

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.

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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 – 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 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 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)."

Operator is defined in Section 4, 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.*

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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.

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- **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.

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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

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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*

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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.*

Commercial Sex Strategy - Consultation Plan

18 May 2006

1. Background/overview

The Council has drafted a Commercial Sex Strategy to address issues relating to prostitution in the City, following the enactment of the Prostitution Reform Act (PRA) 2003 which decriminalised prostitution.

Initial feedback received from stakeholders and members of the public in early 2005, resulted in changes being made to an initial version of the strategy. This draft is the product of that feedback and further input from Councillors and other key stakeholders. The strategy is geared towards actions that can be enforced and that respond to the concerns of the public.

It provides a regulatory framework for the Council to 'manage' prostitution activities in Waitakere City. It applies the provisions of the District Plan and the Resource Management Act (RMA) to 'manage' any negative environmental effects (such as noise, traffic levels and hours of operation) from the activities of brothels, so that there are limited controls on the location of brothels.

The proposals to regulate the location of brothels in Waitakere City constitute the core of the strategy. Essentially, small brothels (four or less sex workers with no manager) will be permitted to operate as home occupations in residential areas, and managed brothels (run by an operator, regardless of size), will be confined to working and industrial environments. The strategy also places controls on signage, hygiene standards, urban design guidelines and standards, and monitoring and response measures.

The public and key stakeholders, will for the second time, have the opportunity to make general comments about the draft strategy, before a final version is presented to the Planning and Regulatory Committee for approval in September 2006, and then on to Council for adoption in October 2006.

The submission period will be Tuesday 6 June - Friday 7 July, 5pm.

2. Aim of the Plan

To seek final comment from the public and key stakeholders on the Council's proposed Commercial Sex Strategy, so that feedback can inform a final draft of the Strategy which will be presented to Council for endorsement.

3. Key Stakeholders

- Community Boards
- Te Taumata Runanga (TTR)
- Waitakere Ethnic Board (WEB)
- Waitakere Pacific Board (WPB)
- NZ Prostitutes Collective (Union of sex workers)
- Commercial sex businesses – brothels and clients
- Other commercial sex businesses, such as strip clubs, lap dancing bars, escort agencies, adult cinemas, adult bookshops and adult video shops.
- Local police

- Local Councils and Auckland Regional Council
- Auckland Regional Public Health Service
- Council's officers (e.g. Field Services – Compliance, Resource, District Plan officers, Bylaws)
- Local residents who have recently contacted Council about brothels or suspected brothels

4. Target Audiences

The target audiences that the Council wants to engage:

- a. Members of the public who live in Waitakere City.
- b. Iwi and the Maori community
- c. Pacific Island community
- d. Asian community
- e. Community groups and associations across Waitakere City
- f. Local businesses and business associations/forums

5. Key Messages for Communication

First ideas for key messages for this campaign:

- That the Council's role is to provide a framework in response to a change in the law regarding the sex industry. This includes managing the potential negative impacts of prostitution.
- The strategy embraces a minimalist approach in managing prostitution activities, which enables small brothels to operate as home occupations in residential areas and confines larger brothels ('managed' brothels) to working and industrial environments.
- The strategy is geared towards actions that can be enforced and that respond to the concerns of the public. This revised draft of the strategy has been influenced by suggestions and issues raised by the public in early 2005.
- Key stakeholders have been involved in the development of the draft strategy, and as a consequence the strategy recognises the need for diversity in the community.
- It provides a clear framework for the Council to manage any negative environmental effects (eg. noise, traffic levels, opening hours).
- The strategy does support controlling the location of commercial sex premises on the basis of assessing environmental effects (eg. noise, traffic levels, and operating hours).
- The Prostitution Reform Act, which was passed in 2003, decriminalises prostitution and seeks to protect the health and safety of sex workers. Local councils need to respond to this legislation. Prior to this Act, prostitution was an illegal activity and the Waitakere City Council did not have a position on it.
- That monitoring of the local sex industry will help keep the Council's response up-to-date.

- That the strategy does not support a city-wide prohibition of brothels or the restriction of brothels from specific areas. This could be unenforceable and possibly illegal.

