy guidance about managing their establishment, and visual appearance to appropriately reflect their setting and broader activation aims.</p>

3.4. Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
City of Adelaide Strategic Plan 2021 - 2024	<p>The Strategic Plan identifies a Vision for Adelaide as the most liveable City in the world, emphasising (amongst other things) a great place to be for residents and businesses, and our reputation for safety.</p> <p>Outcome - Strong Economies</p> <ul style="list-style-type: none"> • Activate main streets and develop unique precincts to support a diverse range of businesses and communities. • Development spatial plans to support future growth in the city. <p>The Code Amendment will improve policy guidance and certainty for proponents and the community for Adult Entertainment Premises and Adult Products and Services Premises.</p>
Adelaide City of Music – Live Music Action Plan 2017-2020	The Code Amendment addresses land use and residential amenity outcomes in locations where live music is envisaged.
Safer City Action Plan 2019-2023	The Code Amendment supports Crime Prevention through Environmental Design policies in the Planning and Design Code.
<p>Adelaide City Council Liquor Licensing Policy 2017</p> <p>City of Adelaide Review of Liquor Licensing Policy, Kelliedy Jones, 2023</p>	<p>The Policy lists principles, including licensed premises to be consistent with surrounding character and amenity, create safer places, reduce approval complications and costs of legal intervention. Hindley Street East is recognised as the City’s late night entertainment precinct.</p> <p>The Code Amendment seeks to locate Adult Premises in areas in the city that are deemed suitable.</p>
City of Adelaide Draft Housing Policy, 2023	Housing Policy is being drafted during 2023 and the interaction between this Code Amendment and any existing or emerging housing policy will be considered.
Planning System Implementation Review – City of Adelaide Submission – 1 February 2023	The proposed Code Amendment progresses a recommendation from Council to the Expert Panel’s review of the Implementation of the South Australian Planning System relating to reintroduction of definitions for Adult Entertainment

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
	Premises and Adult Products and Services Premises. With the definitions now live this Amendment will introduce policy to support the assessment process.
City Plan, Main Street Master Planning, Market District Plans	Consideration will be given to key planning initiatives being undertaken across the City of Adelaide, such as the City Plan, Main Street Master Planning and Market District Plans.

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Review of Planning Policies	<p>Review of the Planning and Design Code policies that relate to Adult Entertainment Premises and Adult Products and Services Premises, including:</p> <ul style="list-style-type: none"> • policies governing noise generation • operating hours • management of behavioural impacts on the character and safety of surrounding localities. <p>The assessment included the level of coverage of these matters within Zone, Sub-zone, and relevant Overlays and General Policies.</p>	<p>Noise and Air Emissions Overlay policies are adequate to protect existing and potential sensitive receivers.</p> <p>Policy to manage disorderly behaviour associated with licensed premises or adult entertainment premises may be warranted.</p> <p>Additional policy guidance on the visual appearance of the Adult Premises and advertising is warranted.</p>
Review of Adult Premises - Development Plan Amendment Report - July 2002	<p>The Development Plan Amendment provides past insight into the rationale for where adult entertainment premises and adult products and services premises are suitable and unsuitable throughout the Council area.</p>	<p>The Affected Area for this Code Amendment is informed by assessment of potential locations where premises are suitable and unsuitable.</p> <p>Policy direction is needed in Zones / Sub-zones that support night and late night activities.</p>
Review of Development Applications (Development Plan and Planning and Design Code)	<p>Review of development applications where changes to liquor licenses have been sought and triggered a land use change development application.</p>	<p>Additional policy guidance to manage conflicts between land uses seeking entertainment and extended night-time activities, and the growth of residential accommodation within the CBD is warranted.</p>
Processing pathway options	<p>Consideration of the processing pathways available within the <i>Planning, Development and Infrastructure Act, 2016</i>.</p>	<p><u>Accepted development and Deemed-to-satisfy pathways</u> These pathways are considered likely to provide insufficient assessment of the impacts.</p> <p><u>Restricted development</u></p>

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
		<p>This pathway requires a thorough assessment of the proposal's impacts and mandates the notification of the application to adjacent landowners and occupiers.</p> <p>Developments assessed via a Restricted Pathway are assessed against the relevant policies within the Planning and Design Code but are not bound by these provisions.</p> <p><u>Performance Assessed Pathway</u> This pathway provides for notification of any application and, more targeted policies addressing such land uses.</p> <p>The investigations for the Code Amendment will ultimately determine the most appropriate development assessment pathway, that will then be tested and reviewed through the engagement process.</p>

4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, Table 4.2 outlines what additional investigations that will be undertaken to support the Code Amendment.

Table 4.2 Further Investigations Proposed

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Advertising	Review of policy relating to the visual appearance of venues and advertising including consideration of local context and display of inappropriate materials that may be visible to minors.
Spatial Assessment	Assessment of the Hindley Street, Rundle Street, Gouger and Grote Street, Hutt Street and City Main Street Sub-zones to identify suitable and unsuitable locations for Adult Entertainment Premises.
Policy Assessment	Identify a policy suite for Adult Premises in the City of Adelaide including review of the Code's Policy Hierarchy, use (or otherwise) of Overlays, assessment pathways and public notification requirements.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Licensed Premises	Assessment of the interaction between policy amendments identified in the Code Amendment and existing policy for licensed premises, for clarity and consistency where appropriate.

