

Adult Entertainment Premises Code Amendment

City of Adelaide

For Consultation

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HAVE YOUR SAY

This Code Amendment is on consultation from June 11th to July 23rd 2024.

Documents are available at:

- Community engagement page on City of Adelaide website
<https://www.cityofadelaide.com.au/engagement/>
- 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
- City Library (hard copy for 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). Monday to Wednesday 10:00 am to 6:00 pm, Wednesday 10:00 am to 7:00 pm; Friday 10:00 am to 8:00 pm, Saturday 10:00 am to 5:00 pm, and Sunday 12:00 pm to 5:00 pm
- City of Adelaide Customer Service Centre (hard copy for 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.

During this time, you are welcome to lodge a written submission about any of the changes proposed in this Code Amendment.

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

- Email: PDCSA.amendments@cityofadelaide.com.au
- Post: GPO Box 2252, Adelaide SA 5001

Enquires can be made via:

- Email: PDCSA.amendments@cityofadelaide.com.au

1. WHAT IS THE PLANNING AND DESIGN CODE?

The Planning and Design Code (the Code) sets out the rules that determine what landowners can do on their land.

For instance, if you want to build a house, the Code rules will tell you how high you can build and how far back from the front of your land your house will need to be positioned. The Code will also tell you if any additional rules apply to the area where your land is located. For example, you might be in a high bushfire risk area or an area with specific rules about protecting native vegetation.

1.1 Planning and Design Code Framework

The Code is based on a framework that contains various elements called overlays, zones, sub zones and general development policies. Together these elements provide all the rules that apply to a particular parcel of land. An outline of the Code Framework is available on the [PlanSA portal](#).

1.2 Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy prevails over the zone policy to the extent of the inconsistency.

1.3 Zones

Zones are areas that share common land uses and in which specific types of development are permitted. Zones are the main element of the Code and will be applied consistently across the state.

For example, a township zone for Andamooka can be expected to apply to similar townships like Carrieton. Each zone includes information (called classification tables) that describes the types of development that are permitted in that zone and how they will be assessed.

1.4 Sub zones

Sub zones enable variation to policy within a zone, which may reflect local characteristics. An example is Port Adelaide centre, which has many different characteristics to typical shopping centres due to its maritime activities and uses.

1.5 General Development Policies

General development policies outline functional requirements for development, such as the need for car parking or wastewater management. While zones determine what development can occur in an area, general development policies provide guidance on how development should occur.

1.6 Amending the Planning and Design Code

The *Planning, Development and Infrastructure Act 2016* (the Act) provides the legislative framework for undertaking amendments to the Code. With approval of the Minister for Planning and Local Government (the Minister) a Council, Joint Planning Board, Government Agency or private proponent may initiate an amendment to the Code and undertake a Code Amendment process.

An approved Proposal to Initiate will define the scope of the Amendment and prescribe the investigations which must occur to enable an assessment of whether the Code Amendment should take place and in what form.

The State Planning Commission (the Commission) is responsible under the Act for ensuring the Code is maintained, reflects contemporary values relevant to planning, and readily responds to emerging trends and issues.



The Commission provided independent advice to the Minister for Planning and Local Government on the Proposal to initiate this Code Amendment. The Commission will also provide a report on the Code Amendment (including compliance with the Community Engagement Charter) at the final stage of the Code Amendment process.

2. WHAT IS PROPOSED IN THIS CODE AMENDMENT?

2.1 Need for the amendment

The Affected Area for the Code Amendment is the City of Adelaide as per its local government boundary.

The Code Amendment responds to the introduction of land use definitions for adult entertainment premises and adult products and services premises in the Planning and Design Code in June 2023 through the State Government’s Miscellaneous and Technical Code Amendment.

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 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> <ul style="list-style-type: none"> <i>a) publications classified as restricted or prohibited under the Classification (Publications, Films and Computer Games) Act 1995; and/or</i> <i>b) 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> <i>c) 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><i>It does not include premises used for prostitution.*</i></p>

Without land use definitions or planning policy for adult entertainment premises or products in the Planning and Design Code, the land use for an adult entertainment premise is being assessed as a ‘licensed premise’. Licensed premises are commonly envisaged land uses for zones within the City of Adelaide. Adult products and services premises fall under the definition of ‘shop’, which is also often an envisaged land use for zones within the City of Adelaide.

The purpose of this Code Amendment is to give full effect to the definitions for adult entertainment premises and adult products and services premises, by creating appropriate policy within the City of Adelaide Zones and Subzones.

This Code Amendment seeks to introduce policy to guide assessment of adult entertainment premises and adult products and services into locations that are considered the most appropriate to support the city and night time economy while balancing potential impacts on uses such as schools and child care centres.

The Code Amendment identifies locations within the City of Adelaide where these land uses are either suitable or unsuitable. Locations 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 identifies locations where adult entertainment can 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.

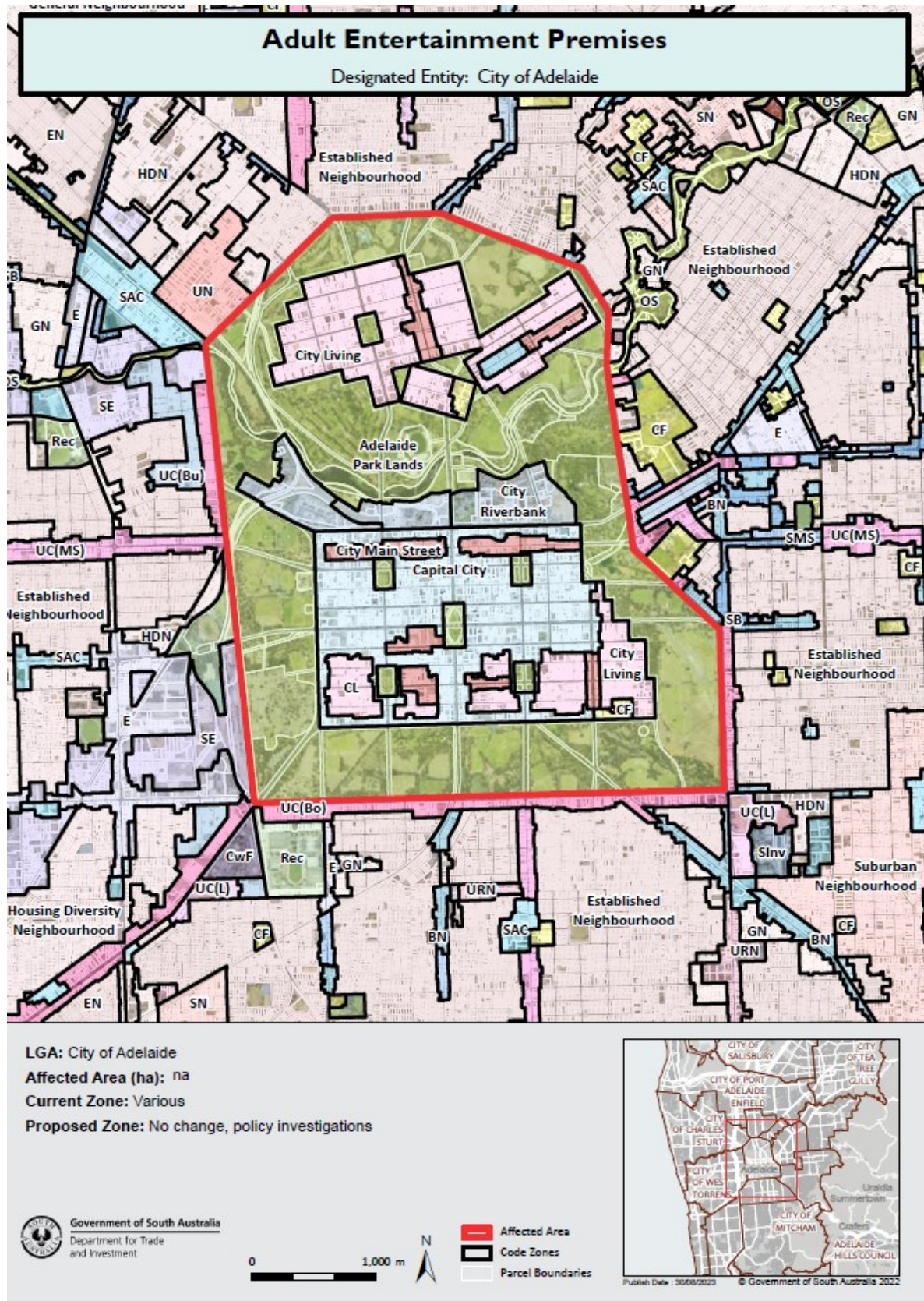
The amended planning policy framework will assist in:

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

2.2 Affected Area

The Affected Area for the Code Amendment is the City of Adelaide as per its local government boundary.

Map 1 - Affected Area



2.3 Summary of proposed policy changes

2.3.1 Current Code Policy

Currently, the Code is silent on the use or development of land for adult entertainment premises or adult products and services premises in the Affected Area as it is across the entirety of the State.

