

greater than in Waitakere, and the predicted growth into suburban areas has been a key issue for the Auckland City Council.

This Council ought to retain its stance and not isolate the sex industry in any way merely on the basis of its perceived moral or ethical place in society. Parliament, through a vote of conscience introduced the law and local authorities have a responsibility to ensure they act within the ambit of that law. The place for challenging the moral aspects lies in Parliament and not with the Council.

A.7 The responsibilities of other agencies and organisations

a). Control of sexually transmitted infections

To reduce the risk of sexually transmitted infections, sex workers and their clients are required to adopt safe sex practices. The PRA states that the Medical Officer of Health is responsible for appointing the health inspectors who inspect premises to ensure that operators are promoting safer sex practices and that sex workers and clients are adopting safe sex practices.

Operators of businesses of prostitution are required to: adopt and promote safe sex practices; provide health information to sex workers and their clients and minimise the risk of sex workers or clients acquiring or transmitting sexually transmissible infections. Medical Officers of Health have the power to enter and carry out a health and safety inspection at any reasonable time.

In the case of small brothels (Small Owner Operated Brothels – “SOOBs”) sex workers and clients are required under the PRA to adopt safe sex practices. Medical Officers of Health need to fulfil legal requirements (ie. obtain a consent or have authorisation) before entering a home in which a SOOB or a business of prostitution is being carried on. It is more difficult to carry out health inspections on SOOBs established in homes in residential areas, as there is no requirement for SOOBs to register their existence or location under the PRA or under the intentions of this Strategy. However, once we adopt the draft proposed rule changes to the District Plan, we may be able to better control SOOBs located in residential areas. This is the approach used by North Shore City Council, and has proven to be a more effective tool than a bylaw controlling the location of brothels.

b). Licensing managed brothels

The PRA addresses concerns about managed brothels being managed poorly by unsuitable operators (ie. managers and/or owners). This was due to a risk to the general wellbeing and health and safety of sex workers and clients. Operators of managed brothels are required to obtain a licence from the District Court. To make an application to the Court, the operator must fulfil certain criteria, for example, be 18 years or over and have no criminal record.

c). Crime and public safety

The police are responsible for dealing with complaints from the public, such as disorderly behaviour, nuisance, harassment, and violence. However, incidents of this kind are more likely to be associated with bars and nightclubs than with the commercial sex industry.

d). Media advertising

Inappropriate or offensive media advertising could cause offence to the community. Mindful of this, the PRA imposes a partial advertising ban. It states that commercial sexual services can only be advertised in the classified advertisements section of the newspaper or periodical. Advertising is not allowed on radio, television, or at a public cinema, or other parts of a newspaper or periodical. The PRA provides for the Broadcasting Standards Authority to deal with complaints about media advertisements.

APPENDIX B

Explanation of Terms

In this strategy, unless the context otherwise requires, -

Amenity Values - these are those natural and physical characteristics of an area that contribute to people's enjoyment of it. People can enjoy an area because it is beautiful, because it is important as a place of recreation and leisure, and because they associate it with something that is important to them personally. What makes an area differ in its desirability, are its particular natural and physical characteristics, or amenity values. The amenity values of different landscapes and different parts of the City are identified in Part 3 of the Policy Section of the District Plan

Brothel – as defined in Section 4, the Prostitution Reform Act 2003: means any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere.

Business of prostitution - as defined in the Prostitution Reform Act 2003: means a business of providing, or arranging the provision of, commercial sexual services.

Commercial sex activities –refer to the new definitions to be added to the City Wide Rule definitions (see Appendix C.5)

Commercial sexual services – as defined in Section 4, the Prostitution Reform Act 2003: means sexual services that -

- (a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and
- (b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person)."

Environmental effects are defined in the Resource Management Act 1991 as including:

- Any positive or adverse effect;
- Any temporary or permanent effect;
- Any past, present, or future effect;
- Any cumulative effect which arises over time or in combination with other effects — regardless of the scale, intensity, duration, or frequency of the effect, and
- Any potential effect of high probability;
- Any potential effect of low probability which has a high potential impact.

Often environmental effects are related to effects on: amenity values and character associated with particular areas; signage; noise; traffic and hours of opening.

Managed brothel – means a brothel:

- (a) at which any number of sex workers work; and

- (b) has an operator as defined by the Prostitution Reform Act (ie. a person, either alone or with others, owns, operates, controls, or manages the business); and
- (c) is not a small brothel.

Sex worker – as defined in Section 4, the Prostitution Reform Act 2003: means A person who provides commercial sexual services”.

Site – as defined in the operative District Plan of Waitakere City Council, Definitions Section.