4.3. Engagement Already Undertaken

In accordance with Practice Direction 2, the State Government's Planning and Land Use Services (PLUS) team has been consulted on this proposal.

City of Adelaide's submission to the State Government's *Planning System Implementation Review* included engagement with key stakeholders and the community.

Council's submission supports additional policy direction around specific land uses (including adult entertainment premises) which form the basis for this Code Amendment.

In addition, preliminary engagement has also occurred with the following with key stakeholders:

- Australian Hotels Association (SA)
- SA Police (Licensing Enforcement Branch)
- Business and Consumer Services (Attorney-General's Department)
- Property Council of Australia (SA Branch)
- Urban Development Institute Australia (SA Division)
- Planning and Land Use Services (Department for Trade and Investment)
- East End Association

A summary of outcomes or matters raised through engagement already undertaken is as follows:

- Amenity impacts of adult entertainment premises relate principally to noise and patron behaviour.
- An increase in objections to proposed licences for new licenced premises (not adult entertainment premises) in the city from surrounding residents.
- Consistency of definitions in the *Liquor Licensing Act 1997 (SA)* and the Planning and Design Code (as well as interpretations) will support application processing.
- Residential amenity in mixed use areas and in near proximity to licenced premises.

4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
<p>Notification of the Code Amendment to landowners and business owners of established Adult Entertainment Premises and Adult Products and Services Premises in the city, as well as the properties within the Sub-zones in which the proposed policy amendments will take place.</p>	<p>Identify the potential impacts of the proposed Code Amendment outcomes on new Adult Entertainment Premises and provide an opportunity for their input into the Code Amendment to better inform their positions as persons/entities being directly impacted by the proposed Code Amendment.</p>
<p>Letters to Government Agencies, including SA Police, Consumer and Business Services and EPA advising of the Code Amendment</p>	<p>Provide an opportunity for Government Agencies to comment on the proposed outcomes of the Code Amendment and respond to any issues of consistency or otherwise to State agency policy positions.</p>
<p>Letters to representative industry and community groups such as LGA (SA), AHA (SA), Property Council (SA), UDIA (SA), local trader and main street groups, residents and ratepayer groups</p>	<p>Inform interested stakeholders about the Code Amendment, including as a follow up to those initially engaged as part of the process of informing the Code Initiation. This will allow for identification of any specific issues or positions from the range of interests represented by the groups, along with their level of support (or otherwise) for the proposed policy framework.</p>
<p>Letters to adjoining Councils and Local MPs</p>	<p>Provide an opportunity for adjoining Councils and/or local MPs to comment on the proposed policy change and to consider broader impacts on their respective community and/or constituents.</p>
<p>Notification and survey on Council's website and links through Council's social media to the broader community.</p>	<p>Broad community consultation to provide an opportunity for any interested community members to be aware of the proposed Code Amendment and make comment on the proposed outcomes of the Code Amendment. This engagement will clearly state what is and isn't in scope for the Code Amendment.</p>
<p>Information placed on PlanSA Portal to inform the community of the</p>	<p>The Code Amendment Proponent uses the PlanSA Portal to inform the community about the Code Amendment, including:</p> <ul style="list-style-type: none"> • Providing the proponent's contact information

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Code Amendment, its proposals and its progress.	<ul style="list-style-type: none"> • Links on how the community can contribute to the Code Amendment. • Inform the community of the Code Amendment’s progress. • Providing relevant documentation assigned to each stage, such as the engagement plan, fact sheets and the Code Amendment that allows the community to access the relevant documentation when needed and be informed about the Code Amendment process. • Finalised Code Amendment. • Summary of the Code Amendment’s engagement, which includes how engagement did or did not alter the Code Amendment (and a copy of the Engagement Plan).

5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity has prepared a draft Engagement Plan (**Attachment C**) which includes the following mandatory consultation requirements:

- The Local Government Association must be notified in writing of the proposed Code Amendment
- If the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land
 - owners or occupiers of each piece of adjacent land
- Consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

A draft engagement plan is included as an attachment to this Code Initiation Document, for information purposes only. The proponent reserves the right to amend the consultation plan with the final plan to be published to PlanSA portal.

5.2. Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished on the Minister and also published on the PlanSA portal. This will occur in accordance with Practice Direction 2.

