

WAITAKERE CITY COUNCIL
REVIEW OF WAITAKERE CITY COUNCIL BYLAWS – 2010
FREQUENTLY ASKED QUESTIONS

Q: What is the reason for the proposal – why review bylaws?

A: The bylaws that are the subject of review were largely made under the Local Government Act 1974 and a number were made in 1990, some 20 years ago. Many of these bylaws have become outdated, and need to reflect legislative changes and public expectations.

Q: How are bylaws reviewed?

A: The Local Government Act 2002 includes a procedure that must be followed to make bylaws. This procedure ensures the rationale for having the bylaw is sound and has been used in the review of the Waitakere City Council Bylaws and in the development of the proposed new bylaws included in this proposal.

Q: Is a bylaw the most appropriate way of addressing the issues?

A: Factors influencing this decision include:

- (a) Whether existing legislation give adequate powers to deal with the issues without the need for a bylaw?
- (b) Whether a bylaw the most appropriate way of addressing the perceived problem, or will other mechanisms such as the use of policy or rules achieve the desired outcome?
- (c) Whether the proposed bylaw exceeds the powers vested in territorial authorities?

The Council has considered the reasonableness of making a bylaw and whether other regulatory and non-regulatory initiatives are preferable. It was found that while non-regulatory options (policies, programmes and education campaigns) might support and enhance a bylaw, they could not by themselves satisfactorily control activities that are the subject of the proposed bylaws, and protect, promote and maintain public health and safety. Similarly, national legislation on these particular issues is not designed to address local situations and the concerns of the public of Waitakere. Therefore a bylaw has been determined to be the most effective mechanism for:

- Public places
- Sanitation and hygiene in commercial premises
- Use of roads and parking
- Control of intruder alarm systems
- Urupa (Maori Burial Site)
- General administration.

Q: Why these bylaws?

A: The Council identified a number of bylaws that are either effectively redundant or that have provisions that can be incorporated into new, more comprehensive and relevant bylaws, and draft bylaws have now been developed for:

- Public places
- Sanitation and hygiene in commercial premises
- Use of roads and parking
- Control of intruder alarm systems
- Urupa (Maori Burial Site)
- General administration.

Q: How will the new Auckland Council deal with bylaws made by Waitakere City Council?

A: These bylaws will be enforced by the Auckland Council as if that Council had made them.

Q: Who can make a submission?

A: Anyone can make a submission.

Q: When do submissions close?

A: Submissions close at 5pm 23 July 2010.

Q: What happens next?

A: Once submissions have been received, the Council will determine what changes, if any, need to be made to the bylaws to reflect public submissions. The public will have an opportunity to speak to their submissions at hearings between 9 to 17 August 2010. The Council will then make a final determination at its meeting on 25 August 2010.

Remember – submissions must be in writing and must be received by the Council by **5pm on 23 July 2010.**

Q: Where can I find more information?

A: Information relating to the bylaws can be found at the main libraries of Henderson, New Lynn, Massey and Titirangi, as well as the Council's website (www.waitakere.govt.nz/) and at the Council's offices at 6 Henderson Valley Road, Henderson, or you can telephone the Council's 24 hour call centre (09) 8390400.