



ADULT ENTERTAINMENT PREMISES CODE AMENDMENT

Summary document 2 of 2 – Adult Products and Services Premises

Consultation closes **5:00pm, July 23rd 2024**

PROJECT INFORMATION

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

Background

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

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

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

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

Timeline

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

Adult Entertainment Premises Code Amendment

Summary document 2 of 2 – Adult Products and Services Premises

Frequently Asked Questions

What land uses are we talking about?

In the [Planning and Design Code](#), **adult products and services premises** “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:

- 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 used in connection with sexual behaviour or activities; and/or
- 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.

It does not include premises used for prostitution.”

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

What other agencies regulate adult entertainment premises?

Advertising

Advertising content in Australia is regulated through a system of self-regulation. This means the advertising industry, through the Australian Association of National Advertisers (AANA) (<https://aana.com.au/>), has rules advertisers must follow. The AANA Code of Ethics (<https://aana.com.au/self-regulation/codes-guidelines/code-of-ethics/>) 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 (<https://adstandards.com.au/>) is Australia’s advertising regulator. They consider complaints about all advertising or marketing material across all mediums in Australia.

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

The changes proposed in the Code Amendment will have the following consequences for adult products and services premises (see Map 1):

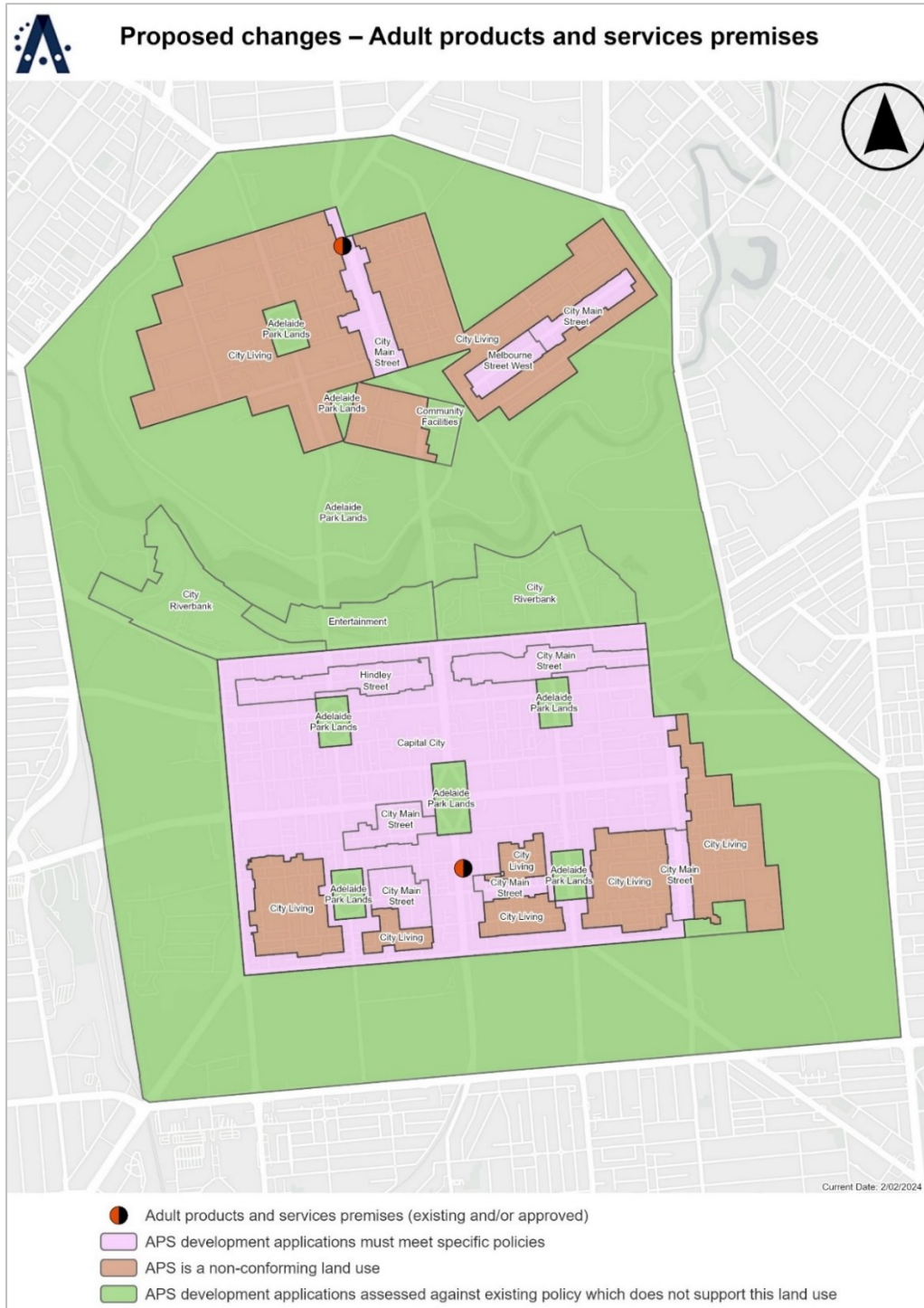
1. Development applications for adult products and services in the City Living Zone are unlikely to be supported as these uses will not meet the performance outcomes set out in the Code.
2. Development applications for adult products and services premises in the City Main Street Zone and Subzones, Capital City Zone, and the Melbourne Street West Subzone will need to meet specific policies set out in the Code.

