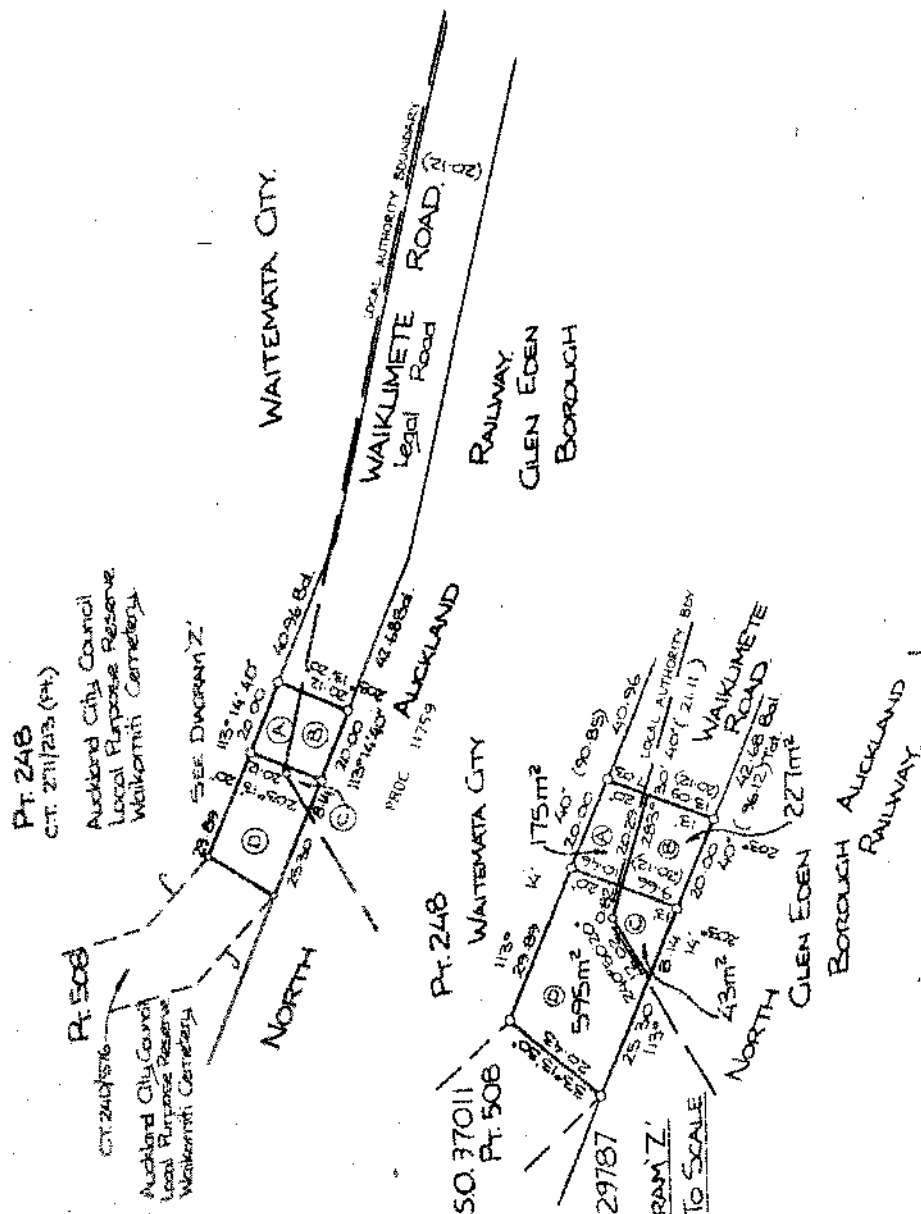


Joins Map 45

A1



WAIKOMITI PARISH

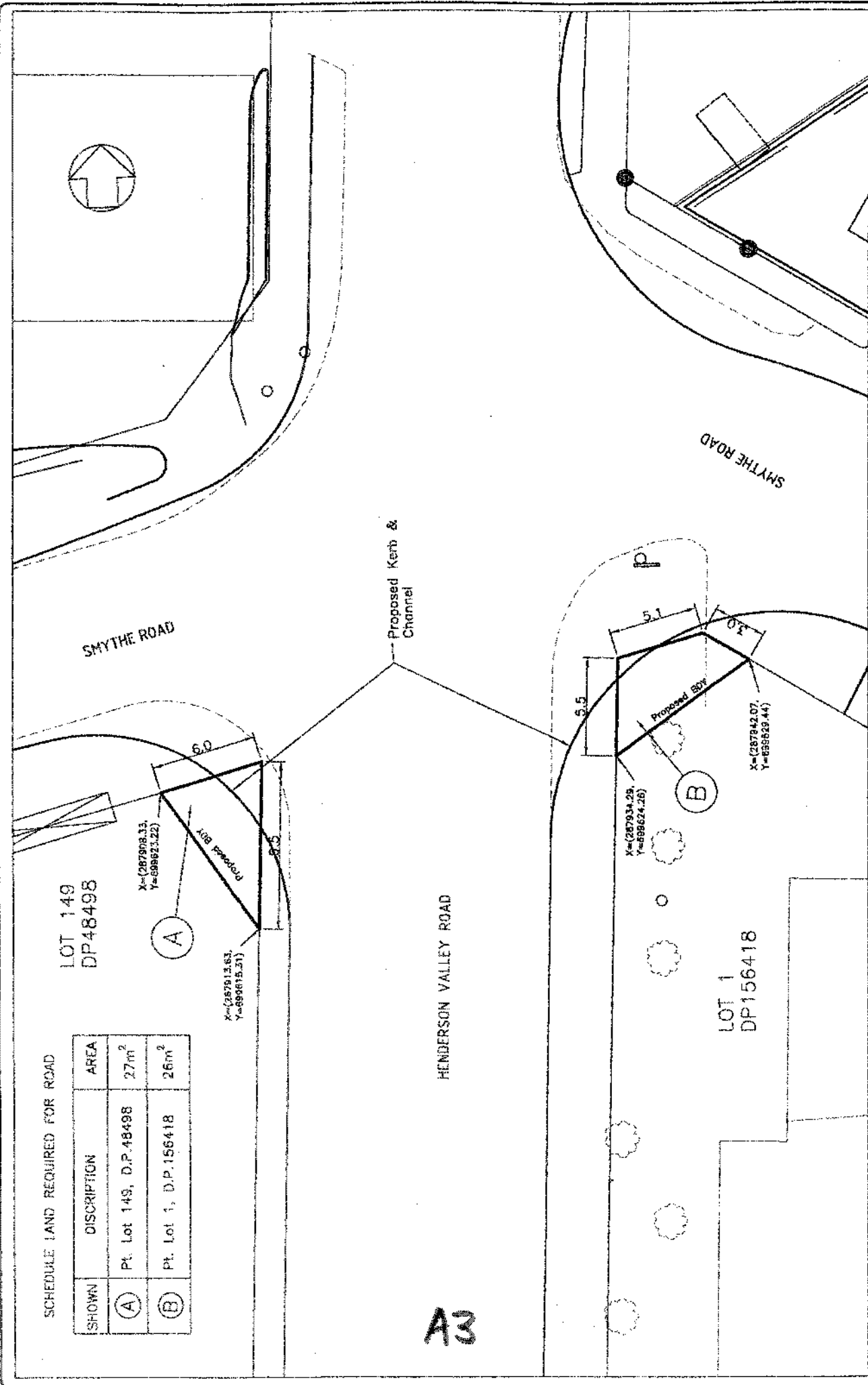


- ROADS SHOWN
1. Public By Proc 11759
 2. Public By Proc 11759
 3. Public By Proc 4381
 4. Proc 11759
- Val 2 F.10

Shown	Adjoining Area	Area
(A)	Pt. Allot 248 Waikomete Parish	175m ²
(B)	North Auckland Railway	227m ²
(C)	North Auckland Railway	43m ²
(D)	Pt. Allot 248 508 Waikomete Parish & North Auckland Railway	595m ²