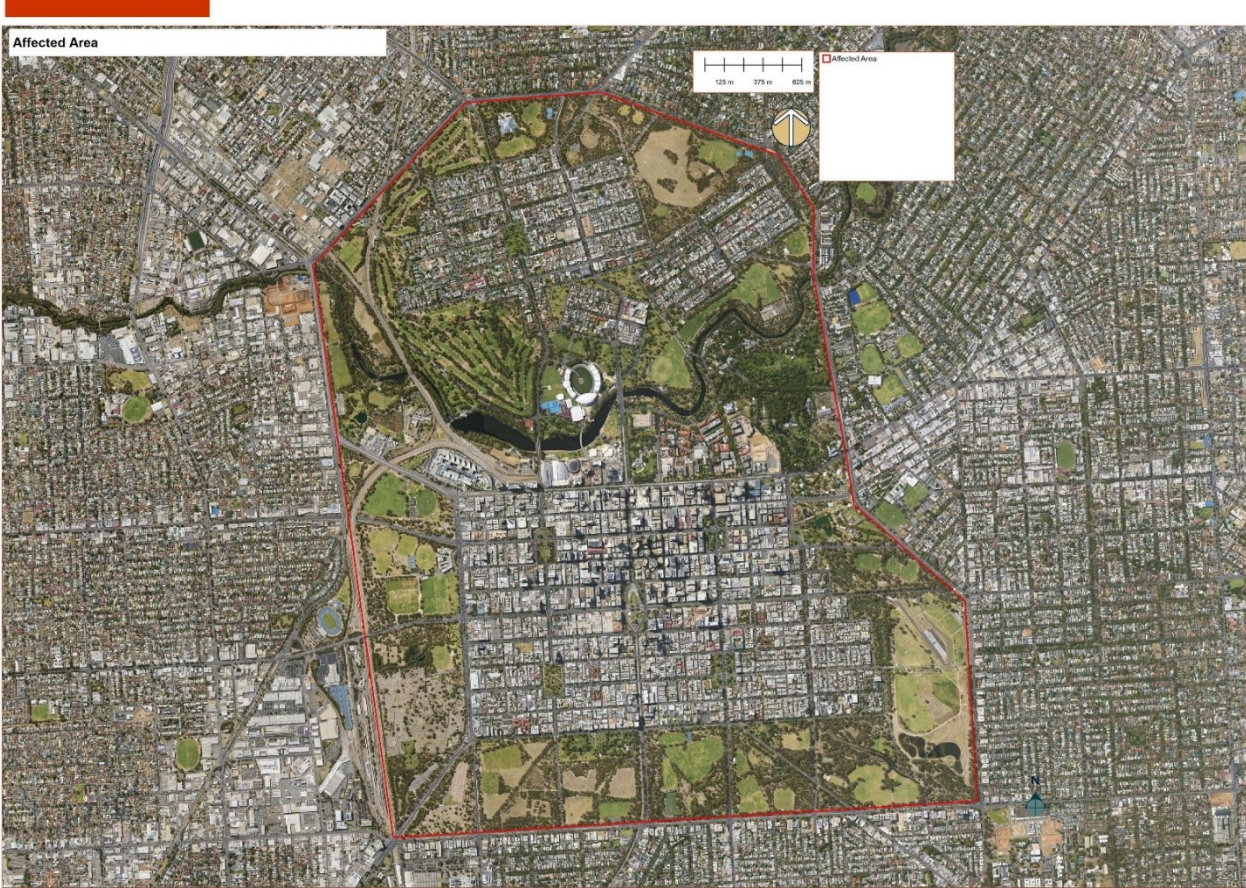
The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.3. Code Amendment Timetable