The Affected Area is subject to the land use definitions contained in the Planning and Design Code. The Zones and Subzones for the Code Amendment do not currently include specific policy for assessment of adult entertainment premises or adult products and services premises.

2.3.2 Proposed Code Policy

The Code Amendment proposes the following changes:

Adult Entertainment Premises:

- Include Performance Outcomes for Adult Entertainment Premises in the Assessment Provisions of the Hindley Street Subzone, to guide use and development in this area.
- Include Performance Outcomes for Adult Entertainment in the Assessment Provisions of the Capital City Zone to guide use and development, including a buffer distance of 50 metres from existing residential uses or land used for a place of worship, childcare centre, primary school or secondary school.
- List Adult Entertainment Premises as a non-conforming development type as a Performance Outcome in the Assessment Provisions for the City Living Zone and Subzones, City Main Street Zones and Subzones, and the Melbourne Street West Subzone.

Adult Products and Services Premises:

- Include Performance Outcomes for Adult Products and Services Premises in the Assessment Provisions of the City Main Street Zone and Subzones, Capital City Zone, and the Melbourne Street West Subzone to guide use and development.
- List Adult Products and Services Premises as a non-conforming development type as a Performance Outcome in the Assessment Provisions in the City Living Zone.

The proposed policy changes are shown in **Attachment C**.

3. WHAT ARE THE NEXT STEPS FOR THIS CODE AMENDMENT?

3.1 Engagement

Engagement on the Code Amendment must occur in accordance with the Community Engagement Charter principles, which required that:

- engagement is genuine
- engagement is inclusive and respectful
- engagement is fit for purpose
- engagement is informed and transparent
- engagement processes are reviewed and improved.

An Engagement Plan has been prepared for this Code Amendment to ensure that engagement will be conducted and measured against the principles of the Charter. For more information on the Community Engagement Charter go to the PlanSA portal at (plan.sa.gov.au/en/charter).

As requested by the Minister for Planning, the City of Adelaide will consult with:

- Consumer and Business Services.
- South Australia Police.
- Department for Education.
- Environment Protection Authority.
- South Australian Tourism Commission.
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

A summary of the engagement that is occurring for this Code Amendment is as follows:

- Educating and informing the community about the Code Amendment.
- Informing the community of the changes to the Planning and Design Code
- Informing owners of properties within or abutting a zone or subzone which specifically envisages Adult Entertainment Premises or Adult Products and Services Premises
- Providing opportunities for the community to review the proposal, seek clarification and offer feedback on the proposal
- Ensure compliance with the statutory obligations pursuant to the Planning, Development and Infrastructure Act 2016 and the Community Engagement Charter
- Reviewing and providing feedback to the community and key stakeholders, to ensure they understand the decisions made following consultation, including any resultant changes, that is, close the loop.
- Inform members of the community who participate in the engagement process of the outcome of the consultation and final decision.

The City of Adelaide will engage with relevant parties, as listed in the Engagement Plan, as follows:

- Letters/electronic direct mail to relevant state, regional and local government agencies, Members of Parliament, First Nations, landowners, and local business and community groups.

- Notices on the SA Planning Portal and the City of Adelaide engagement website.
- Public notices in prominent locations affected.
- Public notice via the Advertiser and SA Government Gazette.
- Promotional channels - where appropriate, existing promotional channels including social media (FB, Facebook, LinkedIn, Twitter) and CoA newsletters (Your Community, City Business, City of Adelaide engagement website, the Next Edition).
- Face to face/online briefings by request.
- Phone and email enquiries.

3.2 How can I have my say on the Code Amendment?

You can provide feedback on the Code Amendment in several ways. This includes:

- An online feedback form available from the community engagement page on City of Adelaide website <https://www.cityofadelaide.com.au/engagement/>
- Providing a written submission by email to PDCSA.Amendments@cityofadelaide.com.au
- Providing a written submission by mail to GPO Box 2252, Adelaide SA 5001

3.3 What changes to the Code Amendment can my feedback influence?

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

- 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 be allowed within the City of Adelaide

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

- This engagement will not remove or amend 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.
- The engagement will not consider applications under assessment or future development applications.

3.4 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.

3.5 Decision on the Code Amendment

Once the Engagement Report is provided to the Minister, the Commission may provide further advice to the Minister, at the Minister's request, if the Code Amendment is considered significant.

The Minister will then either adopt the Code Amendment (with or without changes) or determine that the Code Amendment should not proceed. The Minister's decision will then be published on the PlanSA portal.

If adopted, the Code Amendment will be referred to the Environment Resources and Development Committee of Parliament (ERDC) for their review. The Commission will also provide the Committee with a report on the Code Amendment, including the engagement undertaken on the Code Amendment and its compliance with the Community Engagement Charter.

4. ANALYSIS

4.1 Strategic Planning Outcomes

4.1.1 Summary of Strategic Planning Outcomes

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

- Avoiding land use conflicts between new and established land uses.
- Incorporating Crime Prevention Through Environmental Design principles.
- Providing clarity and consistency in assessment and reduce legal disputes.
- Achieving broader strategic aims for the city.

The Code Amendment aims to support activated and attractive places, and high-quality and amenity rich areas. This includes increasing night-time activities, whilst supporting a growing residential 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 pathways that will provide greater clarity to better achieve the balance of these strategic goals, particularly where they may conflict.

It is important to note that these proposed policies are expected to only apply where adult entertainment or adult products and services are the primary use of the land. The policies are not expected to apply where venues have a prescribed entertainment license from CBS to undertake adult activities for private functions that are considered ancillary to an existing approved use, i.e. a hotel might seek a prescribed entertainment license to host explicit activities as part of hens or bucks parties.

These policies will also not apply to existing adult entertainment or adult products and services premises. Existing premises are likely to hold existing use rights that either applied prior to 15 June 1972 when planning controls were implemented in the City of Adelaide or through a development approval granted prior to the changes proposed by this Code Amendment.

4.1.2 Consistency with the State Planning Policies

State Planning Policies define South Australia's planning priorities, goals and interests. They are the overarching umbrella policies that define the state's interests in land use. There are sixteen State Planning Policies and six special legislative State Planning Policies.

These policies are given effect through the Code, with referral powers assigned to relevant Government Agencies (for example, the Environmental Protection Agency for contaminated land). The Code (including any Code Amendments) must comply with any principle prescribed by a State Planning Policy.

This Code Amendment is considered to be consistent with the State Planning Policies as shown in **Attachment D**.

4.1.3 Consistency with the Regional Plan

The directions set out in Regional Plans provide the long-term vision and set the spatial patterns for future development within a region. This can include land use integration, transport infrastructure and the public realm.

The 30 Year Plan for Greater Adelaide (2017 update) is the Regional Plan considered in relation to this Code Amendment.

The Commission has identified that the existing volumes of the South Australian Planning Strategy, prepared under the *Development Act 1993*, will apply until such time as the new Regional Plans are prepared and adopted. Refer to the PlanSA portal for more information on the Commission’s program for implementing Regional Plans throughout South Australia.

Where there is conflict between a Regional Plan and the State Planning Policies, the State Planning Policies will prevail.

This Code Amendment is considered to be consistent with the Regional Plan as shown in **Attachment D**.

4.1.4 Consistency with other key strategic policy documents

This Code Amendment aligns with other key policy documents set out in Table 1.

Table 1: Key Strategic Policy Documents

Other Relevant Document	Alignment
City of Adelaide Strategic Plan 2024 - 2028	<p>The Strategic Plan sets out a bold, aspirational and innovative plan for the city. It 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 – Our community</p> <ul style="list-style-type: none"> • An inclusive, equitable and welcoming community where people feel a sense of belonging <p>Outcome – Our economy</p> <ul style="list-style-type: none"> • Adelaide’s unique experiences and opportunities attract visitors to our city <p>Outcome – Our places</p> <ul style="list-style-type: none"> • Create safe, inclusive and healthy places for our community <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>

Other Relevant Document	Alignment
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.
City of Adelaide Housing Strategy, 2024	<p>The Housing Strategy takes a place-based approach to city planning to create active and engaging public realm that supports connection to community life and in turn attracts additional investment into new housing.</p> <p>The proposed Code Amendment provides certainty as to where Adult Entertainment Premises and Adult Products and Services Premises can occur in relation to residential land uses.</p>
Planning System Implementation Review – City of Adelaide Submission – January 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 definitions for Adult Entertainment Premises and Adult Products and Services Premises. This Amendment will introduce policy to support the assessment process for such land uses.
City Plan, Main Street Master Planning, Market District Plan	Consideration has been given to key planning initiatives being undertaken across the City of Adelaide, such as the City Plan, Main Street Master Planning and Market District Plan.

4.2 Investigations

4.2.1 Investigations undertaken

The extent of investigations that have been undertaken as part of the Code Amendment process have been agreed by the Minister in the Proposal to Initiate.