Total Area 1040m²
Comprised in

DAVID RUSSELL JOHNSTONE, AUCKLAND
Registered Surveyor and holder of an annual practicing certificate
I hereby certify that this plan has been made from surveys executed
by me or under my supervision, that both plan and survey are correct
and have been made in accordance with the regulations under the
Surveyors Act 1976
Dated at AUCKLAND this 27th day of June 1984
Signature: *D. Russell Johnstone*
Field Book: A
Reference Plans: DE 10048, S.O.'s 17126, 17127, 17128, 17129, 17130, 17131, 17132, 17133, 17134, 17135, 17136, 17137, 17138, 17139, 17140, 17141, 17142, 17143, 17144, 17145, 17146, 17147, 17148, 17149, 17150, 17151, 17152, 17153, 17154, 17155, 17156, 17157, 17158, 17159, 17160, 17161, 17162, 17163, 17164, 17165, 17166, 17167, 17168, 17169, 17170, 17171, 17172, 17173, 17174, 17175, 17176, 17177, 17178, 17179, 17180, 17181, 17182, 17183, 17184, 17185, 17186, 17187, 17188, 17189, 17190, 17191, 17192, 17193, 17194, 17195, 17196, 17197, 17198, 17199, 17200, 17201, 17202, 17203, 17204, 17205, 17206, 17207, 17208, 17209, 17210, 17211, 17212, 17213, 17214, 17215, 17216, 17217, 17218, 17219, 17220, 17221, 17222, 17223, 17224, 17225, 17226, 17227, 17228, 17229, 17230, 17231, 17232, 17233, 17234, 17235, 17236, 17237, 17238, 17239, 17240, 17241, 17242, 17243, 17244, 17245, 17246, 17247, 17248, 17249, 17250, 17251, 17252, 17253, 17254, 17255, 17256, 17257, 17258, 17259, 17260, 17261, 17262, 17263, 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SCHEDULE LAND REQUIRED FOR ROAD

SHOWN	DESCRIPTION	AREA
(A)	Pt. Lot 149, D.P. 48498	27m ²
(B)	Pt. Lot 1, D.P. 156418	26m ²

A3

SURVEYED DESIGNED BY: [Name] DRAWN BY: [Name]		DATE Sept. 04 Sept. 04	REGION [Region Name]	SHEET NO. 1 of 1	ORIGINAL SCALE 1:100	SHEET NUMBER S01	CONTRACT NO. N/A	SHEETS 1 of 1	PROJECT NO. A1
WAITAKERE CITY COUNCIL WAITAKERE CENTRAL HENDERSON VALLEY ROAD / SMYTHE ROAD - SIGNALISED INTERSECTION PROPOSED LAND TAKE PLAN									

LOCAL GOVERNMENT ACT 2002

Part 8: Regulatory, enforcement, and coercive powers of local authorities

Subpart 1: Powers of local authorities to make bylaws

Review of bylaws

158 Review of bylaws

- (1) A local authority must review its bylaws in accordance with this section.
- (2) Bylaws continued by section 293 must be reviewed within 5 years after the date of commencement of this section, unless they cease to have effect before a review would otherwise be required.
- (3) Bylaws made under this Act (other than those continued by section 293) must be reviewed within 5 years after the date on which they are made.
- (4) However, once a bylaw has been reviewed under this section, the next review must be carried out within 10 years after the date of the last review of the bylaw under this section.

159 Procedure for and nature of review

The review of a bylaw under section 158 must take the form of a reconsideration of the matters set out in section 155, using the special consultative procedure set out in section 83.

160 Expiry of bylaws

A bylaw that has not been reviewed in accordance with section 158 ceases to have effect 2 years after the date on which that bylaw was required to be reviewed under that section.

LOCAL GOVERNMENT ACT 2002

Part 8: Regulatory, enforcement, and coercive powers of local authorities

Subpart 1: Powers of local authorities to make bylaws

143 Outline of Part

This Part provides the powers necessary for local authorities—

- (a) to make bylaws;
- (b) in relation to enforcement,—
 - (i) to enforce all regulatory measures made under this Act, including bylaws and infringement offences; and
 - (ii) to undertake, or contract out the administration of, those enforcement powers:
- (c) to undertake certain activities on, or in relation to, private land, including powers in relation to owners and occupiers, and powers to recover for damage to certain local authority property caused wilfully or negligently;
- (d) to undertake activities in relation to water services, including discharge of sewage and trade wastes;
- (e) to require development contributions;
- (f) to apply for and enforce removal orders.

144 Bylaws Act 1910

The Bylaws Act 1910 prevails over this Part and Part 9.

Powers of territorial authorities to make bylaws

145 General bylaw-making power for territorial authorities

A territorial authority may make bylaws for its district for 1 or more of the following purposes:

- (a) protecting the public from nuisance;
- (b) protecting, promoting, and maintaining public health and safety;
- (c) minimising the potential for offensive behaviour in public places.