6. Communication Methods – Inviting feedback

- Advertisements in the following:
 - The Aucklander
 - Waitakere City News
 - Western Leader
- Press releases as appropriate (above newspapers)
- E-information available on Internet/Intranet:
 - Council website – www.waitakere.govt.nz
 - Council's intranet/Call Centre
- Call centre sheet prepared to support enquiries following mailout.
- Distribute copies of draft strategy with accompanying letters to:
 - Key stakeholders (including Community Boards, WEB, TTR, WPB, clients of commercial sex services, other Auckland Councils)
 - Previous submitters when the initial draft strategy was made available for public feedback in January/February 2006.

7. Spokesperson

Dai Bindoff, Public Affairs.

8. Risk Assessment

The following potential risks could arise:

- This could create a moral debate resulting in polarised views
- Localised issues, such as a controversial massage parlour or brothel in a given area, giving rise to collective community action.
- That the approach of the Council, with regards to this strategy, may need to be revisited in light of feedback from the public.
- A perception that Waitakere City Council should adopt a stronger regulatory approach in respect to commercial sex activities.
- That Waitakere City Council has not adopted as firm a position as other councils in respect to controlling commercial sex activities.
- Political ramifications with lobby groups or residents who have experienced problems.

9. Key steps and timelines

Key Step	Tasks	Likely timeframe
Consultation for the Strategy	Obtain public feedback on the revised Commercial Sex Strategy	June/July 2006
Consultation for the District Plan	Publication of draft District Plan changes (to City Wide Rules and Non-residential activities) Rules and consultation with the public	June/July 2006
Reviewing feedback & finalising strategy	Summarise feedback from the public and revise the strategy, if appropriate	July/August 2006
Report	Report to the Planning and Regulatory Committee <ul style="list-style-type: none"> • submissions regarding the Strategy • approval to notify proposed District Plan change • seek endorsement of Strategy 	September 2006
Notify District Plan	Public notification of the proposed District Plan Changes. Submissions and further submissions on Proposed District Plan sought.	September 2006
Hearing of District Plan submissions	Report to Planning and Regulatory Committee to hear submissions and further submissions and to make decisions on those submissions	November - December 2006

10. Budget

This project is resourced in the 2005/2006 budget. The estimated costs for each communications activity is listed in the table below.

Communication Activity	Estimated Cost
Newspaper display advertising & public notices (x2 @ \$331.50 (3 columns x 13cms); x1 @ \$372.84 (2 columns x 13cms); Tot = \$1035	1035
Distribution of strategy (postage)	40
Internet/Intranet	N/A
Total	\$1,075

Note: The above table does not include staff costs.

11. Staff contributors to the Process & Responsibilities

Prostitution Workteam:

- Zoe Cuming – Senior policy analyst: Strategy
- Eryn Shields – Planner policy implementation: City Services
- Mike Mills – Crime Prevention Projects Leader: Strategy
- Peter Joyce – Project Manager, Urban Design: Strategy
- Setareh Masoud-Ansari– Solicitor: legal services

Project Communicator:

- Dai Bindoff

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12. Tasks

Pre consultation

- Draft adverts inviting submissions (for Western Leader, Waitakere City News & the Aucklander)
- Devise submission form
- Make information available on Council's website along with submission form
- Call centre sheet prepared to support enquiries following mailout.
- Devise two sets of letters; one for previous submitters (from the Jan/Feb 2005 consultation) and another for the key stakeholders
- Circulate a copy of the strategy to key stakeholders.

Post consultation

- Summarise submissions
- Prepare report for Planning & Regulatory Committee
 - giving feedback on submissions
 - seeking endorsement of the strategy
 - setting out timeline and plan for implementation of the different parts of the strategy, eg. complaints system; changes to District plan etc.

Waitakere City Leisure Facility Partnership Policy

Waitakere City Leisure Facility Partnership Policy

1.0 INTRODUCTION

The Leisure Facility Partnership Policy is a mechanism to enable Waitakere City to strategically direct capital development assistance to community leisure and sporting projects. In order to qualify for assistance, community projects must meet a series of evaluation criteria. These criteria are aligned with the objectives of core Council strategies and policies such as the Waitakere City Council Leisure Strategy, Waitakere Parks and Open Space Strategy and the Draft Policy and Guidelines for Council Investment in Significant New Formal Relationships. Council also recognises its relationship with Ngati Whatua and Te Kawerau A Maki.