The following investigations have been undertaken to inform this Code Amendment:

- 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 Zones and Subzones to identify suitable and unsuitable locations for Adult Entertainment Premises, in particular Hindley Street, Rundle Street, Gouger and Grote Street, Hutt Street and City Main Street Subzones.

- Policy Assessment - Identified 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.
- 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.

Further details on investigations undertaken in support of the Code Amendment are included in **Attachment E**.

4.2.2 Recommended policy changes

Following is a list of the recommended policy changes which are proposed in response to the investigations undertaken in support of this Code Amendment.

Adult Entertainment Premises

See Map 2 and Map 3 for policy implications in the City of Adelaide.

Areas where the land use is allowed

As the preeminent evening and late-night entertainment hub for metropolitan Adelaide, it is proposed that the Hindley Street Subzone is the most appropriate location for future development of adult entertainment premises. Hindley Street is already home to two of Adelaide's biggest adult entertainment venues (see Map 2).

It is proposed that specific Performance Outcomes that address the use of land for adult entertainment premises are included in the Assessment Provisions of the Hindley Street Subzone.

It is not proposed to include this land use in Table 3 - Applicable Policies for Performance Assessed Development for the City Main Street Zone. A development application for adult entertainment would default to 'all other code assessed development', to which the proposed Performance Outcomes in the Subzone and all other policies in the Code would then be applicable.

Areas where the land use is allowed, but tightly controlled.

It is proposed specific policies addressing adult entertainment premises are included as Performance Outcomes in the Assessment Provisions of the Capital City Zone. Indicating that these land uses are an allowable, but tightly controlled use in the Capital City Zone. It also reflects existing uses within the Zone, with four adult entertainment venues currently within the Zone (see Map 2).

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 conflicting land uses.

It is not proposed to include this land use in Table 3 - Applicable Policies for Performance Assessed Development for the Capital City Zone. A development application for adult entertainment would default to 'all other code assessed development', to which the proposed Performance Outcomes in the Subzone and all other policies in the Code would then be applicable.

Areas where the land use is non-conforming.

There are several Zones and Subzones where adult entertainment premises would not be compatible with the existing surrounding land uses. In the case of the City Living Zone, these land uses are not compatible with the primarily residential use. For other City Main Street Zones (with the exception of Hindley Street) and the Melbourne Street West Subzone, these uses would not be compatible with the existing retail, entertainment and residential offerings.

It is proposed that adult entertainment premises is listed as a non-conforming development type through a Performance Outcome in the Assessment Provisions for each Zone and Subzone. Under this approach, the City of Adelaide Assessment Manager/Council Assessment Panel is the decision maker for applications¹, with a clear Performance Outcome to assess the application against.

The alternative approach is to list the use as a Restricted Development. In this scenario, any application for this land use would be referred to the State Commission Assessment Panel (SCAP) for assessment, delegated by the State Planning Commission. The SCAP has a right to decline to assess the development application, issuing an early no to this type of land use. However, if the SCAP did choose to assess a development application, it would be assessed against all policies and rules relative to the spatial location of the proposed restricted development, together with all general development policies.

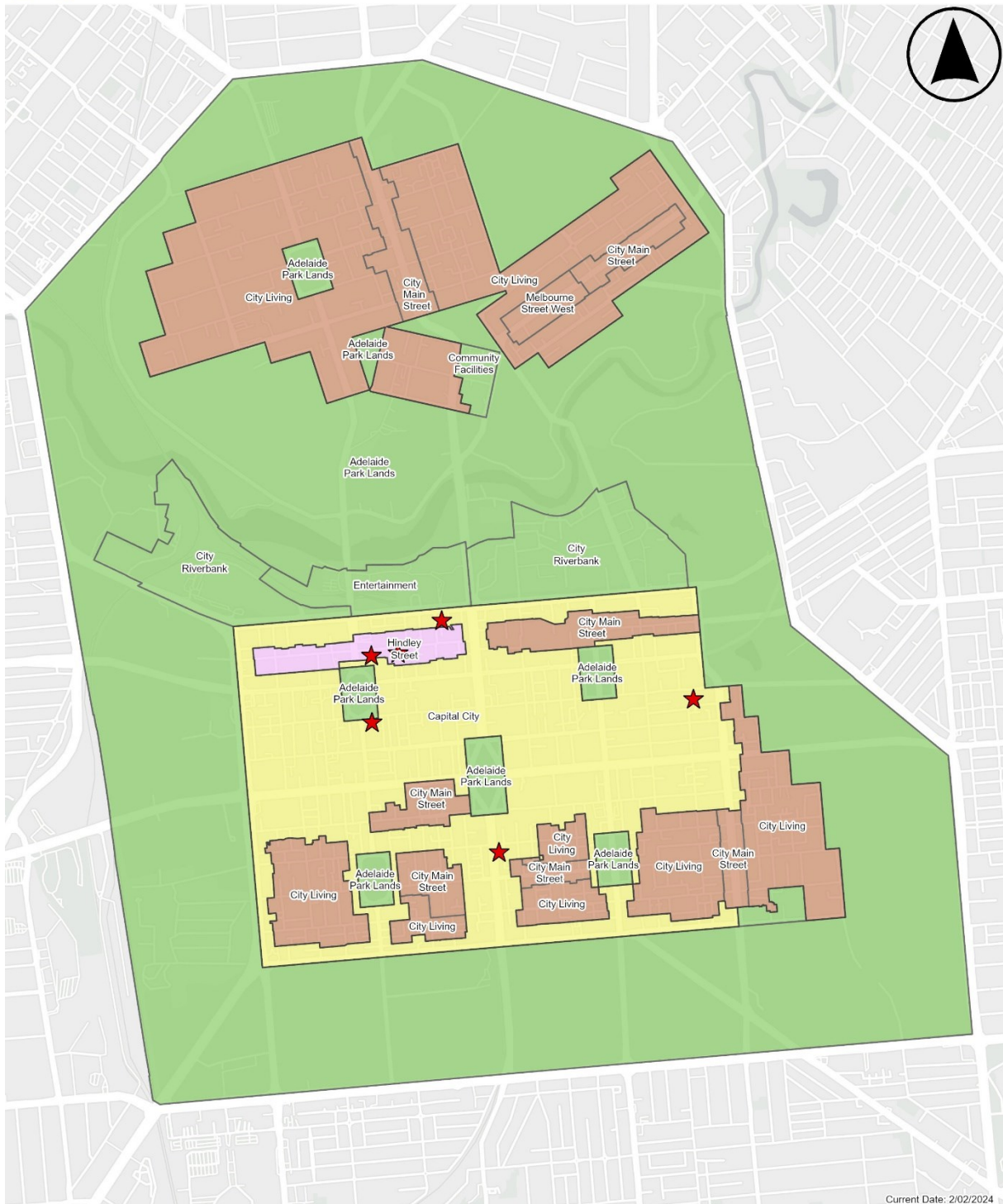
Listing adult entertainment premises as a non-conforming land use, rather than a Restricted Development Classification is the preferred approach as it provides clarity about the land use and enables the City of Adelaide Assessment Manager/Council Assessment Panel to remain the decision maker, rather than automatic referral to the SCAP.

¹ For development applications with a development cost of over \$10 million, the State Commission Assessment Panel (SCAP) is the Responsible Authority.

