

31 May 2021



Response - Official Information Request

I refer to your request for information received on 04/05/2021. Your request has been considered under the Local Government Official Information and Meetings Act 1987 (LGOIMA) and I provide the following information.

When did the Levin Mall carpark become Council property, and has the Council authority to infringe vehicles within the Levin Mall carpark?

Please find attached a document detailing the land parcels that make up the Levin Mall Carpark and their respective date of purchase.

The Levin Mall Carpark is therefore a public place, and meets the definition of a road under Section 2 of the Land Transport Act 1998.

Council's Parking Officers are warranted under the Land Transport Act 1998 as Parking Wardens, and under Section 128E 1(A), may enforce the provisions of any stationary vehicle offence.

Below are a few references for you in this regard:

Section 128E 1(A) of the Land Transport Act 1998, powers of a parking warden:

<http://www.legislation.govt.nz/act/public/1998/0110/latest/DLM3812421.html#DLM3812421>

A parking warden in uniform or in possession of a warrant or other evidence of authority as a parking warden—

(a) *may enforce the provisions of any stationary vehicle offence or special vehicle lane offence:*

Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011, for stationary vehicle offences:

https://www.legislation.govt.nz/regulation/public/2011/0079/latest/whole.html?search=sw_096be8ed81a4c422_stationary_25_se&p=1#DLM2938430

Section 2 of the Land Transport Act 1998, the interpretation of the word road:

<http://www.legislation.govt.nz/act/public/1998/0110/latest/DLM433619.html>

road includes—

(a) a street; and

(b) a motorway; and

(c) a beach; and

(d) a place to which the public have access, whether as of right or not; and

(e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and

(f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment

Horowhenua District Council publishes responses to Local Government Official Information and Meetings Act 1987 (LGOIMA) requests that we consider to be of wider public interest, or which relate to a subject that has been widely requested. To protect your privacy, we will not generally publish personal information about you, or information that identifies you. We will publish the LGOIMA response along with a summary of the request on our website. Requests and responses may be paraphrased.

If you have any queries regarding this information, please contact the LGOIMA Officer on 06 366 0999 or email - LGOIMAOfficer@horowhenua.govt.nz

Yours sincerely,



Lisa Slade

Executive Sponsor - LGOIMA



Levin Mall Carpark Land Parcels

Purchase Dates:

- 1: 11 September 1970
- 2: 11 June 1972
- 3: 26 November 1969
- 4: 24 January 1973
- 5: 16 August 1965
- 6: 16 August 1965
- 7: 4 November 1976
- 8: 19 December 1967
- 9: 14 August 1967
- 10: 14 August 1967
- 11: 12 April 1965
- 12: 10 November 1965
- 13: 10 November 1965
- 14: 29 July 1970
- 15: 16 August 1965
- 16: 6 July 1970
- 17: 16 August 1965