

Request from Henderson Massey Local Board to Stop Part of Catherine Mall, Henderson

Glossary

Auckland Council	(AC)
Auckland Transport	(AT)
Henderson Massey Local Board	(HMLB)
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 an LGA road stopping process for an area of 953 square metres of unformed legal road known as Catherine Mall, Great North Road, Henderson (Attachments 1 and 2) to allow the Mall to transfer to the management and control of AC.

- This responds to a request from the Henderson Massey Local Board (Attachment 3).
- HMLB considers this will enable better management of antisocial behaviour in the Mall entrance.
- The HMLB has agreed to pay the costs of the road stopping

AT departments have confirmed that the area can be stopped without adverse impact on the road network or future plans

Recommendation

It is recommended that the Board:

- Receive this report
- Approves the commencement of the road stopping process under section 342(1) and the Tenth Schedule of the Local Government Act 1974 of the unformed area of Catherine Mall, Great North Road, Henderson shown as Section 1 on SO 453410 being 953 square metres.
- Notes that all costs will be met by the Henderson Massey Local Board

Strategic Context

The area is not deemed strategic to AT's road network.

Background

The HMLB has concerns regarding public safety in the Mall. The legal road status of the Mall prevents the issue and enforcement of trespass notices.

AC supports the proposed road stopping and accepts that once stopped the Mall will revert to their responsibility. AC will re-zone the Mall as Open Space through the Unitary Plan to reflect its current and future use.

AT departments (Road Corridor Operations, Road Corridor Maintenance, Road Corridor Access, Strategy and Planning and Asset Management Planning and Policy) have confirmed that the Mall can be stopped and management transferred to AC without adversely impacting on the road and that AT has no future use for this piece of land.

Legislation

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

Next Steps/ Key Issues

Following AT Board approval the public notification process required under the Tenth Schedule of the LGA will commence.

If no objections are received the area will be stopped and transferred to AC to manage.

Costs

The HMLB have undertaken to pay the costs involved in carrying out the road stopping from discretionary funding.