146 Specific bylaw-making powers of territorial authorities

Without limiting section 145, a territorial authority may make bylaws for its district for the purposes:

- (a) of regulating one or more of the following:
 - (i) on-site wastewater disposal systems;
 - (ii) waste management;
 - (iii) trade wastes;
 - (iv) solid wastes;
 - (v) keeping of animals, bees, and poultry;
 - (vi) trading in public places:
- (b) of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with one or more of the following:
 - (i) water races;
 - (ii) water supply;
 - (iii) wastewater, drainage, and sanitation;
 - (iv) land drainage;
 - (v) cemeteries;
 - (vi) reserves, recreation grounds, or other land under the control of the territorial authority;
- (c) subject to sections 20 to 22 of the Forest and Rural Fires Act 1977, of preventing the spread of fires involving vegetation.

147 Power to make bylaws for liquor control purposes

(1) In this section,—

Liquor has the meaning given to it in the Sale of Liquor Act 1989

Public Place—

- (a) means a place—
 - (i) that is under the control of the territorial authority; and
 - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and

- (b) includes—
 - (i) a road, whether or not the road is under the control of a territorial authority; and
 - (ii) any part of a public place.
- (2) Without limiting section 145, a territorial authority may make bylaws for its district for the purpose of prohibiting or otherwise regulating or controlling, either generally or for 1 or more specified periods,—
 - (a) the consumption of liquor in a public place;
 - (b) the bringing of liquor into a public place;
 - (c) the possession of liquor in a public place;
 - (d) in conjunction with a prohibition relating to liquor under paragraphs (a) to (c), the presence or use of a vehicle in a public place.
- (3) A bylaw made under this section does not prohibit, in the case of liquor in an unopened bottle or other unopened container,—
 - (a) the transport of that liquor from premises that adjoin a public place during any period when, under the Sale of Liquor Act 1989, it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the public place;
 - (b) the transport of that liquor from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989;
 - (c) the transport of that liquor from outside a public place to premises that adjoin a public place—
 - (i) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - (ii) from those premises to a place outside the public place by a resident of those premises, provided the liquor is promptly removed from the public place.

148 Special requirements for bylaws relating to trade wastes

- (1) Before making bylaws under section 146(a)(iii), a territorial authority must send a copy of the proposed bylaws to the Minister of Health for his or her comments.
- (2) Before sending proposed bylaws to the Minister of Health under subsection (1), the territorial authority must, at least 2 months before the making of the bylaws, give public notice of its intention to make the bylaws, stating—
 - (a) the trade wastes to which the bylaws will relate; and
 - (b) that copies of the draft bylaws may be inspected free of charge at the place specified in the notice and may be obtained on payment of the charge specified in the notice; and
 - (c) that the territorial authority is prepared to receive and consider any representation about the bylaws made to it in writing by, or on behalf of, owners or occupiers of trade premises within its district at the time specified in the notice, being not less than 2 months after publication of the notice.
- (3) Before making the bylaws, the territorial authority must consider any representation received in accordance with the notice given under subsection (2).
- (4) The territorial authority must, before making the bylaws, consult any body of persons the Minister of Health specifies to the territorial authority as being representative of—
 - (a) the interests of the owners or occupiers of trade premises in the district of the territorial authority; or
 - (b) any class of those owners or occupiers.
- (5) A territorial authority—
 - (a) must enter on a register the name and postal address of an owner or occupier of trade premises who serves on the territorial authority a written request for registration; and
 - (b) must ensure that a copy of a notice required under subsection (2) is sent to the persons registered under paragraph (a); and
 - (c) may remove from the register the name of a person who has ceased to be the owner or occupier of trade premises within its district, or who has requested the local authority in writing to remove his or her name from the register.

- (6) Nothing in this section limits the provisions of the Health Act 1956 or the Resource Management Act 1991.

Power of regional councils to make bylaws

149 Power of regional councils to make bylaws

- (1) A regional council may make bylaws in relation to the following matters:
- (a) forests that the regional council owns or controls, whether or not the forest is within the region of the regional council;
 - (b) parks, reserves, recreation grounds, or other land that the regional council owns or controls;
 - (c) flood protection and flood control works undertaken by, or on behalf of, the regional council;
 - (d) water supply works undertaken by, or on behalf of, the regional council.
- (2) Without limiting the generality of subsection (1), bylaws may be made in relation to the matters listed in subsection (1) for the purpose of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of,—
- (a) the real and personal property owned or controlled by the regional council; and
 - (b) sites or places on land of the regional council that have cultural, historical, recreational, scientific, or other community or amenity values.