Waitakere City has a diversity of community organisations which provide a wide range of leisure and sporting opportunities to the community. Many of these organisations depend on built facilities to assist their operations. Increasingly organisations have turned to Council seeking support for either new building initiatives or refurbishment projects.

Traditionally Council responded to such capital development requests on an ad hoc basis. This raised the potential risk that worthy projects may have gone unsupported for the simple reason that they were presented before Council at an inopportune time.

By establishing the Leisure Facility Partnership Policy and moving away from the historic ad hoc approach to funding projects Council is able to compare potential projects and support those that are most strategically beneficial to the community.

2.0 STRATEGIC CONTEXT

When developing new partnerships or relationships, Council needs to ensure that its requirements under the Local Government Act 2002 and best practice relating to good decision making and governance are followed. This means reflecting the Office of the Auditor General's (OAG) principles of good governance. These principles involve establishing:

- A clearly defined purpose.
- An effective governing body or agreement.
- Clear roles and responsibilities for all parties.
- An accountable entity.
- An accountable Council.

All Leisure Facility Partnership proposals must also align with Council's strategic platforms and priorities. Partnership proposals which do not align with Council's strategic direction will not be supported.

3.0 POLICY OBJECTIVES

Council has six main objectives it wishes to achieve through the development and implementation of the Leisure Facility Partnership Policy. These objectives are to:

- Standardise the process by which capital development grants are made to community organisations to ensure transparency.
- Ensure the community leisure benefits derived from every facility partnership grant are maximised.
- Utilise the Leisure Facility Partnership Policy to support the implementation of core strategic actions from Council strategies, policies and plans such as:
 - Waitakere City Council's Long Term Council Community Plan,
 - Waitakere City Council's Parks and Open Space Strategy,
 - Waitakere City Council's Leisure Strategy.
- Utilise the Leisure Facility Partnership Policy to support local, regional and national strategies and plans such as:
 - Auckland Regional Physical Activity and Sport Strategy,
 - Sports and Recreation New Zealand's (SPARC's) 'Push Play' initiative.
 - Sport Waitakere Strategic Plan.
- Improve the sustainability of community leisure organisations.
- Form lasting holistic ongoing partnerships with community organisations.

4.0 POLICY SCOPE

The Leisure Facility Partnership Policy is specifically targeted towards assisting community organisations involved in creating leisure and sporting opportunities. The purpose of a funding grant is for the Council to secure access to facilities for community use. Facility partnership funding is only available for capital development projects (new facilities and expanding / refurbishing existing facilities) and specifically excludes debt servicing, annual maintenance and operational funding. The fit out of facilities is not generally eligible however a single chattel costing more than \$100,000 will be considered, for example floodlighting of sports pitches.

In any given year a total funding pool of \$500,000 dollars is available under the policy. The total funding pool will be shared amongst successful applicants. This funding is contested with final allocation resting solely at Council's discretion. Council may choose not to fund any of the proposed projects in a given year or alternatively may forward fund in another year.

Organisations seeking grants exceeding \$500,000 from Council will be required to adhere to Council's Policy and Guidelines for Council Engagement in Significant New Formal Relationships.

The Policy will be reviewed annually.

5.0 COUNCIL EXPECTATIONS

Contracts will be negotiated between the parties and therefore will be specific to the individual application and the nature of the partnership. It is advised groups meet with Council's Projects and Contracts officer prior to applying for funding. Council's Projects and Contract's officer will be able to provide more information on Council's expectations and the types of contract required. Contracts are likely to include the following:

- The amount of the grant
- That the grant is for community access

- The times/dates of community access
- Who has priority access and when
- Community charges to utilise the facility
- Any requirements for marketing the facility
- Any restrictions on naming rights and sponsorship
- Council's reporting requirements (including accountability reporting, frequency and content)
- The length of time the grant covers
- How payment will be made
- Who will be responsible for ongoing maintenance and operational costs of the development
- The right for Council to audit related information to the project
- What will happen if the contract is breached
- What the process will be if there is a dispute between the parties

Council reserves the right to audit the facility and related information particularly in the capital development stages. An audit would also be carried out annually to ensure the maintenance of the facility was being carried out appropriately.