Small brothel – means a ‘Small Owner Operated Brothel’ as defined in the Prostitution Reform Act 2003:

- (a) at which not more than four sex workers work; and
- (b) where each of those sex workers retains control over his or her individual earnings from prostitution carried out at the brothel; and
- (c) in Waitakere City Council’s operative District Plan, where permitted as a Home Occupation in identified Human Environments, with at least one sex worker resides on the *site*

APPENDIX C

Draft Plan Changes to Waitakere City Council District Plan

C.1. Insert a New Policy

Suggested changes to the District Plan are underlined.

Section: XX.XX

Commercial Sex Activities in premises which are owned, managed, or operated by a person must not be located in the City's residential Human Environments. This prohibition seeks to avoid any adverse effects of premises used for prostitution on the amenity values and neighbourhood character of residential Human Environments. The adverse effects also include an increase in traffic in residential streets, potential for inappropriate signage and noise, and perceptions of loss of community safety.

Explanation

The Act allows the Council to control the location of commercial sex activities to manage the environmental effects of the proposed activity. Commercial sex activities are therefore prohibited from locating in predominately residential Human Environments, so as to maintain the amenity values of those Human Environment(s). The nature and extent of the adverse effects of commercial sex activities are such that it is appropriate to ensure that the activities locate in the commercial and industrial parts of the City, where their effects are less likely to affect the amenity values of residential streets. Commercial Sex Activities which seek to establish within 50 metres of a Human Environment or Special Area that is identified in the City Wide Prohibited Activity Rule will be prohibited.

Amend Existing Policy 11.18 and its Explanation

Non-residential activities (other than retail activities) may be located within residential areas of the City, provided that the individual and cumulative impacts of such a provision do not adversely affect amenity values and neighbourhood character or fragment residential activities to the point that essential residential character is lost, and the safety of residents is harmed. Small Owner Operated Brothels are deemed to be home occupations. Where such brothels do not comply with the definition of home occupation and/or the permitted activity standards for the relevant Human Environment, they will be assessed against the relevant Human Environment Rules.

Explanation

Past planning practice has emphasised the separation of residential activities from other activities. While in recent years there has been some easing of these policies to allow such things as home occupations, the establishment of businesses, small factories and restaurants in residential areas has been relatively difficult.

Allowing a greater mix of activities at the local level would contribute to a reduction of vehicle trips and associated adverse impacts on amenity from vehicle use. However, such a change must be carefully managed so that the mix of activities contributes to the enhancement of local neighbourhoods, and does not undermine them to the point that further pressures are created to move away from these areas. This would include a careful assessment of cumulative effects of non-residential activities on the essential residential character of any area, and the extent to which it can be fragmented by other activities, before that character is lost and safety is adversely affected. It also involves careful management of noise, glare, odour and other potential sources of nuisance. Brothels are an emerging activity in the City, and the effects of these activities are similar to other home occupations.

Because the separation of activities has occurred largely because of past planning controls and because the resulting amenity of these areas is the result of regulation, any shift towards a more sustainable suburban form requires a clear policy direction in the District Plan.

The Marina Special Area recognises the unique mix of marina, commercial and residential activities possible on the site. The Plan imposes rules to ensure that development provides a high quality marine village atmosphere while maintaining amenity including, where appropriate, views through and over the site to the harbour and public access and enjoyment of the foreshore.

The Whenuapai Special Area recognises the unique characteristics of the longstanding presence of timber-based and associated activities at Whenuapai. The Plan provides for existing and proposed activities within the Special Area while ensuring that development remains consistent with the character of the site and neighbourhood, and the limitations by the existing infrastructure.

Methods

District Plan Rules:

- Scheduled Sites Rules
- Non-Residential Activities Rules
- City Wide Rules

C.2. New City Wide Rule

Rule 1	Prohibited Activities Rules
<p>1.0 Prohibited Activities</p> <p>The following activities shall be <i>Prohibited Activities</i> throughout the district of Waitakere City:</p> <ul style="list-style-type: none"> (i) The manufacture, production, use, storage and disposal of radioactive material in excess of 10 terabequerel (1x10¹³Bq) (ii) The use of radioactive material for the purposes of power generation or heat generation (iii) The extraction of <i>minerals</i> in the <i>Green Network</i> (iv) Any area of unvegetated open ground that is not grassed or vegetated with an appropriate ground cover of <i>vegetation</i> within 3 months of the completion of <i>earthworks</i> activity resulting in that unvegetated open ground (v) The use of waste oil to control <i>dust</i> (vi) The farming of mustelids, rodents, wallabies and possums (vii) The farming of deer in those Deer Free Areas identified by the Department of Conservation (viii) Any <i>new dwelling</i>, school, or hospital within the Ldn 65dBA Noise Contour as shown on the 'RNZAF Base – Noise control area map in the Maps Section (ix) Any premises kept or habitually used for the purposes of <i>Commercial Sex Activities</i> in: <ul style="list-style-type: none"> (a) <u><i>all Living Environments;</i></u> (b) <u><i>the Bush Living Environment;</i></u> (c) <u><i>the Waitakere Ranges Environment;</i></u> (d) <u><i>the Foothills Environment;</i></u> (e) <u><i>the Countryside Environment;</i></u> (f) <u><i>the Rural Village Environment;</i></u> (g) <u><i>the Coastal Village Environment;</i></u> (h) <u><i>the Boating Special Area;</i></u> (i) <u><i>the Corbans Estate Special Area;</i></u> (j) <u><i>the Harbourview North Special Area;</i></u> (k) <u><i>the Marina Special Area;</i></u> (l) <u><i>the Monterey Park Special Area;</i></u> (m) <u><i>the Hobsonville Base Village Special Area;</i></u> (n) <u><i>the Hobsonville Marine Industry Special Area;</i></u> (o) <u><i>the Hobsonville Landing Special Area;</i></u> <p><u>or the premises are located within 50 metres of those <i>Human Environments or Special Areas.</i></u></p>	<p>See also Policies 4.6, 10.26 <u>XX.XX</u></p> <p>(Policy Section of the Waitakere District Plan</p>

C.3. Amendments to Human Environment Rules: Non-Residential Activity Rules

General issues to be addressed – detail will be added to the District Plan following feedback from consultation.

1. Identify all Brothels (whether licensed or unlicensed) with 4 or less workers as a Permitted Activity (i.e. a resource consent does not need to be obtained unless the performance standards of the District Plan are not met)
2. Introduce performance standards for hours of operation for home occupations – any activity between 2200 and 0800 the next day is a Discretionary Activity
3. Introduce performance standards for traffic movements associated with a home occupation – for front sites and rear sites (any sites accessed by a shared driveway are deemed to be rear sites) – apply to all non-residential activities and all home occupations (not just brothels)
4. Introduce performance standards for signage - requiring signage for all non-residential activities and all home occupations (not just brothels) that identifies the public entrance to the non-residential activity
5. Amend Notification Guidance: Introduction To The Rules – reserve discretion to Council to publicly notify Discretionary activity applications for non-residential activities or home occupations– but not make it compulsory, as this will apply to all non-residential activities (not just brothels).
6. Introduce assessment criteria related to specific sites.

C.4. Amendments to City Wide Rules – Include a new Rule for Commercial Sex Activities (For Human Environments where these are not prohibited).

General issues to be addressed – detail will be added to the District Plan following feedback from consultation.

1. Identify all Commercial Sex Activities as Limited Discretionary Activities (i.e. a resource consent must be obtained)
2. Introduce performance standards for hours of operation – any activity between 0800 and 2200 is Limited Discretionary, any activity between 2200 and 0800 the next day is a Discretionary Activity
3. Introduce performance standards for traffic movements – for front sites and rear sites (any sites accessed by a shared driveway are deemed to be rear sites) – apply to all commercial sex activities
4. Introduce performance standards for signage - requiring signage for all commercial sex activities
5. Amend Notification Guidance: Introduction To The Rules – reserve discretion to Council to publicly notify Discretionary activity applications for commercial sex activities – but not make it compulsory, as the locations of the activity and its effects may not be significant.
6. Introduce assessment criteria related to specific sites.

C.5. New definitions to be added to the City Wide Rule definitions

Brothel is defined as it is in the Prostitution Reform Act 2003

Business of Prostitution is providing or arranging the provision of commercial sexual services

Commercial Sex Activities means a *Non Residential Activity* or *Retail Service* occurring within premises used or intended to be used for *commercial sex services*; and

- (i) applies to all businesses of prostitution in areas not identified as prohibited activities in the identified Residential Human Environments and Special Areas; and
- (ii) applies to all businesses of prostitution that may be operating where the operator of that business does not hold a certificate issued under the Prostitution Reform Act 2003; and
- (iii) does not include premises at which accommodation is usually provided on a commercial basis, if the *commercial sex service* occurs at that premises under an arrangement initiated elsewhere; and
- (iv) does not include activities associated with hospitals; healthcare services; chemists; community welfare facilities; and premises where therapeutic massage is offered by a qualified practitioner.