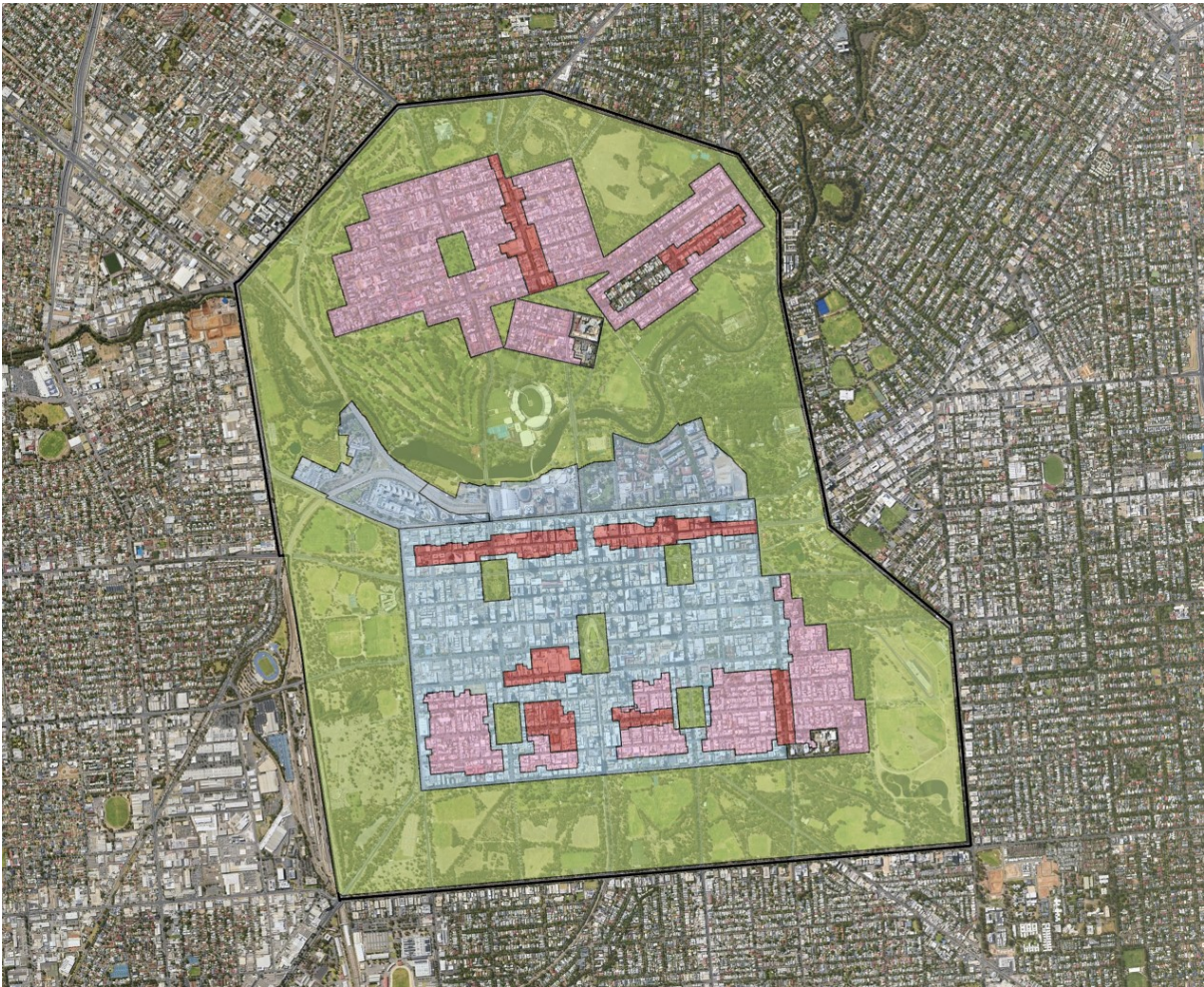
The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined in **Attachment B**. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

ATTACHMENT A

Map of Affected Area



Map of Zones and Affected Area



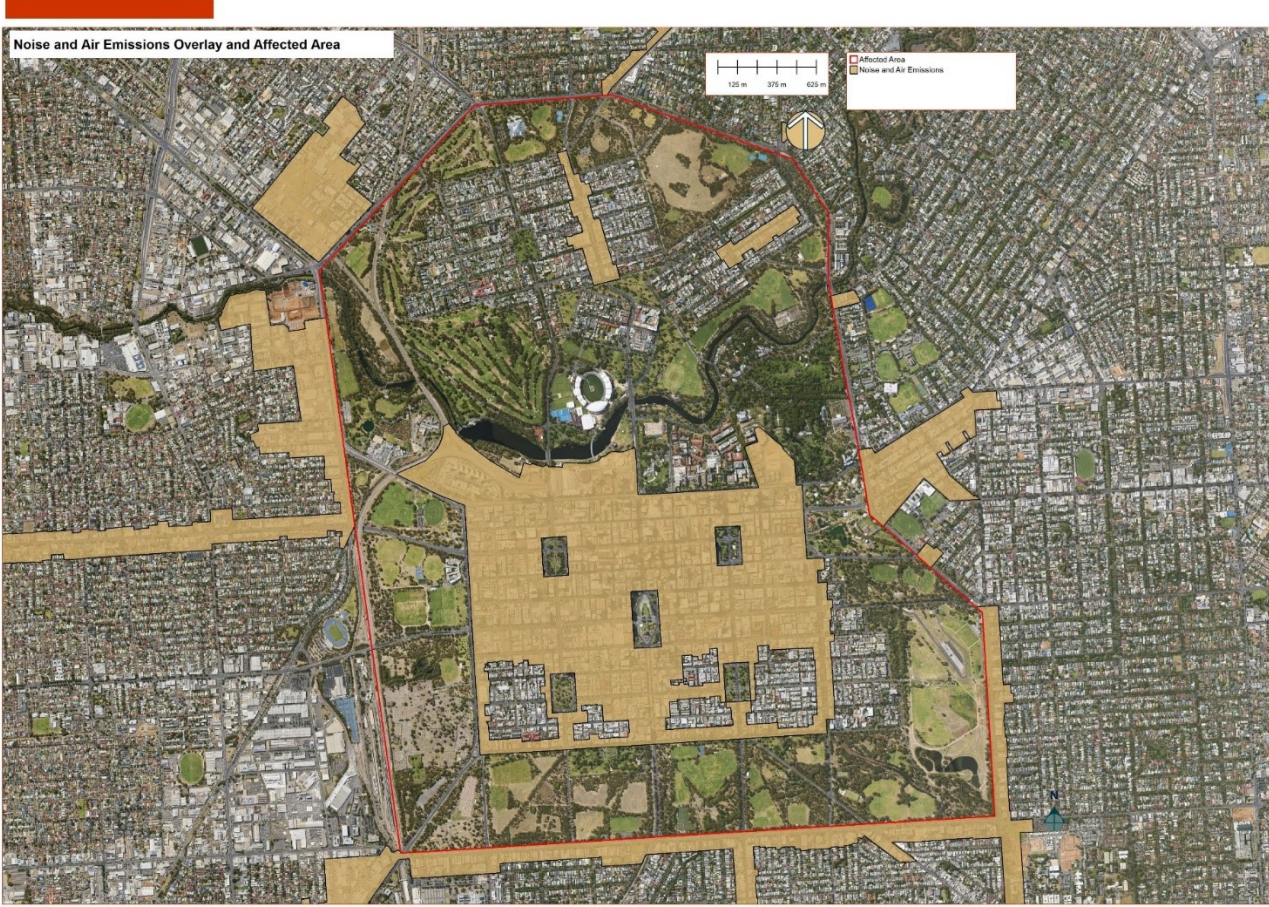
- ▲ Zones
- ▲ Capital City Zones
 - Adelaide Park Lands Zone
 - Capital City
 - City Living
 - City Main Street
 - City Riverbank