Contracts will include details of accountability reporting for each project (the frequency and content will be negotiated between the two parties and will depend on the amount of funding provided by the Council), the steps that will be taken if the promised benefits are not or cease to be delivered by the project being funded by the grant. In general:

- Organisations with out standing accountability reports will be ineligible for any further funding from any Council sources.
- Council may seek repayment of all or part of the monies where community benefits cease to be delivered (for example if community access to a facility is alter withdrawn).

6.0 DATES FOR SUBMITTING A FACILITY PARTNERSHIP PROPOSAL

Dates for submitting a facility partnership proposal will be advertised with a minimum of four weeks notice each year. Funding will be allocated on a July-June year. The proposal evaluation process has three stages. The exact timing of the second and third evaluation stages will be communicated to the proponents of those proposals successful in stage one.

The final stage of the evaluation process will be concluded no later than the first week of November each year. Successful organisations will receive their grants in instalments upon the completion of agreed key project milestones (or stages). These milestones will be negotiated as part of the contract between successful organisations and Council.

7.0 IMPORTANT FACTS

- Council is likely to receive many quality proposals each year. As a result not all projects can be accepted for funding.
- Council will seek to form an active partnership with those organisations whose proposals are successful at stage three. This means Council reserves the right to:
 - Have representatives with voting rights on the development's Project Control Group (PCG).
 - Have an active input into the decision making process (particularly in regard to subsequent tendering processes).
- Final funding will be conditional on the successful negotiation of a contract between Council and the community organisation making the proposal.

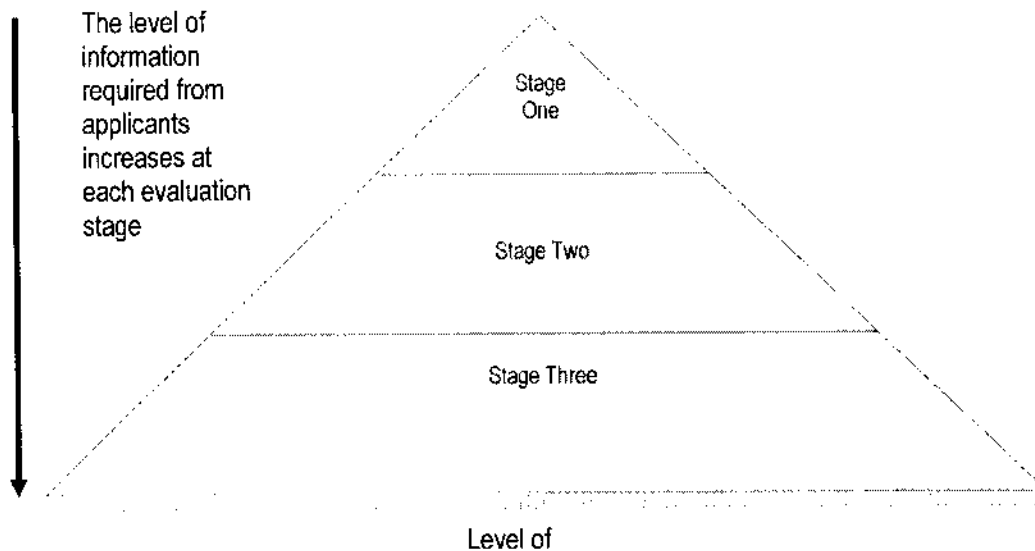
- Full funding will not be released until such time as Council is satisfied all aspects of the contract have been met.
- Council does not require any form of detailed architectural design at the initial stage of lodging a proposal.
- Council would encourage organisations to have carried out some form of feasibility analysis on their project prior to lodging a proposal. Council's Club Development Fund may assist with this process.