For the avoidance of doubt, a *Commercial Sex Activity* shall be assessed in accordance with the relevant policies and rules that apply via the City Wide Rule for Commercial Sex Activities and the relevant *Human Environments* and *Special Areas* Rules where *Commercial Sex Activities* are not prohibited.

Commercial Sex Services means sexual services that

- (a) involve the physical participation by a person in sexual acts with, and for the gratification of, another person; and
- (b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the service or another person).

Operator is defined as it is in the Prostitution Reform Act 2003

C.6. Amendments to City Wide Rule definitions

Suggested changes are underlined>.

Home occupation(s) means any commercial activity, profession or service carried out on a *site* by the occupier in which:

- the use of the *site* is secondary and incidental to the use of the *site* for residential purposes;
- the premises on the *site* are used for the *business of prostitution and meeting the definition in the PRA(2003) for a Small Owner Operated Brothel*; and
- the activity meets the terms and standards of the relevant *Environment Rules* but excludes *Any Activity* involving spray painting, panel beating, motor and motor vehicle repairs, including fibre-glassing, sheet-metal work and wrecking of motor vehicles.

APPENDIX D

Waitakere City Council Hygienic Operation of Massage Facilities Bylaw No. 31 (1999)

This Bylaw will be subject to a review in 2006.

APPENDIX E

Bylaw No.4 Chapter 2 Public Places 1972 (Clause 244 as amended)

244 Numbering of Houses

2. Commencement

This amendment shall come into force on Monday, 1 September 2003.

3. Amendment

Clause 244 is hereby revoked and the following new clause substituted:

244 Street Numbering of Buildings

244.1 Every building shall at all times to be marked with the number allocated to that building by the Council pursuant to s.319B of the Local Government Act 1974.

244.2 If at any time the Council (in exercise of its power under s.319B of the Local Government Act 1974) alters the numbers of a building, the marking must be altered to comply with that change within one calendar month of written notification of the change being given by the Council to the owner or occupier of the building.

244.3 Building marking shall be comprised of characters which:

- (a) Subject to clause 244.4, comply with the specification in clause 244.5.
- (b) Are affixed or placed in a position which is readily visible from the street to which the building has frontage and either:
 - (i) upon a post, fence, gate or letterbox located immediately adjacent to the street boundary or
 - (ii) if there is no such post, fence, gate or letterbox, upon the building itself.

244.4 Nothing in clause 244.3 shall be construed as requiring the marking which existed on 31 May 2003, and which complied with this Bylaw at that date, to be changed or replaced prior to 31 July 2005.

244.5 Building marking shall comply with the following:

- (a) residential building shall be marked with characters which are:
 - (i) not less than 50mm in height and 30mm in overall width (except for the number "1" or the letter "?")
 - (ii) Made out of lines not less than 5mm in width.
- (b) all other building shall be marked with characters which are:
 - (i) not less than 75mm in height and 40mm in overall width (except for the number "1" or the letter "?").
 - (ii) Made out of lines not less than 5mm in width.

- 244.6 Building marking shall be maintained in good legible and visible condition at all times. Any marking which is covered up or obscured shall be immediately uncovered. Any marking which is obliterated or defaced shall be immediately replaced.
- 244.7 Responsibility for compliance with this clause lies with the owner and occupier for the time being of any building but the fact that the owner of a building is not the occupier of that building shall not be a defence to a conviction for an offence against this Bylaw.
- 244.8 Any person who neglects for one month after written notice to mark a building in accordance with this part of this Bylaw commits an offence.

APPENDIX F

Waitakere City Council Urban Design Policy, Rules and Guidance relevant to Brothels

The intention of this commentary is to emphasise;

1. The importance placed on urban design as the means of achieving high quality urban environments in Waitakere City and how the ARPS and LG(A)AA require Council to amend its District Plan to reflect this, and
2. That the WCC District Plan has an extensive range of Policies, Rules and Assessment/Design Criteria available to effectively regulate the quality of development of any brothels proposed within in the City's various Human Environments, so they do not compromise Council's commitment to liveable, attractive, and economically sustainable, intensified town and neighbourhood centres and other surrounding urban environments.

F.1. Background

The pressure of increasing population in the region over recent years has highlighted the need for careful management of the growth of the city's urban, suburban, and rural environments. For the foreseeable future, it is intended that the bulk of the city's growth will be achieved through residential intensification, transport integration, business expansion and the efficient provision of services and social infrastructure in and surrounding the city's existing town and neighbourhood centres. In relation to this Strategy, it is of particular importance to recognise that a high quality of design and development of buildings, public spaces and amenities within the city's town centres is critical to ensure their future vitality, safety, sustainability and economic success.