Adult Entertainment Premises Code Amendment

Summary document 2 of 2 – Adult Products and Services Premises

- Development applications for adult products and services in all other zones and subzones will be assessed as 'all other code assessed development' and would likely be assessed against all Zones, Subzones, Overlays and General Development Policies.

Map 1: Proposed changes to Adult Products and Services Premises



Adult Entertainment Premises Code Amendment

Summary document 2 of 2 – Adult Products and Services Premises



What does the Code Amendment do?

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

How does it differ from current policy?

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

Can I object to a development application for an adult products and services premises?

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

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

The City of Adelaide Council Assessment Manager is the relevant authority for a majority of development applications within the City of Adelaide. The City of Adelaide Council Assessment Panel is the relevant authority where an application requires public notification and speaking representations are received that wish to be heard.

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

Can a decision about a development application be appealed?

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

Will the changes impact existing businesses?

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



Adult Entertainment Premises Code Amendment

Summary document 2 of 2 – Adult Products and Services Premises

Additional documents

The draft Code Amendment, the Code Amendment Engagement Plan, Summary document 1 of 2 – Adult Entertainment, and Summary document 2 of 2 – Adult Products and Services 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 viewing), 3rd floor, Rundle Place. Enter via Francis Street, off Rundle Mall or Da Costa Arcade, using either stairs or lift (size 140 W cm x 160 L cm x 230 H cm).
- City of Adelaide Customer Service Centre (Hard Copy viewing), 25 Pirie Street, Adelaide. Monday to Friday from 8:30 am to 5:00 pm
- Information packs are also available at the Hutt Street Library, North Adelaide Library, Minor Works Building community centre, Box Factory community centre, and the North Adelaide community centre.

How do I provide my feedback?

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

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

Submission Form (attached to this information pack)

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

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

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.

Adult Entertainment Premises Code Amendment

Summary document 2 of 2 – Adult Products and Services Premises

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

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

For enquires please contact:

Colleen McDonnell

Manager, City Planning & Heritage

T: (08) 8203 7385

E: PDCSA.amendments@cityofadelaide.com.au

Or visit <https://www.cityofadelaide.com.au/engagement/>

Adult Entertainment Premises Code Amendment

Summary document 2 of 2 – Adult Products and Services Premises



SUBMISSION FORM

Submissions close **5pm July 23rd 2024**

This form can also be completed online at Community engagement page on City of Adelaide website <https://www.cityofadelaide.com.au/engagement/>

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

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