Map 2: Proposed changes to Adult Entertainment Premises



Proposed changes – Adult entertainment premises



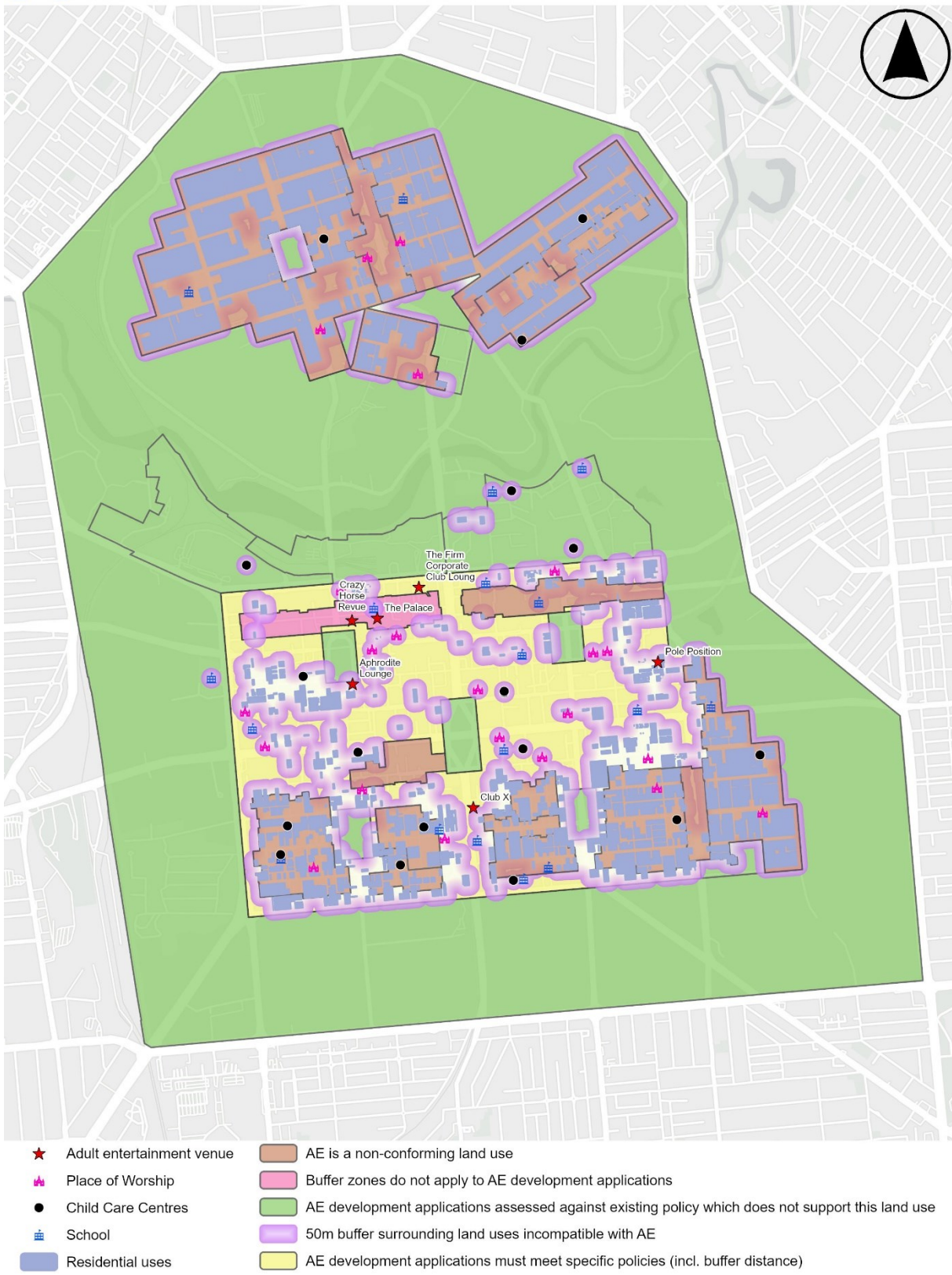
Current Date: 2/02/2024

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

Map 3: Proposed changes to Adult Entertainment Premises – buffer areas



Impacts of buffers on available locations for adult entertainment



Adult products and services premises

See Map 4 for policy implications in the City of Adelaide.

Area where the land use is allowed, but tightly controlled

It is proposed that specific Performance Outcomes that address the use of land for adult products and services premises are included in the Assessment Provisions of the of the Capital City Zone, and the City Main Street Zone and Subzones. This indicates that they are an allowable but tightly controlled use in these areas. These areas currently have a range of retail offerings, which may be compatible with adult products and services premises provided they are designed with minimal impact on amenity and public realm.

It is not proposed to include this land use in Table 3 - Applicable Policies for Performance Assessed Development for these Zones and Subzones. A development application for adult products and services would default to 'all other code assessed development', to which the proposed Performance Outcomes in the Zone and Subzones and all other policies in the Code would then be applicable.

Areas where the land use is non-conforming.

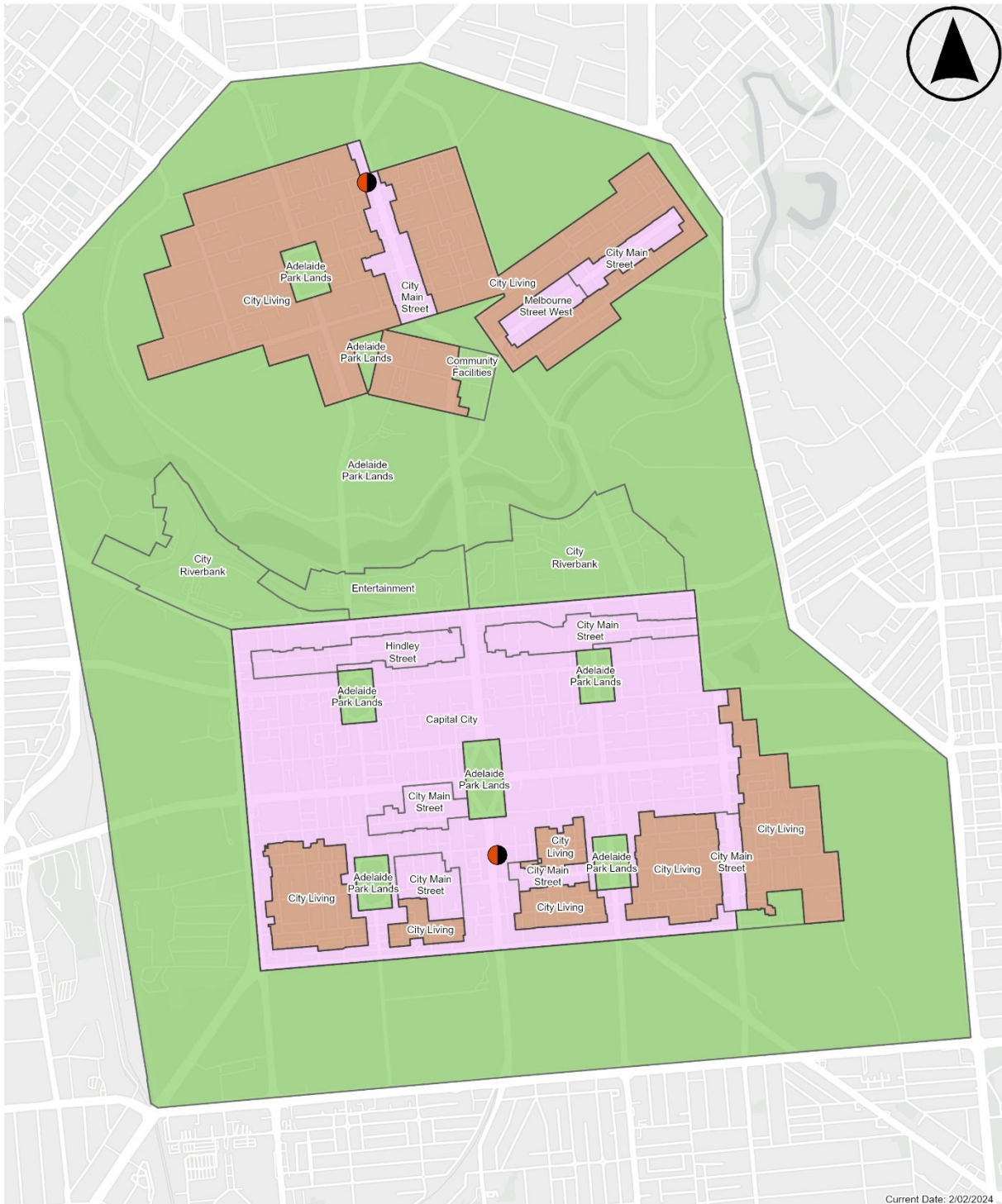
It is proposed that specific Performance Outcomes that address the use of land for adult products and services premises are included in the Assessment Provisions in the City Living Zone. Under this approach, the City of Adelaide Assessment Manager/Council Assessment Panel is the decision maker for applications², with a clear performance outcome to assess the application against.

² For development applications with a development cost of over \$10 million, the State Commission Assessment Panel (SCAP) is the Responsible Authority.





Map 4: Proposed changes to Adult Products and Services Premises



Proposed changes – Adult products and services premises



Current Date: 2/02/2024

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

Public notification, referrals and appeal rights

The proposed changes mean that development applications will fall under the Code Assessed – Performance Assessed assessment pathway.

For Code Assessed – Performance Assessed development applications that require public notification, there is a requirement to place a notice on the land and notify adjacent land (within 60 metres). Development applications may also be referred to other state, local or federal government agencies for consideration.