The current emphasis on Urban Design as the means by which the quality of urban consolidation and development is managed is reflected in the interrelated strategic policies and objectives of;

- Government, through the Ministry of The Environment's Urban Design Protocol,
- Requirements of the Local Government (Auckland) Amendment Act,
- the Auckland Regional Authority's Regional Growth Strategy and proposed changes to the Regional Policy Statement,
- the Regional Land Transport Strategy and
- Waitakere City's LTCCP and associated proposed changes to its District Plan.

WCC's Operative District Plan, notified in 1995, currently provides direction for compact urban form and design through its strategies, objectives and rules however it is recognised that they need to be updated and more clearly explained to give effect to the above legislative requirements and documents and to ensure that the design of buildings, sites, public spaces and the wider community environment are attractive, workable, liveable and viable. Proposed changes to the WCC District Plan have been notified in response to the processes required under the LG(A)AA and to give effect to policies of the Regional Growth Strategy. The proposed changes to the DP will provide for a more concise and broader range of policies, performance

standards, rules, assessment criteria and guidelines than those in the operative DP. When approved, these will provide more certainty as to the standards of urban design and the quality of building developments, (brothels included) WCC expects and can enforce.

The following notified DP Changes propose either amendments to existing or the introduction of new Objectives, Policies and Rules to be eventually included into the DP;

- **Proposed Plan Change 16 – Managing City Growth**, covers Objectives and Policies
- **Proposed Plan Change 18 – City Wide Urban Design Rules**, introduces rules that implement the DP urban design policies and is intended to ensure that intensification occurs with careful consideration of amenity and urban design issues.
- **Proposed Plan Changes 13 – Hobsonville Airbase; 14 - Hobsonville Village; 15 - Massey North; and 17 – New Lynn** introduce specific rules and policies for intensification and development of those individual town centres

With the passing by Government of the Prostitution Reform Act, and the legitimisation of brothels, it is possible that Commercial Sex Activities may be perceived by the community as having adverse effects on the character and amenity qualities of the City's urban environments. However, in that it is proposed by this Strategy that Commercial Sex Activities will require a Resource Consent as a Limited Discretionary Activity in future changes to the District Plan, it is considered here that the operative District Plan and proposed DP Changes currently notified under the LG(A)AA process will be effective as the regulatory means by which any potential for brothels to have significant adverse or unacceptable effects on the City's Human Environments can be avoided or mitigated.

Some relevant examples of the type of Issues, Objectives, Policies, Rules and Assessment Criteria in the Operative DP and proposed in the currently notified Plan Changes that will (when approved) provide the strategic urban design objectives and regulatory means by which the design and siting of brothels can be controlled are outlined below. It is not intended that this be a comprehensive list but, that it is indicative of the range of urban design issues, intentions and requirements that are covered by the DP and will be applicable to the assessment of any developments involving the establishment of brothels in Waitakere City.

(N.B. only clauses that have relevance to the discussion of the potential effects of brothels, as a legitimate commercial activity, on the urban design of town and neighbourhood centres have been selected. Some wording has been condensed):

F.2. Issues and Objectives

a). Operative District Plan – Policy Section – 5.11 Issue - Effects on Amenity Values – Landscapes, Local Areas and Neighbourhood Character

- **Objective 11:** *To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing;*
 - *The pedestrian-oriented amenity values of the town centres and the character of those areas as retail centres.*

Explanation: *This objective is concerned with protecting those aspects of the environment that are particularly valued by the community and recognising the varying character of each part of the City.*

b). Proposed Plan Change 17 – Policy Section – 5.11 Issue - Effects on Amenity Values – Landscapes, Local Areas and Neighbourhood Character

- **(new paragraph):** *Town centres have a more urban, built-up character and constant movement of people and vehicles, creating a node of activity. Intensification of activities and development in town centres and an increasing mix of uses within these centres are outcomes sought by the Plan. Poorly designed development may potentially detract from the character of town centres and adversely affect the vitality and vibrancy of these areas, in turn affecting their ability to attract further activities.*

c). Proposed Plan Change 16 – Policy Section – New chapter, 5.0 Issue - Managing Urban Growth.

