

QUEENSTOWN LAKES DISTRICT COUNCIL BROTHEL CONTROL BYLAW 2011

The Queenstown Lakes District Council makes this Bylaw in accordance with the powers contained in the Local Government Act 2002 and the Prostitution Reform Act 2003.

The purpose of this Bylaw is to introduce control measures that are designed to manage the potential impacts of brothels. This Bylaw restricts the establishment of brothels to specific areas of the Queenstown Lakes District and regulates the signage that advertises legally established brothels.

1. Short Title and Commencement

- 1.1 This Bylaw may be cited as “the Queenstown Lakes District Brothel Control Bylaw 2011”.
- 1.2 This Bylaw comes into force 7 days after the first public notice that the Bylaw has been adopted by Council.
- 1.3 On the coming into force of this Bylaw, the Queenstown Lakes District Council Brothel Control Bylaw 2008 is revoked.

Interpretation

In this Bylaw, unless the context otherwise requires:

“*Brothel*” 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.

“*Commercial Sexual Services*” 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).

“*Council*” means the Queenstown Lakes District Council.

“*District*” means the Queenstown Lakes District.

“*Premises*” means any form of building or structure of any kind or nature (whether permanent or not) and includes any aircraft, vessel or vehicle.

“*Prostitution*” means the provision of commercial sexual services.

“*Public place*” includes any place that, is open to or is being used by the public, but including only such private land as is subject to a public access easement and excludes community halls

2. Location of Brothel

- 2.1 Brothels shall only be located within a building constructed under a consent issued pursuant to the Building Act 2004 (or its predecessor) in the Queenstown and Wanaka Town Centre Zones within the areas highlighted on the map contained in Appendix A.
- 2.2 Brothels shall not be located at ground level or beneath ground level on any site.
- 2.3 Brothels shall not be located within 100 metres of any existing brothel (measured vertically or horizontally).

3. Regulation of Signage Advertising a Brothel

Signage placed on or in a brothel, which can be seen from any public space and advertises the business of the brothel, must follow the conditions below:

- (i) The only information displayed shall be the registered name of the business or the name of the person who manages the business,
- (ii) Shall not exceed 0.3 square metres in size.
- (iii) Must comply in all other respects with the QLDC Signage Bylaw 2006

4. Removal of Works in Breach of Bylaw

The Council may:

- (a) Remove or alter any work or thing that is, or has been, constructed in breach of this Bylaw.
- (b) Recover the costs of any such removal or alteration from the person who committed the breach.

TRANSITIONAL REQUIREMENTS

5. Brothels

- 5.1 Any brothel that was operating on the day the Queenstown Lakes District Council Brothel Control Bylaw 2011 comes into force and which:
 - (i) is located within the Town Centre Zones of Queenstown or Wanaka; and
 - (ii) holds any Resource Consent that may be required for the site on which that brothel is located or a certificate of compliance or has existing use rights under the Resource Management Act 1991; and
 - (ii) holds a current certificate issued under Section 35 of the Prostitution Reform Act 2003,
 Is exempt from compliance with the location controls in *Clause 2* of this Bylaw.
- 5.2 For the avoidance of doubt, the controls in *Clause 3* (signs), applied to all brothels from the date on which the Queenstown Lakes District Council Brothel Control Bylaw 2010 comes into force.

6. Offences

- 6.1 Every person who breaches this Bylaw commits an offence.
- 6.2 Every person who commits an offence against this Bylaw is liable on summary conviction to the penalty set out in Section 242(4) of the Local Government Act 2002 being a fine not exceeding \$20,000.

This bylaw is made under the provision of the Local Government Act 2002 and the Prostitution Reform Act 2003 by resolution of the Queenstown Lakes District Council at a meeting of the Council on (date) and publicly notified on (date). It will be reviewed within five years of the day from which the Bylaw is made.

The common seal of the Queenstown Lakes District Council is attached in the presence of:

Mayor: _____

Chief Executive: _____

APPENDIX A – MAP OF AREAS WHERE BROTHELS ARE PERMITTED IN
QUEENSTOWN AND WANAKA