8.0 THE EVALUATION PROCESS AND CRITERIA

Proposals to the Leisure Facility Partnership Policy will be analysed in three distinct stages, each with their own evaluation criteria. The policy has been set out this way so as to minimise the level of work community organisations are required to undertake when making an initial proposal (Figure 1).

At the conclusion of the first stage proposals will be evaluated against the stage one criteria and prioritised. After evaluation by a Council Committee certain proposals will be excluded from proceeding to the next stage. Unsuccessful organisations will be informed their proposal will not proceed to the future evaluation stages and be provided with reasons for this decision. Unsuccessful proponents can resubmit their proposals again for stage 1 evaluation in subsequent years. However, even with alterations Council can not guarantee a more successful outcome for the proponent.

Figure 1: Levels of Information Required at each Evaluation Stage.



Organisations with proposals that were accepted through to the second stage of evaluation will be contacted and asked to submit additional information. Council officers will work with organisations to assist with preparation for stage three.

At the conclusion of the second stage updated proposals will be evaluated against the stage two criteria and prioritised. After evaluation by a Council Committee certain proposals will be excluded from proceeding to stage three. Unsuccessful organisations will be informed their proposal will not proceed to the future evaluation stage at this time.

Proposals that reach stage three will be processed in the same way as stage two although the more rigorous stage three criteria will be used. After ratification by a Council Committee the proponents of successful proposals will be informed and asked to enter into a contract with Council. Contracts must be signed within ninety days of that Council Committee meeting. Council is not committed financially to a project until the terms of the contract are agreed by both parties. All successful proponents are expected to meet their obligations under the Construction Contract Act 2002. Council will not be a signatory to any construction contracts and will hold no liability.

The evaluation criteria used in each stage are outlined in the following sections.

8.1 Stage One Criteria

This section sets out the Leisure Facility Partnership Policy's stage one criteria. The boxes below each of the criteria set out a series of 'tips' that will assist organisations in writing their proposals. Note in particular the level of information that is being requested. Council recommends that organisations considering a leisure facility partnership should contact the Policy's coordinator prior to submitting a proposal. The coordinator's details are outlined at the end of the policy. Groups who have already completed a feasibility study may register their interest at stage 2.

1. Projects must demonstrate community active or passive leisure or sports benefits. Projects for core or primary healthcare, welfare, or worship are excluded.

Tips:

- Provide a one paragraph description of your proposed project.
- Outline in bullet point form the community leisure and / or sports outcomes that the proposed project would deliver.
- Provide a written one paragraph statement that the proposed project is not for core or primary healthcare, welfare, or worship.
- Your statement, project description and bullet points when combined should be no more than one page long.

2. Potential partners must be 'not for profit' organisations such as community groups, iwi, schools or educational providers.

Tips:

- Provide a short written description of your organisation which illustrates that it is clearly a 'not for profit' entity.
- Your description should be no more than two paragraphs long.
- Charitable organisations (Trusts and Incorporated Societies) must be listed on the New Zealand Charities Commission's 'Charities Register' (In accordance with the Charities Act 2005).

Note: Council will not support any proposal where the proponent is liable to pay income tax on a potential grant or donors are liable to pay gift duty.

- Potential partners must be legally constituted (e.g. school, incorporated society or charitable trust).

Tip:

- Provide a photocopy of documentation outlining the legal status of your organisation such as a trust deed or the like.

- The proposed facility must be within Waitakere City or on the periphery of Waitakere City and demonstrate a clear benefit to and usage by the ratepayers of Waitakere City.

Tips:

- Provide a map which clearly indicates where the facility is proposed to be developed.
- A photocopy of a page from a road map with the location clearly marked in colour pen is sufficient.

- The proposal will be reviewed by Council officers against Council's strategic objectives as set out in documents such as the Long Term Council Community Plan (LTCCP), 'Waitakere Leisure Strategy' and 'Waitakere Parks and Open Space Strategy'.

Tip:

- Your organisation may like to be aware of these documents. Copies of which can be obtained from Waitakere City Council or on Council's website (www.waitakere.govt.nz)

- The extent to which the proposed site supports the development of a quality community facility (e.g. location and quality of public access).