- **Objective 0:** *To manage growth in such a way that will ensure that the City develops and redevelops to achieve sustainable compact urban form.....by managing the location, density, scale, form, character, timing and sequencing of urban and rural growth.*

F.3. Policies

a). Operative District Plan – Policy Section – Policies related to Objectives 10 & 11:

- **Policy 10.2:** *Activities should not emit noise such that it causes a nuisance to occupants of surrounding properties.*
This could be of importance if some brothels apply for other uses such as a bar in addition to being a Commercial Sex Activity.
- **Policy 11.11:** *Signs should be designed so they do not intrude visually on the amenity of the surrounding area or detract from the neighbourhood character....*
- **Policy 11.15:** *Activities on main shopping streets within town centres should be designed, located and managed to promote:*
 - *A high standard of amenity.....*
 - *Interesting building facades at street level.*
- **Policy 11.17:** *Retail Activities should be managed to enable people and communities to provide for their social and economic wellbeing in a way that sustains and enhances the quality of commercial and community facilities and services, amenity values and general vibrancy of the City's town centres..... (including)*
 - *Promoting pedestrian oriented amenity values of town centres...*
 - *Establishing and enhancing the quality and design of buildings.*
 - *Recognising that the development of inappropriate retail activity can create adverse effects on the function served by and the amenity values of town centres.*
 - *Ensuring that the development of new retail activity does not result in adverse social and economic effects by causing a significant decline in amenity in town centres of the positive contribution made by town centres to the wellbeing of people and communities in the City.*
 - *Enabling potentially incompatible retail activities including those that will compromise, pedestrian oriented amenity values or residential amenities to establish in locations where adverse effects can be remedied or mitigated,*

Explanation: *The City's major town centres play a key role in contributing to the quality of life in the City. They are the focus of many retail activities and other community, service and residential activities resulting in a mix of often independent land uses which contribute to a sense of place and identity.*

b). Proposed Plan Changes (to) – Policy Section of the DP - These include proposed amendments and additions to existing Chapters, Objectives and Policy Clauses of the Policy Section of the Operative DP.

i). Proposed Plan Change 16 - Managing Urban Growth – Policy Section – New chapter 5.0.

- **New Policy 0.4:** *When designing new urban development at the site, neighbourhood or community levels, attention should be given to the following:*
 - *The need for a variety of development forms,to ensure that new development is integrated with existing development, and to avoid visual monotony.*
 - *Provision is made for appropriate visual activity connections to streets.....including streetscape design which encourages integration of the street with adjoining development.*
 - *That existing community identities are recognised..... (identify and maintain or enhance local character, heritage, and cultural values).*
 - *Comprehensive planning is undertaken to achieve a high urban amenity standard through building design and articulation, street and access and parking area design, lighting themes and landscape treatment.*
 - *Private development is always designed to address public places.*
 - *Developments are managed so they continue to be maintained to a high standard.*

Explanation: *The importance of good design is critical to the success of urban consolidation strategies. Communities must be created which residents are attracted to and proud of. This is not an easy task. The potential for adverse effects on amenity, land use conflicts and possible social concerns, increase with increase in density. This District Plan and the mechanisms conducted in its implementation will require good design.*

ii). Proposed Plan Change 18 - City Wide Urban Design Rule – Policy Section – New Policies related to Site Analysis (City Wide Rule 2)

- **New Policy 11.33:** *A Site Analysis requires applicants to record the physical features or characteristics of the neighbourhood and the site.....to consider the interaction between the existing features and characteristics and how the design of the site should respond to the identified and future character of the neighbourhood. A Site Analysis is an important part of the design process....(and is required to).....to identify constraints and opportunities to ensure the proposal will relate to the surrounding context.(and) should provide a better understanding of the proposal and may provide opportunities to make changes to improve urban design and safety outcomes.*

iii). Proposed Plan Change 18 - City Wide Urban Design Rule – Policy Section – New Policies related to Street Frontage (City Wide Rule 3)

- **New Policy 11.45:** *Development with frontage to a street should be of a high standard in terms of layout, design and visual appearance, contributing to the development of high quality pedestrian environments within mixed use town centres and their adjoining neighbourhoods. Particular attention should be paid to:*
 - *Development of attractive, safe, and active streets that are well defined by their adjacent buildings.*

- *Activities and development relating positively to the street, creating attractive public/private interface. The placement and design of buildings should ensure that there is a high degree of integration between buildings and the street through buildings built up close to the street edge and through the use of substantial areas of doors, windows and display space at ground and upper levels.*
- *Along mainstreets and those streets with existing or potential high volumes of pedestrian traffic, provide continuous weather protection.*

iv). Proposed Plan Change 18 - City Wide Urban Design Rule – Policy Section – New Policies related to Mixed Use Development Noise (addition to existing City Wide Rule – General Noise Standards)

- ***Addition to Policy 10.2: Activities within town centres can generate varying noise effects, and should be managed so as to avoid excessive noise that conflicts with the need to encourage a mix of activities in these areas including residential and mixed use developments.***

Proposed Plan Changes 13, 14, 15 and 17 give further amendments and additions to the Policy Section of the Operative DP but they are mainly directed at the quality of the built environment, public spaces and development of defined precincts and street typologies within the specific town centres that they are addressing but the urban design objectives are essentially the same as those related to City Wide issues.

