

Request to Stop Part of the Hooper Avenue Accessway, Pukekohe

Glossary

Auckland Council	(AC)
Auckland Transport	(AT)
Franklin District Council	(FDC)
Local Government Act 1974	(LGA)
Local Government (Auckland Council) Act 2009	(LGACA)
Land Information New Zealand	(LINZ)

Executive Summary

This report seeks approval to commence the road stopping process under the LGA of an area of 65 square metres of legal road (accessway) known as the Hooper Avenue accessway linking Hooper Avenue with Montgomery Avenue, Pukekohe.

- AC has requested AT to stop an area of 65 square metres of legal road which currently forms part of the accessway between Hooper Avenue and Montgomery Avenue, Pukekohe
- AC considers the closure of the accessway will prevent antisocial behaviour and criminal activity which occurs within the accessway
- The land was originally vested as road (accessway) via subdivision in 1984
- The accessway consists of two land parcels being Local Purpose (Accessway) Reserve managed by AC and legal road under the management and control of AT
- A “road stopping” is required to remove the legal status of road for that part of the accessway at the Hooper Road end and will be effected under the LGA following Board approval.

Recommendations

It is recommended that the Board:

- i). Receive the report
- ii). Approves the commencement of the road stopping process under section 342(1) and the Tenth Schedule of the Local Government Act 1974 of that part of the accessway with the status of legal road shown as Lot 24 DP 96388 comprising 65 square metres for disposal to adjoining owners subject to all costs being met by Auckland Council.

Strategic Context

Closure of the accessway and disposal of the land to adjoining owners will prevent the on-going antisocial behaviour and criminal activities which occur regularly within the accessway.

The New Zealand Police support closure of the accessway.

Background

FDC at its meeting of August 2010 passed a resolution (2010/8/23) to close the accessway between Hooper Avenue and Montgomery Avenue, Pukekohe.

The accessway is considered to be poorly designed, with a dog-leg in the middle which prevents a line of sight from one end to the other. The accessway has failed a Crime Prevention Through Environmental Design (CPTED) audit and is considered a risk to public safety. There is a long history of antisocial behaviour associated with the accessway and its closure is supported by the Police and many local residents.

The accessway is contained in two land parcels, being Lot 1 DP 113049 and Lot 24 DP 98388 (see Attachment 1). FDC resolution 2010/8/23 approved closure of the Hooper Avenue accessway for public use pursuant to the statutory process set out in the Reserves Act 1977.

However, this is only applicable to that part of the accessway described as Lot 1 DP 113049 which was declared Local Purpose Reserve (Accessway) by Gazette 1989 page 2837.

The other part of the walkway described as Lot 24 DP 98388 has a status of legal road and was vested as accessway on deposit of DP 98388 in February 1984. A road stopping under s342 and Schedule 10 of the LGA 1974 is the appropriate statutory process to use for closure of this part of the walkway.

AT departments comprising Road Corridor Operations, Road Corridor Maintenance, Road Corridor Access, Strategy and Planning and Asset Management Planning and Policy and Community Transport have confirmed that the 65 square metre area of legal road (accessway) can be stopped and disposed of to adjoining owners without adversely impacting on the road and that AT has no future use for this piece of land.

Consultation with external parties was carried out under FDC's consultation policy and completed pre 1 November 2010.

Legislation

Under s46 (1)(c) LGACA, AT has the same powers and functions of a Council under Part 21 of the Local Government Act 1974 including the power to stop a road under section 342 and the Tenth Schedule of the Local Government Act 1974.

Next Steps

Following AT Board approval for the stopping of the legal road (accessway) the public notification process required under the Tenth Schedule of the Local Government Act 1974 will commence.

The road stopping will be publicly notified through advertisements in the New Zealand Herald and the Franklin County News.

If no objections are received to the proposed road stopping, the area will be stopped and disposed of to the adjoining landowners.

Costs

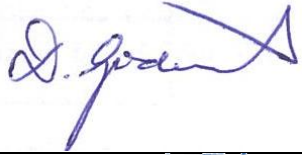

Following the road stopping the adjoining landowner is to purchase the land which has been valued at \$1000 (inclusive of GST) as at 15 December 2010.

AC is to cover costs associated with processing the road stopping.

These costs include survey, public advertising, legal and LINZ fees and in the event of the matter proceeding to the Environment Court, all legal costs.

Attachment

Attachment 1 – Aerial Plan Showing Accessway

WRITTEN by	Deborah Godinet Manager Property	
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APPROVED FOR SUBMISSION by	David Warburton Chief Executive	