Map of Subzones and Affected Area



- ▾ Subzones
- ▾ Capital City Subzones
 - Adelaide Aquatic Centre
 - City Frame
 - City High Street
 - Cultural Institutions
 - East Terrace
 - Entertainment
 - Gouger and Grote Street
 - Health
 - Hindley Street
 - Innovation
 - Medium-High Intensity
 - Melbourne Street West
 - North Adelaide Low Intensity
 - Rundle Mall
 - Rundle Street

Map of Noise and Air Emissions Overlay and Affected Area



ATTACHMENT B

Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframes
Council endorsement to initiate Code Amendment		
Council meeting endorsing Proposal to Initiate to be sent to the Minister for Planning	CoA	8 August 2023
Council sends Proposal to Initiate to Minister	CoA	30 August 2023
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission.	AGD	13 September 2023 <i>(includes lodgement and allocation + referral to Government Agencies within the first week)</i>
Minister requests advice from the Commission.	Minister	27 September 2023
Referral to Government Agencies for comment (where necessary).	AGD, Relevant Government Agencies	11 October 2023
Consideration of Proposal to Initiate and advice to the Minister.	Commission (Delegate)	1 November 2023 3 weeks
	Commission	22 November 2023
Proposal to Initiate agreed to by the Minister	Minister	6 December 2023
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared. The Drafting instructions and draft mapping provided to AGD.	Designated Entity	14 February 2024
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes.	AGD	21 February 2024
Preparation of Materials for Consultation.	Designated Entity	6 March 2024
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community	Designated Entity	6 weeks, 17 April 2024, 33 weeks from

Step	Responsibility	Timeframes
Engagement Charter and the prepared Community Engagement Plan .		initiation (30 August 2023) [noting may be subject to change pending finalisation of Engagement Plan]
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD.	Designated Entity	12 June 2024
Assess the amendment and engagement. Prepare report to the Commission or delegate Timeframe will be put on hold if further information is required, or if there are unresolved issues.	AGD	10 July 2024
Consideration of Advice	Commission (Delegate)	24 July 2024 <i>(includes 1 week to process through Minister's office)</i>
	Commission	14 August 2023
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	4 September 2024
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA portal	AGD	2 October 2024
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	27 November 2024

ATTACHMENT C

Draft Engagement Plan

City of Adelaide

Adult Entertainment Premises Code Amendment

Draft Engagement Plan

17 July 2023

Contact details

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Phone: 8203 7203

Background information

- This Code Amendment will provide greater clarity around the assessment and location of Adult Entertainment Premises in the City of Adelaide.
- Land use definitions for Adult Entertainment Premises and Adult Products and Services Premises was introduced to the Planning and Design Code by the Minister for Planning as part of the Miscellaneous and Technical Enhancements Code Amendment on 1 June 2023.
- The Code Amendment will identify where Adult Entertainment Premises should be located in the City of Adelaide.
- The Code Amendment will recommend policies to be used during assessment of this type of development.

Engagement purpose

The purpose of the engagement is to:

- Raise stakeholder, affected and interested community awareness of any proposed changes to policy.
- Seek feedback from stakeholders, affected and interested community on the Draft Code Amendment to enable their needs, ideas, and concerns to be considered in finalising the Code Amendment.
- Raise awareness of the Final Code Amendment and close the loop on community engagement
- Meet statutory requirements for engagement on a Code Amendment.

Engagement objectives

The engagement objectives are to:

- Identify policy gaps in the Planning and Design Code and City of Adelaide Zones and Subzones, that relate to Adult Entertainment Premises and Adult Products and Services Premises.
- Allow stakeholders and community to provide feedback on what they think the challenges, opportunities, and constraints are in better managing the impacts and land use conflicts of Adult Entertainment Premises in the current policy framework.
- Enable stakeholders and community to provide ideas and thoughts on how and what policy measures would be appropriate.
- Clarify matters that can and cannot be addressed through Planning and Design Code policy (and the planning system) with stakeholders and community.