F.4. Methods of Implementing the District Plan Objectives and Policies

The District Plan identifies a number of methods for achieving its strategic intentions which include:

- statutory requirements or Rules which set performance standards for compliance as a permitted activity and assessment criteria used in assessing the extent and effects of non-compliance in discretionary applications for Resource Consent under the PRA and,
- Non statutory guidance through design guidelines and/or design advice through voluntary Resource Consent pre-application meetings and negotiations with Council staff and/or where considered appropriate, independent design reviews provided by Council appointed specialist consultants.

F.5. District Plan Rules:

a). Operative District Plan Rules

To some extent, the Operative District Plan provides performance standards, rules, assessment criteria and conditions addressing design quality issues under its various Human Environment zones and for the present these will be the predominant means by which consent applications for the establishment of brothels within those Human Environments will be controlled. Rules that will have an effect on the design and siting of a brothel in, for instance, the Community Environment, which covers most of the developable area within town centres, have various performance/design standards, criteria and conditions, which may require:

- Buildings to be of a bulk and form that is within prescribed height in relation boundary recession planes;
- Minimum distances and screening of commercial or retail buildings and their associated service facilities from adjacent Living or Open Space Environments;
- Continuous canopies over footpaths for the weather protection of pedestrians;
- Development of the frontage between buildings and the street boundary limited to pedestrian and seating areas, display space and where there is no alternative, a single access to parking behind the building;
- Avoidance of bland exterior walls facing pedestrian streets through the use of colour, materials and articulation of the building's façade;
- Informal surveillance of pedestrian oriented public spaces to ensure that amenity, safety and security qualities are maintained and enhanced;
- 50% of ground floor facades facing the street to be glazed display space and building entrances;
- Detailed designs for landscape works and plant species to achieve visual amenity and screening of carparks, service areas etc;
- Limitations on the size, shape, positioning, wording and type of signs displayed in relation to the building's use;
- Provision of a minimum number of carparks and turning areas according to the building's use;
- Building designs that acknowledge heritage and cultural values of the surrounding built environment and/or community context.

The above existing DP requirements, although relatively comprehensive, do not directly refer to the principles and outcomes of good Urban Design theory. The proposed amendments to the ARPS are more concise and require that;

TAs shall identify in District Plans, explicit urban design outcomes to be achieved. This could be achieved through rules and guidelines on urban design.

b). Proposed Plan Changes (to) – WCC District Plan Rules

The proposed changes to the WCC District Plan will, when approved, provide a broader and more detailed set of Rules aimed at achieving higher quality urban design outcomes that enhance the built character, public spaces, streetscape and

pedestrian amenity of the City's town and neighbourhood centres. For the purposes of this Strategy examples will be limited to *Proposed District Plan Change 18 – City Wide Urban Design Rule* which introduces rules that implement the DP urban design policies and is intended to ensure that intensification occurs with careful consideration of amenity and urban design issues.

Most of the existing DP requirements (listed in the previous section) are either included or amended to give clearer direction in the Proposed Rules but new performance/design standards, criteria and conditions, will also be introduced and put into effect through:

- City Wide Rules requiring attention to elements of design to meet increased standards of performance, appearance and assessment including:
- Site Analysis Rules
- Streetscape Rules and building design Rules in relation to Street Frontages
- Mixed Use development and design Rules
- Rules to cover noise mitigation through building design in mixed use developments
- Concept Plans and Comprehensive Development Plans for specific town and neighbourhood centres
- Amended and New, Human Environment Rules
- New Design guidelines
- Continued Design Advice
- Independent design reviews
- Monitoring by Consent enforcement staff of Council

i). Proposed District Plan Change 18 – City Wide Urban Design Rules – General

To meet legislative requirements of the LG(A)AA and to give effect to the Objectives and Policies of the ARPS and WCC DP, this Proposed Plan Change seeks to:

- *Introduce a suite of City-wide rules intended to ensure that intensification occurs only after careful consideration of amenity and urban design issues; and*
- *Create specific rules addressing apartment design, site analysis, building design in relation to street frontages, noise mitigation in mixed use development and building design for mixed use development.*

A number of the proposed new rules will be applicable to the assessment of RC applications for brothels and will influence their design outcomes, some relevant examples are:

ii). Proposed District Plan Change 18 – City Wide Urban Design Rule 2 – Site Analysis Rule

This Rule will require the applicant for a development (in this discussion, a brothel) to provide *(2.1(a)(i)) a detailed site and neighbourhood analysis of the area within 400m radius of the site.....to document the existing built form and identified future desirable character of the surrounding neighbourhood; and (2.1(a)(ii)) a design*

response which explains how the design of the proposed development has responded to the existing and proposed neighbourhood character.

