

commercial sex activities



RULE 1

COMMERCIAL SEX ACTIVITIES

RULES

1.0 General

The following rules shall apply only to *Commercial Sex Activities*

1.1 Limited Discretionary Activities

The following are *Limited Discretionary Activities*:-

- (i) *Commercial Sex Activities* that are located in storeys above the street level in any existing building within the *Community Environment*;
- (ii) *Commercial Sex Activities* on a *site* within the *Working Environment* or *Working (Lincoln) Environment*;
- (iii) New *buildings/premises* and additions over 100m² *gross floor area*, for *Commercial Sex Activities* within the *Community Environment* that are located in storeys above the street level storey and meet the performance standards of Proposed City Wide Rule 2, Site Analysis; and
- (iv) *Commercial Sex Activities* in any new *buildings/premises*, and additions over 100m² *gross floor area*, that are located above the street level storey within the *Community Environment* and that meet the performance standards of Proposed City Wide Rule 3, Building Design - Street Frontage.

Assessment of *Limited Discretionary Activities* applications will be limited to the matters of scale, intensity, location, compatibility with **amenity values** and **neighbourhood character**, **safety**, *screening*, *planting*, *landscaping* and *design*, level of nuisance or offence to ordinary members of the public and cumulative effects and will be considered in accordance with Assessment Criteria 1(a) - 1(i).

1.2 Discretionary Activities

Commercial Sex Activities within the *Community Environment* not meeting the standards in Rule 1.1

Discretionary Activities will be assessed as relevant in accordance with assessment criteria 1(a) - 1(i) and any other relevant matter under Section 104 of the *Act* and Section 15 of the Prostitution Reform Act 2003.

ASSESSMENT CRITERIA

1(a)

The extent to which the character, scale and intensity of the proposed activity is compatible with *amenity values* and *neighbourhood character*.

1(b)

The extent to which the external appearance of premises associated with a *commercial sex activity* respects the architectural character of the streetscape, and prevents the premises becoming a prominent feature in the street.

1(c)

The extent to which *entrances* and *exits* to premises associated with *commercial sex activities* are designed and lit to facilitate the privacy of staff and visitors, without compromising personal **safety** (through avoiding the use of isolated back lanes and poorly lit areas).

1(d)

The extent to which *landscaping* does not obstruct visibility from public areas to entrances and exits, so as to ensure the **safety** of all staff and visitors to the premises.

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 any public place.

1(f)

The extent to which the activity is likely to cause a nuisance or serious offence to ordinary members of the public using the area in which the activity is situated.

1(g)

The extent to which the activity avoids locating in proximity to other existing *commercial sex activities*.

1(h)

The extent to which more than minor *adverse effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

1(i)

The extent to which regard has been given to section 15 of the Prostitution Reform Act 2003.

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1.3 Non-Complying Activities

Commercial Sex Activities to which these rules apply *which are not a Limited Discretionary Activity* or a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

Note: See also Policies: 9.5, 10.3, 10.5, 11.3, 11.11, 11.18, 11.50
(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- Limiting the *height* of *buildings*;
- Altering the design and scale of *buildings* associated with *commercial sex activities*;
- Specifying building materials (exterior cladding) and colour to be used;
- Requiring the provision of *screening* or *planting*;
- Requiring the alteration of entrance *design* or positioning;
- The imposition of a *bond* to ensure satisfaction of conditions of consent;
- Requiring *onsite* or *offsite* works and services to avoid, remedy, mitigate or offset *adverse effects*; and
- Such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in the relevant *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant the *Subdivision Rules*. Relevant rules include all rules of the Community and Working Environments and may include the General Noise Standard Rule 1.7, Sale of Liquor.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

2.0 General

The following rules shall apply only to signs associated with *commercial sex activities* that are not a *Prohibited Activity* under *City Wide Rule, Prohibited Activities Rule 1*.

2.1 Limited Discretionary Activities

The following are *Limited Discretionary Activities*:-

- (a) Signs associated with *commercial sex activities* in the *Community Environment* and the *Working Environment* which:
 - (i) do not protrude above or beyond the outline of a *building* or which are located below the verandah (*canopy*);
 - (ii) which are not flashing or moving; and
 - (ii) which are illuminated only where the sign is not visible from the *Living Environment*, *Bush Living Environment*, *Coastal Villages Environment*, *Countryside Environment*, *Footbills Environment*, *Rural Villages Environment* or *Waitakere Ranges Environment* or any *Special Area*.

Assessment of *Limited Discretionary Activities* applications will be limited to the matters of design, size, scale, appearance, location, compatibility with **amenity values** and **neighbourhood character**, **safety**, level of nuisance or offence and will be considered in accordance with Assessment Criteria 2(a)-2(e)

2.2 Discretionary Activities

Signs associated with *commercial sex activities* within the *Working* and *Community Environments* not meeting the standards in Rule 1.1.

Discretionary Activities will be assessed as relevant in accordance with assessment criteria 2(a)-2(e) and any other relevant matter under Section 104 of the *Act* and Section 15 of the Prostitution Reform Act 2003.

2.3 Non-Complying Activities

Signs associated with *commercial sex activities* to which these rules apply which are not a *Limited Discretionary Activity* or a *Discretionary Activity* under Rules 2.1 and 2.2 above shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

2(a)

The extent to which *signs* are visually appropriate to amenity values and compatible with **neighbourhood character**.

2(b)

The extent to which *signs* create a situation hazardous to the safe movement of traffic.

2(c)

The extent to which *signs* are of a *height* which avoids the *sign* dominating the neighbourhood and/or nearby structures.

2(d)

The extent to which the design, location, size height and appearance of *signs* is likely to cause a nuisance or serious offence to ordinary members of the public using the *area*.

2(e)

The extent to which more than minor *adverse effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

Note: See also Policies: 5.3, 9.5, 10.3, 10.5, 10.20, 10.28, 11.3, 11.11, 11.18, 11.50.

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- altering the size, height, scale and/or location of *signs*;
- Specifying the design and wording of *signs*;
- Requiring the provision of *screening* or *planting*;
- The imposition of a *bond* to ensure satisfaction of conditions of consent;
- Requiring *onsite* or *offsite* works and services to avoid, remedy, mitigate or offset adverse effects; and
- Such other matters provided for in section 108 of the *Act* and section 15 of the Prostitution Reform Act 2003.

RULE 2

COMMERCIAL SEX ACTIVITIES

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

NOTES

1. All signs associated with *commercial sex activities* must comply with Council Bylaw for Signs.
2. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
3. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in the relevant *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
4. Words in *italics* are defined - see the *Definitions* part of the *City-Wide Rules*.
5. Words in **bold** are explained - see the *Explanations* part of the *Introduction to the Rules*.
6. The Council may have a guideline to help interpret this *rule* - check at the Council Offices.
7. For *resource consents* see the *Information Requirements* in the *City-Wide Rules*.

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