LOCAL GOVERNMENT ACT 2002

Part 8: Regulatory, enforcement, and coercive powers of local authorities

Subpart 1: Powers of local authorities to make bylaws

Procedure for making bylaws

155 Determination whether bylaw is appropriate

- (1) A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.
- (2) If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw—
 - (a) is the most appropriate form of bylaw; and
 - (b) gives rise to any implications under the New Zealand Bill of Rights Act 1990.
- (3) No bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 4 of that Act.

156 Special consultative procedure must be used except in certain cases

- (1) Except as provided in subsection (2), a local authority must follow the special consultative procedure set out in section 83 when making a bylaw.
- (2) A local authority may, by resolution publicly notified, amend a bylaw—
 - (a) by making editorial changes or amendments of minor effect;
 - (b) by converting an Imperial weight or measure specified in a bylaw into its metric equivalent or near metric equivalent.

LOCAL GOVERNMENT ACT 2002

Schedule 7 LOCAL AUTHORITIES AND COMMUNITY BOARDS, AND THEIR MEMBERS

Part 1 Provisions relating to local authorities and their members

Delegations

32 Delegations

- (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—
 - (a) the power to make a rate; or
 - (b) the power to make a bylaw; or
 - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or
 - (d) the power to adopt a long-term council community plan, annual plan, or annual report; or
 - (e) the power to appoint a chief executive; or
 - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term council community plan or developed for the purpose of the local governance statement; or
 - (g) the power to warrant enforcement officers.
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the delegation.
- (4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.
- (5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.
- (6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.
- (7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.
- (8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.

WAITAKERE CITY COUNCIL BYLAW REVIEW WORK PROGRAMME

Bylaws protecting the public from nuisance	Enforcement action taken	05	06	Repeal
No.4 Ch.6 - Removal of Refuse, Baling and Disposal	0	√		
No.4 Ch.7 - Water Supply	0	√		
No.4 Ch.9 - Scaffolding & Deposit of Building Materials		√		
No.4 Ch.11 - Nuisances	466	√		
No.4 Ch.13 - The Keeping of Animals, Poultry and Bees			√	
No.18 (1990) - Cemeteries and Crematoria			√	
No.27 (1995) - Spray Paint Cans	0	√		
No.28 (1996) - Urupa (Maori Burial Site)			√	
No.29 (2004) - The Control of Dogs	500		√	
No.30 (1999) - Refuse Placement and Collection	100	√		
Control of Liquor in Public Places Bylaw 2003			√	
Bylaws for public health and safety				
- Building Bylaw 1990(temporary residences)	6	√		
No.4 Ch.20 - Control of Noise	100	√		
No.6 (1990) - Fire Prevention	500		√	
No.8 (1990) - Barbed Wire Fences	0		√	
No.9 (1990) - Beaches and Waters	30		√	
No.10 (1990) - Restriction on the use of Jaw Traps	0		√	
No.13 (1990) - West Harbour Marina	0		√	
No.15 (1990) - Dangerous Goods Approvals and Fees		√		√
No.19 (1990) - Septic Tanks and Disposal Systems	12	√		
No.20 (1990) - Amusement Galleries	1	√		
No.21 (1990) - Hazardous Substances		√		√
No.23 (1990) - Clean Indoor Air (smoking)	0	√		√
No.24 (1991) - Construction Noise		√		√
No.25 (1991) - Radio Frequency Radiation (old NZ stds)	0	√		√
No.26 (1994) - Food Safety	2	√		
No.31 (1999) - Hygienic Operation of Massage Facilities	0	√		
No.32 (2002) - Health Protection - Skin Piercing	0		√	
Bylaws for maintenance of public order				
No.1 (1990) - Upper Harbour Bridge	0		√	
No.2 (1990) - Waitakere Scenic Drive	0		√	
No.4 Ch.2 - Public Places	6	√		
No.4 Ch.4 - Mobile or travelling Shops and Hawkers	12	√		
No.4 Ch.16 - Public Swimming Pools		√		
No.4 Ch.17 - Parks and Reserves	500	√		
No.7 (1991) - Traffic	0		√	
No.22 (1990) - Use of Public Roads	770		√	
Miscellaneous (not fitting above classifications)				
No.4 Ch.15 - Public Libraries	0		√	
Redundant				
No.3 (1990) - Land Subdivision & Development		√		√
No.12 (1990) - Certification fee for documents (subdivision)		√		√
No.16 (1990) - Fencing of Swimming Pools		√		√

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