The assessment criteria cover such issues as:

(2(a)) The extent to which the design response for the proposal ensures that the location, scale and design of the development will complement amenity values and neighbourhood character.

And also cover the extent to which various detailed elements of the design solution are an appropriate response to the natural and building opportunities and constraints inherent in the site and whether they contribute to the wider form and quality of the surrounding context. If it is considered that the proposal does not achieve the desired outcomes, then Council may, in granting the Resource Consent, impose a number of Conditions such as:

- *Requiring alterations to design and/or location the site.*

iii). Proposed District Plan Change 18 – City Wide Urban Design Rule 3 – Building Design – Street Frontage

Performance standards under this rule will probably have the most significant effect on the design of brothels in town centres and the requirements (listed below) for the design of building facades facing streets, especially at ground level, will give controls that can ensure that brothels don't have an unacceptable impact on pedestrian and retail activity at street level.

The street frontage design standards are related to a range of street typologies identified in this Rule and will be triggered by various urban design qualities desired in the Concept Plans and/or Comprehensive Development Plans of the specific town centres so far identified under Proposed Rule Changes 13, 14, 15, and 17 discussed earlier. As an example, some of the Street Frontage Performance Standards for:

A. Town Centre – Mainstreet Typology 1; will include requirements for:

- Buildings to be minimum two storeys of usable floor space for the full width of the street frontage of the site.
- Buildings to be built up to the street frontage (boundary) and continuous for the full width of the site, (with some exceptions).
- Carparking, loading and turning space must be located to the rear of or within the building or underground but there must be non-residential activities between the parking and the street.
- Buildings to have at least 75% of the ground floor street frontage façade as display space or glazing achieved through the use of transparent doors and windows.
- Canopies across the full width of street frontage for weather protection of pedestrians
- Pedestrian entrances directly accessible from the street

Building Design – Street Frontage, *Assessment Criteria 3(a) General* states: *all development should contribute to high standards of design, pedestrian amenity, safe and attractive streets and public places and assist in stimulating pedestrian activity by:*

- Modulation and detailing of the buildings structure through the use architectural forms, elements, materials and colour
- Creating active street frontages and avoiding blank walls on street facades by providing extensive areas of glazing and display space especially at

street level. Upper levels should use windows, balconies and other articulated elements, again to encourage active street frontages and surveillance over pedestrian areas below.

- Providing continuous weather protection for pedestrians.

iv). Proposed District Plan Change 18 – City Wide Urban Design
Rule 4 – Building Design – Mixed Use and
Rule 1.10 – Mixed Use Development Noise

These Rules provide performance standards and design criteria for ensuring that; *mixed use buildings and developments are suitably designed for a range of uses now and in the future. In particular the ground floor of buildings and developments need to be able to accommodate a range of Non-Residential Activities over time to ensure that the streetscape remains vibrant and interesting.*

The performance standards require that:

- For any non-residential uses at the ground floor and any levels above, the internal ceiling heights for tenancies/spaces shall be no less than 3.6m.
- Any non-residential activities within a mixed use building or development that provides for amplified music (for instance a brothel with associated bar facilities) shall comply with acoustic standards of Rule 1.10 Mixed Use Development Noise.

Assessment Criteria require that:

- On site parking, loading, vehicle access and service areas are clearly defined the use of residential and non-residential tenants:

The design criteria in City Wide Rule 4 – Appendix will be considered in assessing mixed use buildings/developments:

- Design flexibility to accommodate a variety of non-residential activities over time, including appropriate sized tenancies, flexible partitions and adaptable floor plates.
- That, non-residential activities are compatible with residential activities in the same building/development.
- That, there be a clear distinction between residential and non-residential activities and this be used as a tool to provide interest to the exterior appearance of the building/development thus ensuring the that the streetscape remains vibrant and interesting.
- Similar issues of buildings in relation to their street frontage covered earlier in City Wide Rule 3

As with other Rules throughout the DP, Resource Consent Conditions can be imposed to ensure compliance with design objectives, including for instance:

- *Requiring alterations to design and/or location.*
- *Requiring the registration of consent notices on titles, if necessary, to meet an ongoing performance standard.*
- *Limiting the scale of activities and other development.*
- *Requiring measures to attenuate potential adverse effects on residential activities in the same or an adjoining building or development.*