

**SUMMARY OF DECISIONS SOUGHT ON
WAITAKERE CITY COUNCIL
DISTRICT PLAN PROPOSED PLAN CHANGE 24
Commercial Sex Activities**

No.	Name	Address for Service	Decision Sought from Waitakere City Council
24/1/-	Tjeerd Smilde	25 Taitapu Street, Massey	That Council ban small brothels from operating in residential areas

24/2/-	Waitakere City Council	Private Bag 93109, Henderson	<p>Amend Plan Change 24 in accordance with the relief sought as detailed in Appendix A.</p> <p>Consideration be given to whether an area of retail sales associated with the business of prostitution within the Working Environment should be included as a permitted activity. Amend the Explanation under Policy 11.8 as follows (additions <u>underlined</u> and deletions struckthrough).</p> <p>Small Brothels can function as home occupations within the residential areas and the effects of these activities are similar to other retail services that are home occupations. Where small brothels do not comply with the definition of home occupation and/or the permitted activity standards for the relevant residential Human Environment, in terms of their potential for causing adverse effects and serious nuisance and offence to members of the public, they are recognised as being inappropriate <u>and not provided for in the residential Human Environment.</u> Within the environment and are a non-complying activity. For similar reasons, Commercial Sex Activities can also only establish in the City's residential Human Environments by way of a non-complying activity resource consent. The nature of the adverse effects of Commercial Sex Activities are such that it is appropriate to encourage their location in the commercial and industrial parts of the City, where their effects are less likely to affect the amenity values and neighbourhood character of residential areas. Amend New Policy 11.50 as follows (additions <u>underlined</u> and deletions struckthrough).</p> <p><u>New Policy 11.50 – Commercial Sex Activities</u> Commercial Sex Activities are encouraged to locate <u>provided for</u> within the Community Environment and within the Working Environment to avoid any adverse effects that commercial sex activities may have on the amenity values and neighbourhood character of residential Human Environments. However commercial sex activities in the Community Environment are restricted <u>directed</u> to first floor above ground level locations <u>or above</u>, to ensure that a high quality environment is provided in the Community Environment. Adverse cumulative effects arising from Commercial Sex Activities being located in proximity to each other shall be avoided. Through a cumulative effects assessment done as part of the resource consent process.</p>
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Amend the Explanation under Policy 11.50 as follows (additions underlined and deletions ~~struckthrough~~).

Explanation

The Prostitution Reform Act 2003 legalised prostitution and requires that Council provide for commercial sex activities within the City. The Council has developed its “Commercial Sex Strategy” to co-ordinate its response to the Prostitution Reform Act 2003.

The Prostitution Reform Act 2003 allows the Council to control the location of commercial sex activities. This control seeks to manage the environmental effects of ~~the proposed activity~~ prostitution, to ensure that the activity is not offensive or a nuisance to ordinary members of the public, and to ensure that the activity is not incompatible with the neighbourhood character.

Amend Rule 1 – Commercial Sex Activities to make it clear that all applications for resource consent, regardless of activity status must have regard to Section 15 of the Prostitution Reform Act 2003.

Amend the relevant Human Environment rules for Non-Residential Activities to also reflect the above.

Commercial Sex Activities Rule 1.1 (iii) be amended to direct Commercial Sex Activities in new buildings/premises and additions to existing buildings to first floor locations or above, to be consistent with Rule 1.1 (i) and Policy 11.50.

Amend Assessment Criteria 1(e) as follows (additions underlined and deletions ~~struckthrough~~).

1(e)

The extent to which the interior of the premises associated with *commercial sex activities* is not visible or is screened from neighbouring buildings and ~~the street~~ any public place.

Amend Assessment Criteria 1(g) as follows (additions underlined and deletions ~~struckthrough~~).

1(g)

The extent to which the activity avoids locating ~~is proposed to be located~~ in proximity to other existing *commercial sex activities*.

Add the following definition to the City Wide Rules Definitions

Prostitution – means the provision of commercial sexual services

24/3/-	Marianne Mawhinney/Rhonwen Nicolson	1161 Scenic Drive North, Waitakere City	<p>Support Policy 11.11</p> <p>Amend Explanation for Policy 11.18</p> <p>Amend Policy 11.50 – replace “discourage” with “prohibited”</p> <p>Support Rule 1 – Commercial Sex Activities</p> <p>Amend Rule 2 - Commercial Sex Activities – signs – make Rule 1.3 prohibited rather than non-complying</p> <p>Amend non-residential activities to require all sex workers to reside on the site – consequential change to definition of small brothel</p> <p>Support hours of operation</p> <p>Support prohibited activity Rule for signs</p>
24/4/-	NZ Prostitutes Collective	PO Box 11412, Wellington Att: Catherine Healy	<p>NZPC sees the current proposal as rather confusing in its definitions of commercial sex services, commercial sex activities, business of prostitution and exemptions. Council has a responsibility to make Changes to the District Plan that are in keeping with the intentions of the Prostitution Reform Act 2003 and the New Zealand Bill of Rights Act 1990. The current Proposed Change, requires clarification of definitions and standardisation to avoid confusion prior to any further consideration of the Change.</p>