Scope of influence

Aspects of the project which stakeholders and the community *can* influence are:

- Informing the project team about how improved policies can best guide the assessment of Adult Entertainment Premises, and Adult Products and Services Premises, in the City of Adelaide.
- Feedback on the proposed policy approach, including where Adult Entertainment Premises and Adult Products and Services Premises should, and should not, be located within the City of Adelaide.

Aspects of the project which stakeholders and the community *cannot* influence are:

- This engagement will not remove the definition of Adult Entertainment Premises nor Adult Products and Services Premises from the Planning and Design Code.
- The engagement will not consider policy relating to any activities which are illegal or are not defined as development under the *Planning, Development and Infrastructure Act, 2016*.
- The engagement will not consider policy changes outside the boundaries of the City of Adelaide.

Key messages

The following key messages will underpin the engagement regarding the Adult Entertainment Premises Code Amendment:

- The Planning and Design Code is used to assess development that occurs in the City of Adelaide.
- Adult Entertainment Premises and Adult Products and Services Premises are land use definitions introduced to the Planning and Design Code by the Minister for Planning on 1 June 2023.
- City of Adelaide is considering how the Planning and Design Code policies should be updated to guide the location and assessment of this type of development.
- Policy changes will seek to reduce potential future land use conflicts by introducing policy to assess development of Adult Entertainment Premises and Adult Products and Services Premises.
- The scope of this Code Amendment relates only to the City of Adelaide and does not seek to introduce new policy that would affect any other Council area.

- The engagement will not consider policy relating to any activities which are illegal or are not defined as development under the *Planning, Development and Infrastructure Act, 2016*

Level of Engagement

- The City of Adelaide is committed to undertaking community engagement in accordance with the principles of the Community Engagement Charter and is genuinely open to considering the issues raised by people in the community.
- The principles are:
 - Engagement is genuine
 - Engagement is inclusive and respectful
 - Engagement is fit for purpose
 - Engagement is informed and transparent
 - Engagement processes are reviewed and improved.

Stakeholder Mapping

The following table outlines stakeholders for the Code Amendment.

Stakeholder and community mapping

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Level of influence	Nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
City of Adelaide – planning and development staff	High	High	Implications for development assessment.	Regular conversations and updates	Involve
City of Adelaide – Council Members	High	High	Broad interest in the balance of community and economic outcomes within the City of Adelaide.	Keep informed throughout progression of Code Amendment. Decision maker	Consult/Involve
Adelaide Economic Development Agency	High	High	Interest in development and business growth for the city.	Keep informed throughout progression of Code Amendment	Inform/Consult
Local Government Association	Medium	Low	Interest in the application of the land use definition for other local government areas.	Statutory requirement to inform LGA as part of engagement plan	Inform/Consult
State Planning Commission	High	High	Interest in management of Adult Entertainment Premises and Adult Products and Services land uses across the state.	Keep informed throughout progression of Code Amendment. Decision maker. Actively seek feedback at key points	Consult/Involve
PlanSA/PLUS	High	High	Interest in management of Adult Entertainment Premises and Adult Products and Services land uses across the state.	Keep informed throughout progression of Code Amendment. Decision maker	Consult/Involve
Local MPs - State Member for Adelaide – Lucy Hood - Federal Member for Adelaide – Steve Georganas	Medium	Medium	Interest in responding to concerns from constituents regarding impact of Adult Entertainment on residential amenity and city liveability.	Keep informed throughout progression of Code Amendment	Inform/Consult
Adjoining Councils - City of Burnside - City of Walkerville - City of Prospect - City of Charles Sturt - City of West Torrens - City of Unley - City of Norwood, Payneham and St Peters	Medium	Medium	Interest in relationship with heritage and character policy and its operation within their respective local government areas.	Keep informed throughout progression of Code Amendment	Inform/Consult