Tip:

- Provide a preliminary site plan or free hand sketch which indicates where the proposed facility sits on the site in relation to existing or proposed features.

- The governance, management of the organisation(s) putting forward the proposal.

Tips:

- Provide a short two paragraph statement indicating how your organisation is structured. A simple diagram may assist with your description.

8. The financial viability of the proposal.

Tips:

- Provide preliminary information on the size of the proposed facility and its estimated capital development cost.
- Provide preliminary information on how the facility will be funded. State:
 1. how much money your organisation is putting into the project.
 2. approximately how much you will be asking for from other funding organisations (charitable trusts etc)
 3. how much money your organisation is asking for from Waitakere City Council.
- Provide preliminary information on how you will fund the operation of the proposed facility once it is constructed.

8.2 Stage Two Criteria

- The information required at stage two is of a slightly higher level of detail than that required in stage one.

Council will provide organisations which proceed onto stage two with guidance on what is required. The following section provides an overview of the stage two criteria.

1. The extent to which the proposal would support increased community participation in particular leisure or sporting activities.
2. The extent of community support for and involvement in the project.

Tip:

- Provide letters of support from relevant stakeholders, Regional Sports Organisations or National Bodies and / or community groups. For example, the Ministry of education, local businesses, Regional or National Sporting bodies, parents and local residents.

3. The likely community use levels within the facility and the degree to which these levels align with the size of capital grant being sought.

Tip:

- Provide details about the amount of the capital grant being sought from Council, the estimated cost of building (per m²) and the estimated number of users.

4. The potential of the project to resolve existing community facility or capacity building problems.
5. A description of how the group proposes to fund the project, what funding agents have signalled support for the project and the funds the organisation intend to provide.

6. The degree to which partner organisations have shown the ability and willingness to develop and share in a joint vision in a facility (e.g. has the potential partner shown a willingness to enter into a partnership with Council).
7. The extent to which the organisation has demonstrated the ability to develop and then operate the proposed facility.

8.3 Stage Three Criteria

The most detailed level of information on a proposal will be required at stage three.

1. A feasibility study undertaken on a proposed facility should provide an organisation with sufficient information to complete stage three. A basic feasibility study would include:
 - A schedule of spaces (list and size of rooms);
 - A demand analysis for the facility;
 - Demographic analysis;
 - Preliminary costings;
 - A bulk and location plan;
 - A status report on the proponent organisation;
 - Estimated operational costs;
 - Estimated revenue;
 - Estimated timeframe; and
 - Potential capital funding approaches.
2. The extent to which the proposed facility allows for future changes in use or expansion.
3. The level of value for money the proposed facility represents to Council.
4. The track record and health of the potential partners involved in the proposal.
5. The potential partners' own resources and ability to access resources. Those organisations with significant revenue streams, large business operations, the ability to access loan monies or sponsorship assistance will receive lower priority.
6. Stage two criteria can be re-evaluated if additional information is available / required.
7. Evidence of who will be responsible for the on-going maintenance of the asset and how the asset will be maintained. Council will not be responsible for on-going maintenance and repairs for assets.

Note:

- Council will be placing an emphasis on providing evidence of community need and sustainability rather than the actual project.

Council officers will also evaluate proposals at stage three against the following:

- 6 The level of alignment between the potential partners' vision for the facility and Council's vision.
- 7 The degree to which the proposal aligns with Council's strategic planning as outlined in Council Long Term Community Plan.
- 8 The degree to which the proposed facility meets the needs of key community target groups such as youth, Pacific Islanders, Maori and new migrants.
- 9 The likelihood of the proposal proceeding within the Council's preferred timeframe.

Note:

- At Council's discretion further cost benefit or feasibility analysis can be undertaken.
- Council will provide a key account manager to assist groups/organisations at stage three.
- Council will have the right to audit any information related to the project if projects are financially supported by the Council.

9.0 CONTACT DETAILS

The Leisure Facility Partnership Policy is overseen by Waitakere City's Leisure Services Section. The coordinator of the policy is The Leisure Projects and Contracts Officer:

Contact:

The Leisure Projects and Contracts Officer
Ph 836-8000 ext 8558