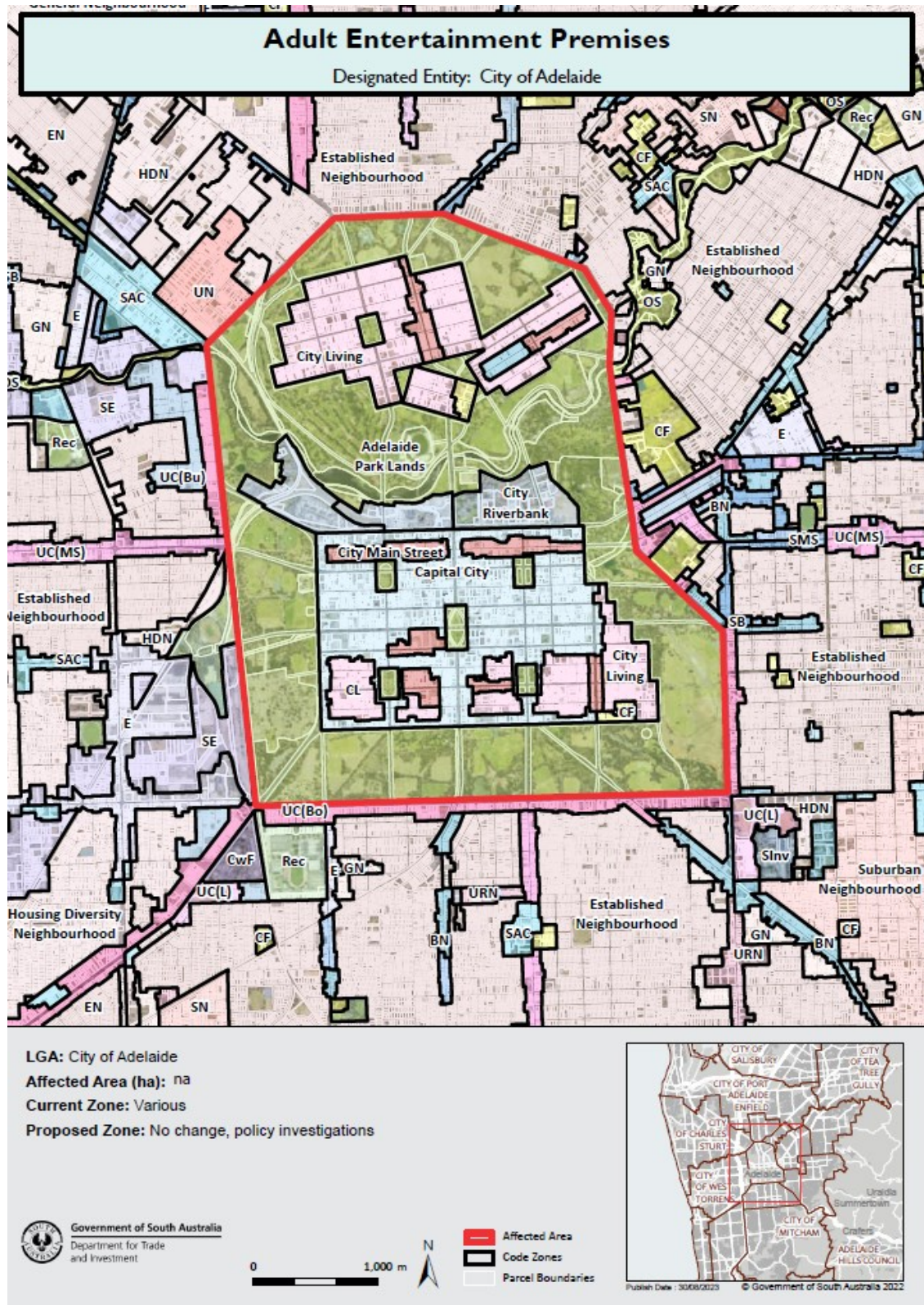
For Code Assessed – Performance Assessed development applications the following have appeal rights:

- the applicant (can apply to an assessment panel where an assessment manager appointed by an Assessment Panel acting as the relevant authority, or to the Court, and
- an owner/occupier of a development site or adjacent land to the development site who can demonstrate an interest in a matter that is relevant to the determination of a development application for a review regarding the nature of the development for accepted or code assessed development.

For further information see [Merits appeals \(lawhandbook.sa.gov.au\)](http://lawhandbook.sa.gov.au).

ATTACHMENT A – AFFECTED AREA MAPPING

Map 5 –Affected Area



ATTACHMENT B – CURRENT CODE POLICY

There is currently no policy guiding the use or development of land for the purposes of Adult Entertainment or Adult Products and Services.

ATTACHMENT C – PROPOSED CODE POLICY

The following sets out proposed changes to the Zones and Subzones in the City of Adelaide. **Green text indicates new proposed text.**

It is not intended for these land uses to be specifically listed in Table 3 - Applicable Policies for Performance Assessed Development in any of the affected Zones or Subzones. As such, a development application for adult entertainment or adult products and services would therefore default to all other code assessed development in Table 3 of the relevant Zone or Subzone, to which the proposed policies would then be applicable. Therefore, these tables do not require amendment as the proposed policies as well as all policies in the Code would be applicable for a development application for these classes of development.

It is important to note these policies are expected to only apply where adult entertainment or adult products and services are the primary use of the land. The policies are not expected to apply where venues have a prescribed entertainment license from CBS to undertake adult activities for private functions that are considered ancillary to an existing approved use, i.e. a hotel might seek a prescribed entertainment license to host explicit activities as part of hens or bucks parties. These policies will also not apply to existing premises classed as adult entertainment or adult products and services premises. Existing premises are likely to hold existing use rights that either applied prior to 15 June 1972 when planning controls were implemented in the City of Adelaide or through a development approval granted prior to the changes proposed by this Code Amendment.

See maps at the end of the document for areas where the proposed policy changes will apply.

Changes are proposed to the following Zones and Subzones:

- Hindley Street Subzone
- Capital City Zone
- All other City Main Street Zones, including Gouger and Grote Street Subzone; Rundle Mall Subzone; City High Street Subzone
- City Living Zone including Medium-High Intensity Subzone; North Adelaide Low Intensity Subzone; and East Terrace Subzone.
- Melbourne Street West Subzone

Table 1: Proposed changes to Hindley Street Subzone Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature
Built Form and Character	
PO x.x Advertisements and displays for adult entertainment premises and adult products and services should be limited in size and scale and be visually discreet.	DTS/DPF X.X None are applicable
PO x.x For adult entertainment premises, adequate design measures that ensure safety and security of employees and visitors must be provided. Where appropriate, this should include:	DTS/DPF X.X None are applicable

Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature
Built Form and Character	
<ul style="list-style-type: none"> (a) reception and visitor assessment areas that incorporate design measures and management procedures to ensure the safety and security of employees and visitors; and (b) interior and exterior design which minimises alcoves and entrapment spaces; and (c) adequate lighting of entry and exit ways; and (d) any objects in front of entrances or exits must not exceed 1.1m in height, and (e) landscaping should not obstruct the visibility of entrances and exits. 	
<p>PO x.x For adult entertainment premises or adult products and services premises, adequate design measures that minimise the impact on the public realm and streetscape, including:</p> <ul style="list-style-type: none"> a) the interior must not be visible from any place in the public domain; and b) reception and visitor assessment areas should be located inside the premises. 	<p>DTS/DPF X.X</p> <p>None are applicable</p>

Table 2: Proposed changes to Capital City Zone - Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
Land Use	
<p>PO x.x Adult entertainment premises should be located an appropriate distance from residential use or land used for a place of worship, childcare centre, primary school or secondary school.</p>	<p>DTS/DPF X.X</p> <p>At least 50 metres from the site boundary of subject site.</p>
Built Form and Character	
<p>PO x.x For adult entertainment premises, adequate design measures that ensure safety and security of employees and visitors must be provided. Where appropriate, this should include:</p> <ul style="list-style-type: none"> a) reception and visitor assessment areas that incorporate design measures and management procedures to ensure the 	<p>DTS/DPF X.X</p> <p>None are applicable</p>

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
<p>safety and security of employees and visitors; and</p> <p>b) interior and exterior design which minimises alcoves and entrapment spaces; and</p> <p>c) adequate lighting of entry and exit ways; and</p> <p>d) any objects in front of entrances or exits must not exceed 1.1m in height; and</p> <p>e) landscaping should not obstruct the visibility of entrances and exits.</p>	
<p>PO x.x For adult entertainment premises or adult products and services premises, adequate design measures that minimise the impact on the public realm and streetscape, including:</p> <p>a) the interior must not be visible from any place in the public domain; and</p> <p>b) reception and visitor assessment areas should be located inside the premises.</p>	<p>DTS/DPF X.X</p> <p>None are applicable</p>
Advertisements	
<p>PO x.x Advertisements and displays for adult entertainment premises and adult products and services should be limited in size and scale, and be visually discreet.</p>	<p>DTS/DPF X.X</p> <p>None are applicable</p>

Table 3: Proposed changes to City Main Street Zone (excluding Hindley Street Subzone) – Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
Land Use and Intensity	
<p>PO 1.x Other than where located within the Hindley Street Subzone, development does not include adult entertainment premises.</p>	<p>DTS/DPF X.X</p> <p>None are applicable</p>
Built Form and Character	
<p>PO x.x For adult products and services premises, adequate design measures that</p>	<p>DTS/DPF X.X</p> <p>None are applicable</p>

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
<p>minimise the impact on the public realm and streetscape, including:</p> <ul style="list-style-type: none"> a) the interior must not be visible from any place in the public domain; and b) reception and visitor assessment areas should be located inside the premises. 	
Advertisements	
PO x.x Advertisements and displays for adult products and services should be limited in size and scale, and be visually discreet.	<p>DTS/DPF X.X</p> <p>None are applicable</p>

