

Hon Nick Champion MP



**Government
of South Australia**

**Minister for Trade and
Investment**

**Minister for Housing and
Urban Development**

Minister for Planning

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Ms Clare Mockler
Chief Executive Officer
City of Adelaide

By email: c.mockler@cityofadelaide.com.au

Dear Ms Mockler 

I write to advise that under section 73(2)(b)(iv) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the advice of the State Planning Commission (the Commission) and approved the Proposal to Initiate the Adult Entertainment Premises Code Amendment.

A copy of the signed Proposal to Initiate is enclosed for your reference.

The initiation approval is on the basis that under section 73(4)(a) of the Act, the City of Adelaide will be the Designated Entity responsible for undertaking the Code Amendment process.

Pursuant to section 73(5) of the Act, the approval is also subject to the following conditions:

- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
- With the exception of alterations to zone and subzone policies that apply solely to the City of Adelaide, the scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the application of zones, subzones, overlays or technical and numeric variations provided for under the published Planning and Design Code (the Code) (on the date that the Amendment is released for engagement). Identification of any policy gaps within general modules or overlays is to be limited to investigation only, and no amendments are to be made as part of this Code Amendment.
- Prior to engagement on the Code Amendment, the Designated Entity must consult with Planning and Land Use Services (PLUS) of the Department for Trade and Investment on the proposed policy amendments to ensure that the policy changes are:
 - Consistent with established Code writing rules and principles.
 - Confined to the City of Adelaide.



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With regard to this last point, and whilst the policy amendments are generally understood to be bespoke to the City of Adelaide, the Code is a state-wide policy instrument; therefore, the City of Adelaide's proposed examination of the role or gaps in overlay or general policy should be limited to investigations only. Should the investigations identify a need to update overlay or general policy to support the Code Amendment, this should be raised early with PLUS to facilitate discussion/options with the Commission.

In addition, the Commission has specified under section 73(6)(e) of the Act that the Designated Entity must consult with the following stakeholders:

- 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.

The Commission is satisfied with the proposed investigations and information requirements set out in the Proposal to Initiate; however, it should be noted that further investigations may be required in response to feedback or advice received through the engagement process.

Pursuant to section 44(6) and 73(6)(d) of the Act, engagement in writing must be undertaken with:

- Owners or occupiers of the land and adjacent land, in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Engagement must be undertaken on the Code Amendment in accordance with the Community Engagement Charter. More information on the Community Engagement Charter is available in the Community Engagement Charter toolkit on the PlanSA Portal online at https://plan.sa.gov.au/resources/learning_and_toolkits/community_engagement_charter_toolkit/overview.

I will make a determination on whether to approve the proposed amendments at the completion of the Code Amendment process.

For further information, please contact Ms Nadia Gencarelli, Team Leader – Code Amendments, PLUS, on (08) 7133 2311 or via email to Nadia.Gencarelli@sa.gov.au.

Yours sincerely



Hon Nick Champion MP
Minister for Planning

5 / 12 / 2023

Encl. Signed Proposal to Initiate the Adult Entertainment Premises Code Amendment

cc: Ms Colleen McDonnell, Manager, City Planning and Heritage, City of Adelaide (c.mcdonnell@cityofadelaide.com.au)