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Level of influence	Nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
Property Council	Low	Low	Interest in effect of these land uses on property values and rental viability.	Keep informed throughout progression of Code Amendment	Inform/Consult
South Australia Police	High	Medium	Interest in managing interactions between these land uses, general community safety and other operational interactions such as liquor licensing.	Keep informed throughout progression of Code Amendment, actively seek feedback	Inform/Consult
Urban Development Institute of Australia	Low	Low	Interest in tracking the outcomes of this work and how it may relate to other local government areas including growth areas.	Keep informed to enable a response if needed	Inform/Consult
Liquor License Commission/CBS	Medium	Medium	Interest in interactions with liquor licensing legislation and functions.	Keep informed throughout progression of Code Amendment, actively seek feedback	Inform/Consult
Main Street Groups/East End Association/West End Association	High	Medium	Interest in managing public realm impacts associated with Adult Entertainment Premises and/or Adult Products and Services Premises.	Keep informed throughout progression of Code Amendment, actively seek feedback	Inform/Consult
Hotels Association	Low	Low	Interest in the interaction of these two land uses with the operation of hotels.	Keep informed throughout progression of Code Amendment	Inform/Consult
SA Tourism Commission	Low	Low	Potential interest in tourism value of Adult Entertainment Premises and Adult Products and Services land uses to the City of Adelaide and South Australia.	Keep informed to enable a response if needed	Inform/Consult
Adult Entertainment Premises staff and patrons	Medium	Low	Interest in economic outcomes, safety and management of interface with neighbouring land uses/public realm.	Keep informed throughout progression of Code Amendment, actively seek feedback	Inform/Consult
Adult Products and Services staff and patrons	Medium	Low	Interest in economic outcomes, safety and management of interface with neighbouring land uses/public realm.	Keep informed throughout progression of Code Amendment, actively seek feedback	Inform/Consult
Environment Protection Authority	Low	Low	Interest in noise emissions associated with these land uses.	Keep informed throughout progression of Code Amendment	Inform/Consult
Master Builders Association	Low	Low	Interest in any changes to policy affecting the building industry.	Interest in any changes to policy affecting the building industry	Inform/Consult
Affected Area Property Owners	High	Low	Interest in whether or not these land uses are anticipated to occur near their properties. If specific locations within the City of Adelaide are proposed to enable these land uses.	Keep informed to enable a response if needed. If specific locations within the City of Adelaide are proposed to enable these land uses then engagement can be designed to target these areas.	Inform/Consult

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Level of influence	Nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
Broader Community	Low	Low	General interest in whether and/or where these land uses could be enabled.	Keep informed to enable a response if needed.	Inform/Consult

Risk Assessment

Area of Risk	Risk Analysis	Risk Rating	Mitigation Strategies	Intended Mitigation Outcome
Conflicting engagement outcomes	The risk is that the variety of stakeholders express conflicting issues, opportunities and concerns that aren't easily translated into a policy outcome	Low	Clear messaging to stakeholders of how planning can address issues and find connections between stakeholder feedback.	Stakeholders understand the project is to provide policy to reduce potential land use and community conflicts.
Timeframe doesn't allow consideration of each key stakeholder's perspective prior commencement of engagement.	Engagement misses key issues, concerns, and opportunities that the Code Amendment should consider/ address	Medium	Seek early feedback from key stakeholders and provide a variety of ways to meet, such as, online and in person.	Key stakeholders provide early input into the project which informs engagement materials.
Lack of support for amendment	Community members do not support changes to policy	Low	Explain rationale and need for updated statements clearly.	Community members are informed and have an opportunity to influence outcomes.
Technical information is difficult to communicate	Information amongst stakeholder and the community misrepresents the issues and proposed changes / impacts.	Med	Provide clear and easy to understand information across a variety of platforms.	Clear understanding of issues and policy, and informed submissions.

Engagement Techniques

Key engagement techniques that can be used during this Engagement include:

- Fact sheets
- Face to face or online meetings
- Webpage on PlanSA Portal
- Submission Form/Online Survey on City of Adelaide "YourSay" webpage
- Letters/Electronic Direct Mail
- Social Media
- Phone and email inquires.

Engagement Period Activities

Stakeholder	How we will engage
City of Adelaide – planning and development staff	Via regular project team meetings.
City of Adelaide – City Safety, Social Planning, Main Street Coordinators	Via regular project team meetings and/or leadership meetings.
City of Adelaide – Council Members	Via Council meetings and regular e-news.
Local Government Association	Correspondence to the CEO informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Adelaide Economic Development Agency	Via Board meetings.

Stakeholder	How we will engage
State Planning Commission	Correspondence informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
PlanSA/PLUS	One on one meetings. Via PlanSA Portal
Local MPs - State Member for Adelaide – Lucy Hood - Federal Member for Adelaide – Steve Georganas	Correspondence informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Adjoining Councils - City of Burnside - City of Walkerville - City of Prospect - City of Charles Sturt - City of West Torrens - City of Unley - City of Norwood, Payneham and St Peters	Correspondence to the CEO informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Property Council	Correspondence to the CEO informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
South Australia Police	Correspondence to the CEO informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Urban Development Institute of Australia	Correspondence to the CEO informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Liquor License Commission/CBS	Correspondence to the CEO informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Main Street Groups/East End Association/West End Association	Correspondence informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback. One on one meeting with each group.
Hotels Association	Correspondence to the CEO informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Adult Entertainment Premises staff and patrons	Correspondence to the business manager informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Adult Products and Services staff and patrons	Correspondence to the business manager informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Department for Education	Correspondence to the CEO informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Department for Health and Wellbeing	Correspondence to the CEO informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Environment Protection Authority	Correspondence to the CEO informing that the Code Amendment has commenced, how and who we are engaging and methods for feedback.
Affected Area Property Owners	Direct letters for properties within or abutting a zone or subzone which specifically envisages Adult Entertainment Premises Via PlanSA Portal, City of Adelaide YourSay page and awareness of engagement via social media.
City of Adelaide Ratepayers/residents	Via PlanSA Portal, City of Adelaide YourSay page and awareness of engagement via social media Promote the consultation through a display board to be placed in the City Library and/or other relevant locations to be determined. Consider the opportunity to attend drop-in sessions at the City Library, North Adelaide Library and/or Hutt Street Library or community centres.
Broader Community	Via PlanSA Portal, City of Adelaide YourSay page and awareness of engagement via social media. Opportunity to attend drop-in sessions at City Library, North Adelaide Library and/or Hutt Street library. Additional methods of engagement will also be considered as appropriate, subject to timing, resourcing and effectiveness