Table 4: Proposed changes to Gouger and Grote Street Subzone – Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
Land Use and Intensity	
PO 1.x Development does not include adult entertainment premises.	<p>DTS/DPF X.X</p> <p>None are applicable</p>
Built Form and Character	
<p>PO x.x For adult products and services premises, adequate design measures that minimise the impact on the public realm and streetscape, including:</p> <ul style="list-style-type: none"> a) the interior must not be visible from any place in the public domain; and b) reception and visitor assessment areas should be located inside the premises. 	<p>DTS/DPF X.X</p> <p>None are applicable</p>
Advertisements	
PO x.x Advertisements and displays for adult products and services should be limited in size and scale, and be visually discreet.	<p>DTS/DPF X.X</p> <p>None are applicable</p>

Table 5: Proposed changes to Rundle Mall Subzone – Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
Land Use and Intensity	
PO 1.x Development does not include adult entertainment premises.	DTS/DPF X.X None are applicable
Built Form and Character	
PO x.x For adult products and services premises, adequate design measures that minimise the impact on the public realm and streetscape, including: <ul style="list-style-type: none"> a) the interior must not be visible from any place in the public domain; and b) reception and visitor assessment areas should be located inside the premises. 	DTS/DPF X.X None are applicable
Advertisements	
PO x.x Advertisements and displays for adult products and services should be limited in size and scale, and be visually discreet.	DTS/DPF X.X None are applicable

Table 6: Proposed changes to Rundle Street Subzone – Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
Land Use and Intensity	
PO 1.x Development does not include adult entertainment premises.	DTS/DPF X.X None are applicable
Built Form and Character	
PO x.x For adult products and services premises, adequate design measures that minimise the impact on the public realm and streetscape, including: <ul style="list-style-type: none"> a) the interior must not be visible from any place in the public domain; and b) reception and visitor assessment areas should be located inside the premises. 	DTS/DPF X.X None are applicable
Advertisements	

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
PO x.x Advertisements and displays for adult products and services should be limited in size and scale, and be visually discreet.	DTS/DPF X.X None are applicable

Table 7: Proposed changes to City High Street Subzone –Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
Land Use and Intensity	
PO 1.x Development does not include adult entertainment premises.	DTS/DPF X.X None are applicable
Built Form and Character	
PO x.x For adult products and services premises, adequate design measures that minimise the impact on the public realm and streetscape, including: <ul style="list-style-type: none"> a) the interior must not be visible from any place in the public domain; and b) reception and visitor assessment areas should be located inside the premises. 	DTS/DPF X.X None are applicable
Advertisements	
PO x.x Advertisements and displays for adult products and services should be limited in size and scale, and be visually discreet.	DTS/DPF X.X None are applicable

Table 8: Proposed changes to Melbourne Street West Subzone – Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
Land Use and Intensity	
PO 1.x Development does not include adult entertainment premises.	DTS/DPF X.X None are applicable
Built Form and Character	
PO x.x For adult products and services premises, adequate design measures that minimise the impact on the public realm and streetscape, including: <ul style="list-style-type: none"> a) the interior must not be visible from any place in the public domain; and b) reception and visitor assessment areas should be located inside the premises. 	DTS/DPF X.X None are applicable
Advertisements	
PO x.x Advertisements and displays for adult products and services should be limited in size and scale, and be visually discreet.	DTS/DPF X.X None are applicable

Table 9: Proposed changes to City Living Zone – Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
Land Use and Intensity	
PO 1.x Development does not include adult entertainment premises or adult products and services premises.	DTS/DPF X.X None are applicable

Table 10: Proposed changes to Medium-High Intensity Subzone - Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
Land Use and Intensity	
PO 1.x Development does not include adult entertainment premises or adult products and services premises.	DTS/DPF X.X None are applicable

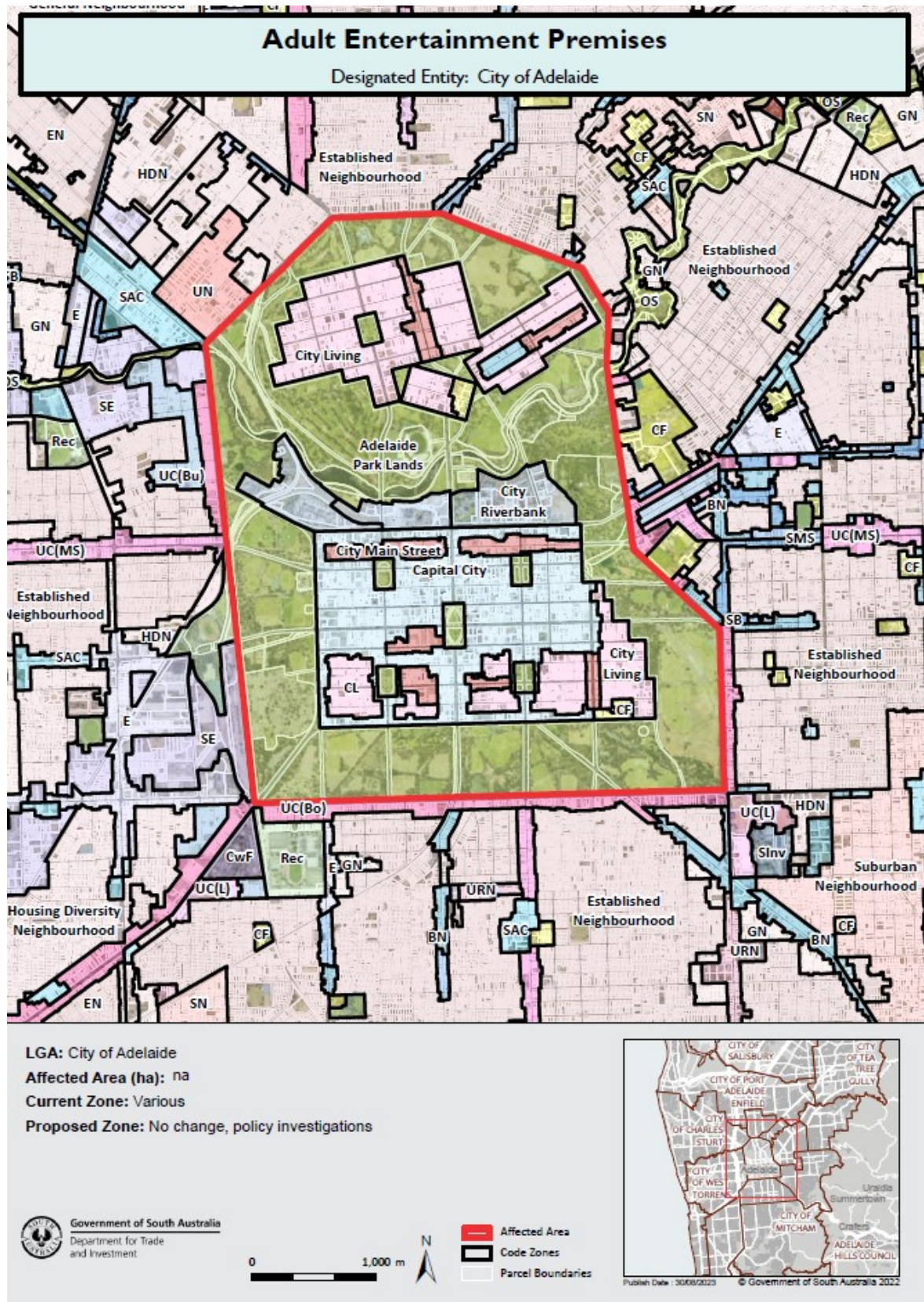
Table 11: Proposed changes to North Adelaide Low Intensity Subzone - Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
Land Use and Intensity	
PO 1.x Development does not include adult entertainment premises or adult products and services premises.	DTS/DPF X.X None are applicable

Table 12: Proposed changes to East Terrace Subzone - Assessment Provisions

Performance Outcome	Deemed-to-satisfy Criteria/Designated Performance Feature
Land Use and Intensity	
PO 1.x Development does not include adult entertainment premises or adult products and services premises.	DTS/DPF X.X None are applicable

Map 6 –Affected Area



ATTACHMENT D – STRATEGIC PLANNING OUTCOMES

1. State Planning Policies

The State Planning Policies (SPPs) require that the Principles of Good Planning are considered in the preparation of any designated instrument, including a Code Amendment.

SPP Key Principles

There are 16 SPPs that include Objectives, Policies and Principles for Statutory Instruments (including the Planning and Design Code). The most critical SPPs in the context of this Code Amendment are outlined in Table 13.

Table 13: Alignment with State Planning Policies

State Planning Policy (SPP)	Code Amendment Outcome
<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 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>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 and proposed policies incorporate Crime Prevention Through Environmental Design principles.</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 differs to those typically associated with Adult Entertainment Premises or Adult Products and Services Premises.</p>
<p>SPP9: Employment Lands</p> <p>9.7 Encourage appropriate retail development through the implementation of best practice retail planning guidelines.</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>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>

State Planning Policy (SPP)	Code Amendment Outcome
9.11 Encourage the development of integrated employment and residential mixed-use precincts where conflicts between uses can be managed.	

