

An early attempt to get long-term protection for the Waitakere. It failed because a private member could not introduce such a bill; the AR or WCC would have had to sponsor it. Since both supported the tip this was not likely to happen.

With the Compliments  
of  
J. L. HUNT, M.P.  
NEW LYNN

Mr Hunt

## AUCKLAND REGIONAL AUTHORITY AMENDMENT BILL

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### A BILL INTITLED

#### An Act to amend the Auckland Regional Authority Act 1963

WHEREAS the land described in the Schedule to this Act is scenically attractive and geographically forms part of the  
5 unique area near Auckland known as the Waitakere Ranges and should not be divided therefrom or used in any manner inconsistent with the preservation of the area as it exists: And  
whereas the said land is a valuable and attractive recreational  
area for the greater Auckland metropolitan area: And where-  
10 as the said area contains scarce and interesting stands of regenerating kauris, kawakawa, puriri, rimu, totara, tawa, and rewarewa trees: And whereas the swamp in the said area contains a large number of botanically interesting native and  
15 naturalised plants: And whereas the swamp contains notable birdlife:

No. 75—1

Price 5c



2      *Auckland Regional Authority Amendment*

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title and commencement—**(1) This Act may be cited as the Auckland Regional Authority Amendment Act 1973, and shall be read together with and deemed part of the Auckland Regional Authority Act 1963 (hereinafter referred to as the principal Act). 5

(2) This Act shall come into force on the 8th day of August 1973. 10

**2. Principal Act amended—**The principal Act is hereby amended by inserting, after section 44, the following sections:

**“44A. Interpretation—**In sections 44B to 44K of this Act, unless the context otherwise requires,—

“‘Appeal board’ means the Town and Country Planning Appeal Board as constituted under the Town and Country Planning Act 1953: 15

“‘The area’ means all that area of land as described in the Schedule to this Act:

“‘Authority’ means the Auckland Regional Authority as constituted under the principal Act: 20

“‘Cottage industry’ or ‘Cultural activity’ means any activity whether carried on for profit or not, which results in the production in a dwelling which is occupied as a home by at least one person engaged in the activity, of paintings, pottery or any other hand-crafted product of artistic merit: 25

“‘Cultural purposes’ means the purposes of production of any of the goods listed above:

“‘The principal Act’ means the Auckland Regional Authority Act 1963. 30

**“44B. Authority to administer certain land as a controlled development area—**There shall be administered as a controlled development area by the Auckland Regional Authority (hereinafter referred to as the “Authority”) in the manner set out in section 44C to 44K of this Act, an area in and around the Waitakere Stream catchment area near Bethells Beach, more particularly defined in the Schedule to this Act. 35



“44c. **Certain activities prohibited**—It shall be prohibited on any part of the area defined in the Schedule to this Act to carry on any of the following activities:

- 5 “(a) Any industrial or related activity, provided that it shall not be prohibited to carry on any ‘cottage industry’ or cultural activity in a dwelling in the said area, where that dwelling is occupied as a dwelling by one or more of the persons engaged in the activity, and also where the activity is permitted  
10 under any operative District or Regional Town Planning Scheme or does not contravene the bylaws of any local body having jurisdiction in the area;
- 15 “(b) Any activity which destroys or significantly and detrimentally alters the form or contours of the land in the area; or
- 20 “(c) The depositing or processing of refuse or rubbish, whether organic or inorganic or of any description whatsoever in any manner whatsoever; provided that this paragraph shall not prohibit the installation or operation of domestic units for the disposal of household sewage or refuse; or
- 25 “(d) The destruction or damaging of any live indigenous trees with a trunk measuring 20 inches in circumference or greater—at its widest point—or any tree having a height of 15 feet or more; or
- 30 “(e) The clearing of scrub or bush;  
“Provided that where the clearance of the vegetation specified in paragraphs (d) and (e) of this section is required for any farming, cropping, or housing activities or because the vegetation is in an unsafe or dangerous condition, approval may be granted by the Authority in accordance with and in the manner set out in sections 44D and 44E of this Act; or
- 35 “(f) Any activity which causes or results in the pollution or obstruction of natural streams, lakes, lagoons, swamp water, or underground water; or
- 40 “(g) Any activity which kills or may kill any flora or fauna in and about the swamp in the area unless the activity is in the best ecological interests of the said swamp;



“(h) Quarrying, or the winning or mining of minerals as defined by the Mining Act 1971, provided however that existing quarrying operations on any part of the land may be continued until the expiration of any legal rights held on the 1st day of July 1973, so long as such quarrying or mining operations result in landforms compatible with the environment of the said area, both in respect of contours and vegetation. 5