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

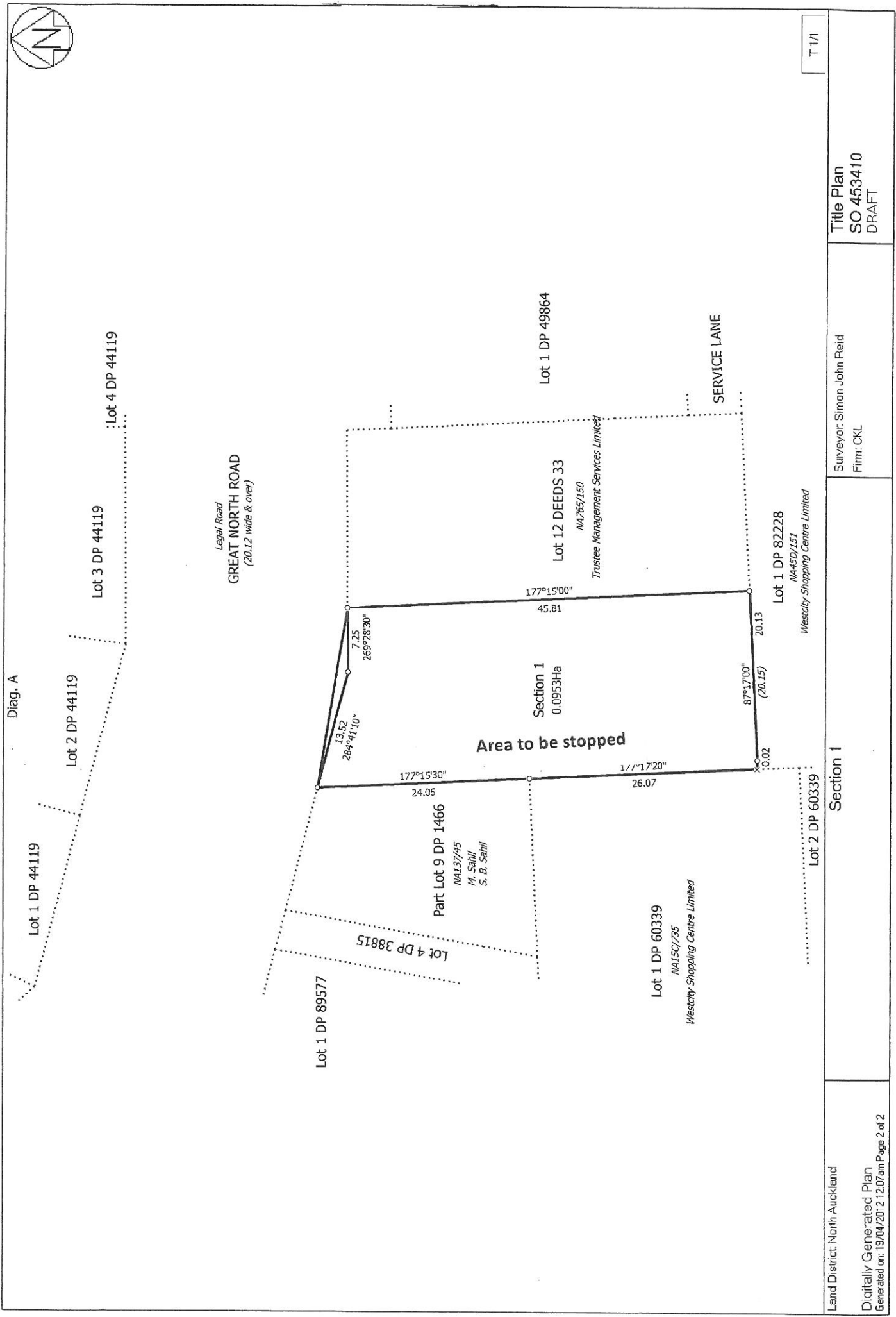
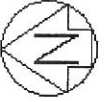
Attachments

Attachment 1 – Survey Office Plan

Attachment 2 – Aerial Plan

Attachment 3 – Massey Henderson Local Board letter of request to AT

WRITTEN BY	Deborah Godinet Manager Property	
RECOMMENDED by	Dave Foster Chief Financial Officer	
APPROVED FOR SUBMISSION by	David Warburton Chief Executive	



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ATTACHMENT 2

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6 December 2011

The Chief Executive
Auckland Transport
Private Bag 92250
AUCKLAND 1142

Att: David Warburton

Dear Mr Warburton

Further to resolution HM/2011/114 (attached) the Henderson Massey Local Board requests Auckland Transport instigate the process to close that part of Catherine Street, Henderson between Westfield Mall and Great North Road (Catherine Mall) under Schedule 10 of the Local Government Act 1974.

There has been persistent and serious antisocial behaviour for a number of years at Catherine Mall, Henderson. Despite the efforts of the New Zealand Police and numerous Crime Prevention through Environmental Design initiatives criminal and antisocial behaviour in Catherine Plaza continues to be a problem.

The New Zealand Police advise that one barrier to the moderation of behaviour in Catherine Mall is that its status as a road prevents the enforcement of trespass notices.

The Board therefore supports the stopping of the road underlying Catherine Mall and its rezoning to open space (in Auckland Council's new Unitary Plan) as this reflects the current and future use of Catherine Mall and will enable antisocial behaviour in Catherine Mall to be better policed.

Please contact Linda Smith, Local Board Advisor, Auckland Council (440-7195 or 3010101 extn 40-8145) if you have any queries.

Yours faithfully



Vanessa Neeson, JP
CHAIRMAN - HENDERSON-MASSEY LOCAL BOARD

cc: *Owena Schuster,*
Michael Riley
Richard Mann,
Dean Thompson
Deborah Godinet