2. Regional Plans

The Regional Plan

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.

Table 14: Alignment with the Regional Plan

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>Target 1.1</p> <p>85% of all new housing in metropolitan Adelaide will be built in established urban areas by 2045.</p>	<p>The City of Adelaide supports and promotes population growth within the city and has set a population target of 50,000 people by 2036.</p> <p>The Code Amendment will identify where Adult Entertainment and Adult Products and 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>Transit corridors, growth areas and activity centres</p> <p>P9. Develop activity centres as vibrant places by focusing on mixed-use activity, main streets and public realm improvements.</p> <p>Adelaide City Centre</p> <p>P13. Strengthen the primacy of the Adelaide City centre as the cultural,</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 responds to the appropriate main street settings where these facilities are anticipated, and establishes clearer policy guidance about managing their establishment, and visual appearance to</p>

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>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>appropriately reflect their setting and broader activation aims.</p>

3. Other Strategic Plans

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.

Table 15 identifies other documents relevant to the proposed Code Amendment.

Table 15: Alignment with the other strategic documents

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
City of Adelaide Strategic Plan 2024 - 2028	The Strategic Plan sets out a bold, aspirational and innovative plan for the city. identifies a Vision for Adelaide as the most liveable city in the world, emphasising (amongst

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
	<p>other things) a great place to be for residents and businesses, and our reputation for safety.</p> <p>Outcome – Our community</p> <ul style="list-style-type: none"> • An inclusive, equitable and welcoming community where people feel a sense of belonging <p>Outcome – Our economy</p> <ul style="list-style-type: none"> • Adelaide’s unique experiences and opportunities attract visitors to our city <p>Outcome – Our places</p> <ul style="list-style-type: none"> • Create safe, inclusive and healthy places for our community <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.
<p>Adelaide City Council Liquor Licensing Policy 2017</p> <p>City of Adelaide Review of Liquor Licensing Policy, Kelledy 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 Housing Strategy, 2024	<p>The Housing Strategy takes a place-based approach to city planning to create active and engaging public realm that supports connection to community life and in turn attracts additional investment into new housing.</p> <p>The proposed Code Amendment provides certainty as to where Adult Entertainment Premises and Adult Products and Services Premises can occur in relation to residential land uses.</p>
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 Premises and Adult Products and Services Premises. With

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
	the definitions now live this Amendment will introduce policy to support the assessment process.

ATTACHMENT E – INVESTIGATIONS

The following investigations have been undertaken to inform this Code Amendment:

1. 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.
2. Spatial Assessment – Assessment of Zones and Subzones to identify suitable and unsuitable locations for Adult Entertainment Premises, in particular Hindley Street, Rundle Street, Gouger and Grote Street, Hutt Street and City Main Street Sub-zones.
3. Policy Assessment - Identified a policy suite for Adult Premises in the City of Adelaide including review of the Code’s Policy Hierarchy and assessment pathways.
4. 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.

1. Advertising

Planning and Design Code

A review of current policies in the Planning and Design Code that guide the visual appearance of venues and advertising was undertaken. There are several policies in the Planning and Design Code that address advertising and visual appearance, these will apply to development applications for adult entertainment and adult products and services. It was deemed appropriate to include an additional policy to specifically address the visual appearance of advertising for both adult entertainment and adult products and services premises, requiring that they should be limited in size and scale, and be visually discreet.

Other applicable legislation and guidelines

A desktop review of legislation guiding advertising was also undertaken. Advertising content in Australia is regulated through a system of self-regulation. This means the advertising industry, through the [Australian Association of National Advertisers \(AANA\)](#), has rules advertisers must follow. The AANA [Code of Ethics](#) guides the advertising in Australia, and includes:

“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](#) is Australia’s advertising regulator. They consider complaints about all advertising or marketing material across all mediums in Australia.

Proposed Policy Changes

In addition to the existing policies addressing advertising in the Planning and Design Code, a specific policy guiding advertising for adult entertainment premises and/or adult products and services premise has been proposed for the relevant zones and subzones.

2. Spatial Assessment

Using the online mapping tool provided by Consumer and Business Services (CBS) ([Linked](#)), a list of licensed premises that also hold prescribed entertainment licenses was prepared.

Licensed premises that host entertainment which is sexually explicit or involves boxing or martial arts must apply to CBS for prescribed entertainment consent. Table 16 lists all venues in the City of Adelaide with prescribed entertainment consent. Although these venues have the ability to provide sexually explicit entertainment if they wish, some venues on the list may only provide other types of prescribed entertainment and not sexually explicit entertainment. In addition, several of these venues have prescribed entertainment consent for private functions only, with this use ancillary to a primary use as a licensed premises or entertainment venue. These ancillary uses would not require a development application.

Table 16: Venues with prescribed entertainment licenses (Source: [Maptive | Licensed Premises](#))

Venue name	Address	Zone
Pole Position	289 Pirie Street, Adelaide	Capital City Zone
Aphrodite Lounge	149 Waymouth Street, Adelaide	Capital City Zone
The Firm Corporate Club Loung	142 North Terrace, Adelaide	Capital City Zone
The Palace	111-115 Hindley Street, Adelaide	Hindley Street Subzone
Crazy Horse Revue	141a Hindley Street, Adelaide	Hindley Street Subzone
WNDERLAND	75 Hindley Street, Adelaide	Hindley Street Subzone
Dom Polski Arts Club	230-234 Angas Street, Adelaide	Capital City Zone
Adelaide Convention Centre	North Terrace, Adelaide	City Riverbank Zone
Marcellina Pizza Bar (operating as 'Aussie Hunks')	273 Hindley Street, Adelaide	Hindley Street Subzone
Astor Hotel	437 Pultney Street, Adelaide	Capital City Zone
Adelaide Oval	Memorial Drive, North Adelaide	Adelaide Parklands Zone
Lord Melbourne Hotel	63 Melbourne Street, North Adelaide	City High Street Subzone

As planning is concerned with the primary use of the land, not all venues above would be considered an adult entertainment venue, rather a bar or club or entertainment venue with an ancillary adult use. Only those venues with the primary use of 'adult entertainment' have been included in Table 17 of Adult Entertainment premises.

A desktop review of existing and permitted adult entertainment premises and adult products and services premises was undertaken. This included internet searches and confirming with key stakeholders. Club X at 348 King William Street falls into the category of both adult entertainment premises and adult products and services premises, as the premise sells sexually explicit material and is a premises used for exhibition, display, or performance of any entertainment or act which is sexually explicit. As it does not have a liquor license it is not required to have a Prescribed Entertainment License from CBS and is not included in Table 18 above.

A review of recent development applications was also undertaken, with approval granted by the City of Adelaide for 'Phoenix Pleasure', an Adult Products and Services Premises, in September 2023. The site is located at 171-173 O'Connell Street, North Adelaide. These are outlined in Table 18.

Table 17: Adult Entertainment Premises in the City of Adelaide

Venue name	Address	Zone
Aphrodite Lounge	149 Waymouth Street, Adelaide	Capital City Zone
Club X	348 King William Street, Adelaide	Capital City Zone
Pole Position	289 Pirie Street, Adelaide	Capital City Zone
The Firm Corporate Club Loung	142 North Terrace, Adelaide	Capital City Zone
Crazy Horse Revue	141a Hindley Street, Adelaide	Hindley Street Subzone (City Main Street Zone)
The Palace	111-115 Hindley Street, Adelaide	Hindley Street Subzone (City Main Street Zone)

Table 18: Adult Products and Services Premises in the City of Adelaide

Venue name	Address	Zone
Club X	348 King William Street, Adelaide	Capital City Zone
Phoenix Pleasure	171-173 O’Connell Street, North Adelaide	City High Street Subzone (City Main Street Zone)

Proposed Policy Changes

The Code Amendment proposes to complement existing frameworks to regulation applying to adult entertainment premises. The policy changes that allow the use of land for the purposes of adult entertainment reflects the location of existing adult entertainment venues and night time areas. Whilst mitigating the impact of future premises on adjacent uses through the use of buffer zones in the Capital City Zone.

3. Policy Assessment

City of Adelaide

Prior to the implementation of South Australia’s Planning and Design Code in March 2021, land uses in the City of Adelaide (CoA) were controlled by the [Development Regulations 2008 South Australia](#) and the [Adelaide \(City\) Development Plan \(2020\)](#). The Adelaide (City) Development Plan (2020) was revoked and replaced by the Planning and Design Code on 19 March 2021.

The Adelaide (City) Development Plan defined both ‘adult entertainment premises’ and ‘adult products and services’ land uses, see Table 19.