“44D. Permitted land uses—(1) The registered proprietor or occupier of any piece of land within the area of land defined in the Schedule to this Act may erect upon his land not more than one residential building excluding buildings which are purely accessory thereto and do not contain sleeping accommodation; Provided that more than one residence may be erected on any one piece of land if the second and subsequent residences be for farming, educational, charitable, religious, or cultural purposes; and provided also that any buildings as aforesaid shall be erected in accordance with the District or Regional Town Planning Scheme and bylaws of any local body for the time being in force in the area. 10 15 20

“(2) Whenever a local body having jurisdiction in the area defined in the Schedule to this Act receives an application for a permit to erect, place, repair, modify, or extend any structure, in, on, or over any land in any manner which is not prohibited by this Act, or whenever a local body receives an application to undertake any activity in, on, or over any land in any manner which is prohibited by this Act, the local body shall forward to the Authority a copy of any written application made or shall inform the Authority of any verbal application together with the recommendation of the local body. 25 30

“(3) The Authority upon receipt of any application or advice of application forwarded to it under subsection (2) of this section, may approve, or approve subject to conditions, or not approve the proposals. 35

“(4) No application referred to in subsection (2) of this section shall be granted by the local body concerned before the Authority has made known its decision on the proposal and no such application shall be granted save in accordance with the Authority's decision. 40

“(5) Any person adversely affected by any decision of the Authority in respect of an application considered under the subsection (3) of this section may appeal against that decision to the Town and Country Planning Appeal Board as con- 45



stituted under the Town and Country Planning Act 1953 and in the manner prescribed by that Act and the regulations made under it.

- “44E. **Procedures upon receipt of application**—(1) In  
5 arriving at a decision as required by section 44c of this Act, the Authority, or any applicant, or any person or body entitled to object shall follow the procedures laid down in section 35 (3), (4), and (5) of the Town and Country Planning Act 1953 in respect of applications for consents to Specified  
10 Departures from District Schemes, except that the word ‘Authority’ shall be read for ‘Council’ and except that there shall be added to the list of persons in sections 35 (3) entitled to object, ‘every organisation or society of persons engaged in any profession, calling, or business, or of persons associated  
15 for any other purpose of public benefit or utility’.

- “(2) In arriving at the decision the Authority, any applicant, or any person or body entitled to object, shall also follow the procedures required in respect of Town and Country Planning applications laid down in subparagraph (2) to (11)  
20 inclusive of regulation 32 of the Town and Country Planning Regulations 1960 except that the word ‘Authority’ shall be read for ‘Council’.

- “44F. **Appeals**—Appeals to the Town and Country Planning Appeal Board shall be made in the same manner as  
25 appeals under the Town and Country Planning Act 1953.

- “44G. **Authority to be a local authority**—In respect of the area defined in the Schedule to this Act the Authority shall in relation to any local body having jurisdiction in the area, be deemed for the purposes of the Town and Country Planning  
30 Act 1953 to be a local authority.

- “44H. **Offences**—(1) Any person or body which commits any act prohibited by sections 44A to 44J of this Act, or commits any act or makes any omission not in conformity with any procedure specified in those sections, commits an offence and,  
35 if the offender be a body corporate, shall be liable on summary conviction to a fine not exceeding \$5,000 and if the offence is a continuing one to a further fine not exceeding \$50 for every day or part of a day during which the offence continues; and if the offender be an individual, shall be liable  
40 on summary conviction to a fine not exceeding \$500 and if the offence is a continuing one to a further fine not exceeding \$10 for every day or part of a day during which the offence continues.



“(2) In respect of a continuing offence, whether or not a conviction has been entered in respect thereof, the Authority or any other person or body affected in his or its ownership of land in the said area or in his or its enjoyment of the said area may apply to the Supreme Court for an injunction to restrain the continuance of the offence. 5

“44I. **Authority may acquire land**—(1) The Authority may, for the better carrying out of the objects of sections 44A to 44K of this Act, purchase, lease, or otherwise acquire land to be held by it or by trustees on its behalf, and may improve such land as it sees fit so long as such improvement does not contravene any of the provisions of sections 44A to 44K inclusive of this Act. 10

“44J. **Authority may contract**—The Authority may make such contracts as it considers necessary for the exercise of its powers and for the performance of its duties under this Act. 15

“44K. **Crown bound**—Sections 44A to 44H inclusive of this Act, shall bind the Crown.”