*This information does not need to be provided to the Minister

Measuring success

At the completion of the engagement, all participants will be invited to assess the success of the engagement against performance criteria one to four, below. The project manager, with assistance from communications and engagement specialists, will assess the success of the engagement against criteria five to nine. This evaluation will be included in the statutory report (section 73(7) of PDI Act) that is sent to the State Planning Commission and the Minister for Planning and which details all engagement activities undertaken. It will also be referenced in the Commission Report (section 74 (3)(b) that is issued to the Governor of South Australia and the Environment Resources and Development Committee of Parliament. Any issues raised about the engagement during the engagement process will be considered and action will be taken if considered appropriate.

#	Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Exit survey / follow-up survey	Measuring success of project engagement
1	Principle 1: Engagement is genuine	<ul style="list-style-type: none"> People had faith and confidence in the engagement process. 	Community	I feel the engagement genuinely sought my input to help shape the proposal	Likert scale - strongly disagree to strongly agree	Per cent from each response.
2	Principle 2: Engagement is inclusive and respectful	<ul style="list-style-type: none"> Affected and interested people had the opportunity to participate and be heard. 	Community	I am confident my views were heard during the engagement	Likert scale - strongly disagree to strongly agree	Per cent from each response.
			Project Lead	The engagement reached those identified as community of interest.	<ul style="list-style-type: none"> Representatives from most community groups participated in the engagement Representatives from some community groups participated in the engagement There was little representation of the community groups in engagement. 	Per cent from each response.
3	Principle 3: Engagement is fit for purpose	<ul style="list-style-type: none"> People were effectively engaged and satisfied with the process. People were clear about the proposed change and how it would affect them. 	Community	I was given sufficient information so that I could take an informed view.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
				I was given an adequate opportunity to be heard	Likert scale - strongly disagree to strongly agree	Per cent from each response.
4	Principle 4: Engagement is informed and transparent	<ul style="list-style-type: none"> All relevant information was made available and people could access it. People understood how their views were considered, the reasons for the outcomes and the final decision that was made. 	Community	I felt informed about why I was being asked for my view, and the way it would be considered.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
5	Principle 5: Engagement processes are reviewed and improved	<ul style="list-style-type: none"> The engagement was reviewed and improvements recommended. 	Project Lead	Engagement was reviewed throughout the process and improvements put in place, or recommended for future engagement	<ul style="list-style-type: none"> Reviewed and recommendations made Reviewed but no system for making recommendations Not reviewed 	Per cent from each response.
6	Engagement occurs early	<ul style="list-style-type: none"> Engagement occurred before or during the drafting of the planning policy, strategy or scheme when there was an opportunity for influence. 	Project Lead	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme	<ul style="list-style-type: none"> Engaged when there was opportunity for input into scoping Engaged when there was opportunity for input into first draft Engaged when there was opportunity for minor edits to final draft Engaged when there was no real opportunity for input to be considered 	Per cent from each response.
7	Engagement feedback was considered in the development of planning policy, strategy or scheme	<ul style="list-style-type: none"> Engagement contributed to the substance of a plan or resulted in changes to a draft. 	Project Lead	Engagement contributed to the substance of the final plan	<ul style="list-style-type: none"> In a significant way In a moderate way In a minor way Not at all 	Per cent from each response.
8	Engagement includes 'closing the loop'	<ul style="list-style-type: none"> Engagement included activities that 'closed the loop' by providing feedback to participants/ community about outcomes of engagement 	Project Lead	Engagement provided feedback to community about outcomes of engagement	<ul style="list-style-type: none"> Formally (report or public forum) Informally (closing summaries) No feedback provided 	Per cent from each response.
9	Charter is valued and useful	<ul style="list-style-type: none"> Engagement is facilitated and valued by planners 	Project Lead	Identify key strength of the Charter and Guide Identify key challenge of the charter and Guide		

Closing the loop and reporting back

How will you respond to participants?	Who's responsible?	When will you report back?
Acknowledges responses to engagement	City of Adelaide	Within 3 weeks of a response being provided.
Website updates (SA Planning Portal) with the final Code Amendment and Engagement Report	City of Adelaide	When the Code Amendment is finalised and the Engagement Report is approved for public release by Council.
A close the loop email will be sent to participants with links to the SA Planning Portal, including an Exit Survey/Follow Up Survey	PlanSA/City of Adelaide	After Code Amendment Finalisation.