Table 19: Schedule 1 definitions from the Adelaide (City) Development Plan (2020)

Adult entertainment premises	The use of land 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.
Adult products and services premises	The use of land or premises for a tattooist, or for the sale, exchange, hire, exhibition, loan, delivery or display, or to otherwise render accessible or available to the public, sexually explicit material including: (a) publications classified as restricted or prohibited under the Classification (Publications, Films and Computer Games) Act 1995; and/or (b) material compounds, objects or devices (other than contraception and medical treatments) designed to be

	<p>used in connection with sexual behaviour or activities; and/or</p> <p>(c) 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.</p> <p>It does not include premises used for prostitution.</p>
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The Adelaide (City) Development Plan listed adult entertainment premises and adult products and services premises as non-complying development in:

- Adelaide Historic (Conservation) Zone
- City Frame Zone
- City Living Zone
- Institutional (St Andrew's) Zone
- Institutional (University) Zone
- Main Street (O'Connell) Zone
- Main Street (Melbourne East) Zone
- Main Street (Hutt) Zone
- Main Street (Adelaide) Zone
- Mixed Use (Melbourne West) Zone
- North Adelaide Historic (Conservation) Zone
- Riverbank Zone

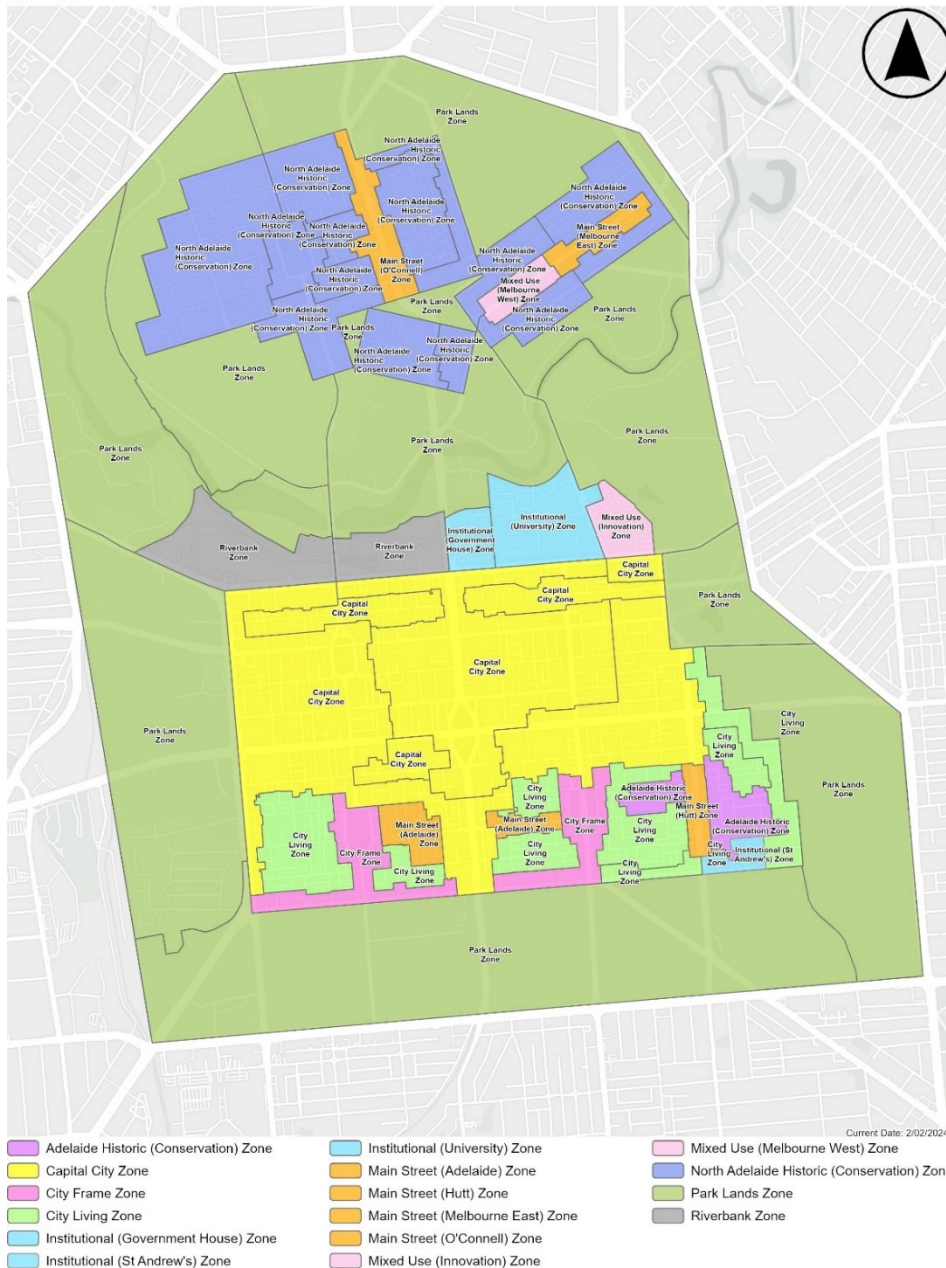
In addition, the Park Lands Zone listed 'all kinds of development are non-complying except' for specific land uses associated with the Adelaide Park Lands.

The use was not listed in the Capital City Zone, so would have been assessed against the policies of the time, see Map 7.

Map 7: Zones in Adelaide (City) Development Plan (2020)



Old zones in the Adelaide City Development Plan (2020)



Proposed Policy Changes

Rather than seek to reinstate the previous Development Plan policy this Code Amendment proposes a contemporary approach that meets the City of Adelaide and Minister’s objectives for an active vibrant city as well as targets to grow the city population to 50,000 by 2036 along with targets relating to increased housing supply.

The proposed policy was determined using the City of Adelaide’s new City Plan digital tool to determine optimal buffer zones that will support adult entertainment premises in appropriate locations without conflicting with a growing city population and other social infrastructure required to support the growing population such as schools and child care centres.

The proposed policy has opted to include adult entertainment premises and adult products and services premises as non-conforming land use in the Assessment Provisions of relevant Zones and Subzones. This clearly sets out early in the Zone or Subzone that these uses are not desired within these areas and can be used by the assessor to reject a development application.

The alternative approach is to list these land uses in Table 4 Restricted Development Classification in the relevant Zones. In this instance all applications for these use types would be assessed by the State Commission Assessment Panel (SCAP), delegated by the State Planning Commission. The SCAP has a right to decline to assess the development application, issuing an early no to this type of land use. If the SCAP did choose to assess a development application, it would be assessed against all policies and rules relative to the spatial location of the proposed restricted development, together with all general development policies.

The draft amendment has opted for changes to the Assessment Provisions as it enables the CoA Assessment Manager/Council Assessment Panel to remain decision maker for most applications. Noting that for development applications with a development cost of over \$10 million, the State Commission Assessment Panel (SCAP) is the Responsible Authority.

In addition, the draft Code Amendment does not call for changes to Table 3 - Applicable Policies for Performance Assessed Development in any of the affected Zones. This avoids setting a designated pathway for approval for these land uses and suggesting that these uses are encouraged. As a result of not listing these uses as a specific land use in Table 3, a development application for adult entertainment or adult products and services would default to all other code assessed development, to which all proposed policies and all existing policies in the Code would then be applicable. Therefore, these tables do not require amendment as the proposed policies would be applicable for a development application for these classes of development.

Other states and local governments

A review of other state and local government policies was also undertaken.

The City of Sydney implemented the '[Adult Entertainment and Sex Industry Premises Development Control Plan](#) (DCP) in 2006. Noting that the DCP addresses sex industry premises where sexual acts or sexual service are provided, and sex on premises venues, which are legal in New South Wales. The NSW planning system also differs from the South Australian planning system. Several policies relating to adjacent land uses, the visibility of the interior of venues from the public domain, and adequate security and design measures influenced the proposed policy development.

The [Victoria Planning Provisions](#) (VPPs) also addresses adult entertainment venues, where sex work is legal as of February 2022. The VPPs include policies related to distance of adult entertainment uses from potentially sensitive uses.

Proposed Policy Changes

The policies developed by other states and local governments have influenced the scope and wording of the Performance Outcomes specified for adult entertainment premises and adult products and services premises.

4. Licensing and Policing

A desktop review and direct engagement was undertaken with Consumer and Business Services and SA Police to understand the additional controls that apply to licensed premises and the interaction with adult entertainment premises.

Consumer and Business Services

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 must apply for [prescribed entertainment consent](#)³. Prior to issuing consent, CBS will refer to Council to ensure the applicant has the appropriate planning permissions. Applications are also advertised publicly for comment. 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 explicit activities to private functions only. This referral mechanism, combined with the re-introduced definitions, assists Council to identify if a change of use has occurred, and can trigger a requirement for development approval when needed.

SA Police

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.

The Code Amendment 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*. In particular, brothels, which are illegal in South Australia under the *Criminal Law Consolidation Act 1935* and the *Summary Offences Act 1953*.

Proposed Policy Changes

The draft Code Amendment is mindful of the role that SA Police and CBS have in controlling these land uses, avoiding any duplication of policy.

³ Prescribed entertainment means:

- entertainment of a sexually explicit nature; or
- a professional or public boxing or martial art event; or
- other entertainment of a kind prescribed by the regulations,
- but does not include entertainment excluded by the regulations from this definition.