**3. Assessments**—The principal Act is hereby further amended by adding to subsection (2) of section 61 of the following subparagraph: 20

“(k) The exercise by the Authority of the powers conferred on it by sections 44A to 44K inclusive, of this Act.” 25

**4. Schedule**—The principal Act is hereby amended by inserting at the end of the Act the Schedule contained in the Schedule to this Act. 25



## SCHEDULE

(a) All the land comprised and described in the following Deposited Plans in the Auckland Land Registry Office:

280	1752	3912	9229
10692	12017	20408	20522
21141	24156	24975	25123
25314	25517	25545	27625
27788	28679	28700	29136
29401	30669	30683	31213
31544	31841	31842	31880
32124	32857	33384	34023
34474	35056	39191	39693
40072	40557	40739	40874
41021	42223	42525	43055
43157	43426	43570	43669
44433	44489	44978	45364
50231	52776	52977	53154
53773	54742	55821	57120
57603	57923	57924	58361
58362	58486	58776	58785
58978	59176	59260	59299
59881	60226	60708	60745
60776	60895	61386	61735
61886	62013	62046	62047
62657	62860	62899	63456
63699	63767	64226	64383
64388	64489	66025	66313
68584			

(b) The land comprised and described in the following certificates of title in the Auckland Land Registry Office:

Residue certificate of title, Vol. 35, folio 264.  
 Residue certificate of title, Vol. 35, folio 265.  
 All certificate of title, Vol. 69, folio 207.  
 All certificate of title Vol. 153, folio 180.  
 All certificate of title, Vol. 242, folio 84.  
 All certificate of title, Vol. 243, folio 75.  
 All certificate of title, Vol. 282, folio 122.  
 Residue certificate of title, Vol. 516, folio 11.  
 All certificate of title, Vol. 516, folio 20.  
 All certificate of title, Vol. 516, folio 115.  
 All certificate of title, Vol. 590, folio 305.  
 All certificate of title, Vol. 628, folio 173.  
 All certificate of title, Vol. 704, folio 56.  
 All certificate of title, Vol. 734, folio 73.  
 All certificate of title, Vol. 753, folio 203.  
 All certificate of title, Vol. 757, folio 292.  
 All certificate of title, Vol. 757, folio 293.  
 All certificate of title, Vol. 758, folio 121.  
 Residue certificate of title, Vol. 758, folio 159.  
 All certificate of title, Vol. 768, folio 124.



SCHEDULE—*continued*

All certificate of title, Vol. 768, folio 126.  
 All certificate of title, Vol. 768, folio 127.  
 Residue certificate of title, Vol. 768, folio 146.  
 Residue certificate of title, Vol. 768, folio 199.  
 All certificate of title, Vol. 768, folio 215.  
 All certificate of title, Vol. 769, folio 70.  
 All certificate of title, Vol. 769, folio 169.  
 All certificate of title, Vol. 769, folio 170.  
 All certificate of title, Vol. 807, folio 198.  
 All certificate of title, Vol. 810, folio 173.  
 All certificate of title, Vol. 885, folio 278.  
 All certificate of title, Vol. 985, folio 120.  
 All certificate of title, Vol. 1066, folio 63.  
 Residue certificate of title, Vol. 1815, folio 43.  
 Residue certificate of title, Vol. 1815, folio 44.  
 All certificate of title, Vol. 1815, folio 45.  
 Residue certificate of title, Vol. No. 2c, folio 836.  
 Residue certificate of title, Vol. 36, folio 765.  
 All certificate of title, Vol. 5B, folio 855.  
 All certificate of title, Vol. 5D, folio 952.  
 Residue certificate of title, Vol. 6B, folio 653.  
 All certificate of title, Vol. 7C, folio 34.  
 All certificate of title, Vol. 12B, folio 723.  
 All certificate of title, Vol. 17D, folio 805.  
 All certificate of title, Vol. 17D, folio 806.  
 All certificate of title, Vol. 18B, folio 1072.  
 All certificate of title, Vol. 19A, folio 673.  
 All certificate of title, Vol. 19D, folio 361.  
 All certificate of title, Vol. 19D, folio 362.  
 All certificate of title, Vol. 20C, folio 563.  
 All certificate of title, Vol. 20C, folio 1359.  
 All certificate of title, Vol. 21D, folio 457.  
 All certificate of title, Vol. 22D, folio 69.  
 All certificate of title, Vol. 26A, folio 224.  
 All certificate of title, Vol. 26A, folio 234.  
 All certificate of title, Vol. 26A, folio 235.

(c) The land in Deeds Plan 1240 held in the Auckland Land Registry Office:

Provided that any portion or portions of the above-described pieces of land coming within the boundaries of the land known as the Auckland Centennial Memorial Park shall not be part of the area.