

## Central Hawke's Bay District Council – Report

**TO:** Services Committee  
**FROM:** Roothing Services Manager  
**DATE:** 03 August 2009  
**FILE REF:** LAN6-100  
**SUBJECT:** PUKEORA SCENIC ROAD TEMPORARY ROAD CLOSURE

---

### 1.0 SUMMARY

The Hawke's Bay Car Club has applied for the closure of Pukeora Scenic Road on Sunday 4 October 2009 from 8.00am to 6.30pm. The closure request is to hold the annual Pukeora Hill Climb car race in conjunction with the Hawke's Bay Vintage Car Club. The closure was advertised and no objections were received.

### 2.0 RECOMMENDATION

#### **THAT**

Under Section 342(b) and the Tenth Schedule of the Local Government Act 1974, Pukeora Scenic Road be closed with conditions for a hill climb event on Sunday 4 October 2009 from 8.00am to 6.30pm.

#### **REASON**

The Hawke's Bay Car Club has asked Council to close the road for their annual hill climb event. Council has the authority to do this under the Local Government Act 1974. From previous events at this site a process to ensure the proper, safe and acceptable running of this event has been agreed to.

#### **The Objective of the decision will contribute to the following Community Outcome:**

- *Safe and secure communities.*

### 3.0 BACKGROUND

The Pukeora Hill Climb has been held by the Hawke's Bay Car Club since the 1980's. The hill climb has drivers racing their vehicles up the Pukeora Scenic Road one at a time. The road is closed to enable the Car Club to control the event and the safety of spectators.

#### **Conditions:**

The Hawke's Bay Car Club has submitted a Traffic Management Plan and Safety Plan as required for Council's approval before the event takes place. They are also required to have current public liability insurance of \$1,000,000.00. A certificate has been submitted signed by their insurance broker to prove that they have the public liability insurance in place for the period of the event.

## 4.0 OPTIONS

### Option 1

Under Section 342(b) and the Tenth Schedule of the Local Government Act 1974, approval be given for Pukeora Scenic Road to be closed with conditions, for a hill climb event on Sunday 4 October 2009 from 8.00am to 6.30pm.

### Option 2

Do not approve the road closure.

## 5.0 STATUTORY IMPLICATIONS

This road closure has been advertised under Section 342 (b) and the Tenth Schedule of the Local Government Act 1974; no objections were received. A copy of the Tenth Schedule is attached. Clause 11(e) authorises Council to close the road for a race event. Clause 12 infers that a road closure under clause 11(e) must be exercised by Council and cannot be delegated.

**Note:** These parts of the Local Government Act 1974 were not repealed when the Local Government Act 2002 was enacted.

### Car Club Safety Plan

The Hawke's Bay Car Club has presented a safety plan describing how the event is to be controlled. The event is controlled in accordance with the Motorsport Association of New Zealand (MANZ) rules which are used throughout New Zealand.

## 6.0 CONSULTATION

Residents living on the section of road to be closed were contacted by the Car Club. The event in past years has been run as planned with no problems, and the same programme will be followed this year.

All Safety Services will be notified of the proposed road closure.

Shawn McKinley  
**Roading Services Manager**

## LOCAL GOVERNMENT ACT 1974

### Section 342

#### Stopping and closing of roads

- (1) The council may, in the manner provided in Schedule 10 to this Act,—
  - (a) Stop any road or part thereof in the district:  
 Provided that the council (not being a borough council) shall not proceed to stop any road or part thereof in a rural area unless the prior consent of the Minister of Lands has been obtained; or
  - (b) Close any road to traffic or any specified type of traffic (including pedestrian traffic) on a temporary basis in accordance with that Schedule and impose or permit the imposition of charges as provided for in that Schedule.

### Schedule 10

#### Conditions as to stopping of roads and the temporary prohibition of traffic on roads

#### Stopping of roads

- 1 The council shall prepare a plan of the road proposed to be stopped, together with an explanation as to why the road is to be stopped and the purpose or purposes to which the stopped road will be put, and a survey made and a plan prepared of any new road proposed to be made in lieu thereof, showing the lands through which it is proposed to pass, and the owners and occupiers of those lands so far as known, and shall lodge the plan in the office of the Chief Surveyor of the land district in which the road is situated. The plan shall separately show any area of esplanade reserve which will become vested in the council under section 345(3) of this Act.
- 2 On receipt of the Chief Surveyor's notice of approval and plan number the council shall open the plan for public inspection at the office of the council, and the council shall at least twice, at intervals of not less than 7 days, give public notice of the proposals and of the place where the plan may be inspected, and shall in the notice call upon persons objecting to the proposals to lodge their objections in writing at the office of the council on or before a date to be specified in the notice, being not earlier than 40 days after the date of the first publication thereof. The council shall also forthwith after that first publication serve a notice in the same form on the occupiers of all land adjoining the road proposed to be stopped or any new road proposed to be made in lieu thereof, and, in the case of any such land of which the occupier is not also the owner, on the owner of the land also, so far as they can be ascertained.
- 3 A notice of the proposed stoppage, shall during the period between the first publication of the notice and the expiration of the last day for lodging objections as aforesaid be kept fixed in a conspicuous place at each end of the road proposed to be stopped:  
 Provided that the council shall not be deemed to have failed to comply with the provisions of this clause in any case where any such notice is removed without the authority of the council, but in any such case the council shall, as soon as conveniently may be after being informed of the unauthorised removal of the notice, cause a new notice complying with the provisions of this clause to be affixed in place of the notice so removed and to be kept so affixed for the period aforesaid.

- 4 If no objections are received within the time limited as aforesaid, the council may by public notice declare that the road is stopped; and the road shall, subject to the council's compliance with clause 9 of this Schedule, thereafter cease to be a road.
- 5 If objections are received as aforesaid, the council shall, after the expiration of the period within which an objection must be lodged, unless it decides to allow the objections, send the objections together with the plans aforesaid, and a full description of the proposed alterations to the Environment Court.
- 6 The Environment Court shall consider the district plan, the plan of the road proposed to be stopped, the council's explanation under clause 1 of this Schedule, and any objection made thereto by any person, and confirm, modify, or reverse the decision of the council which shall be final and conclusive on all questions.
- 7 If the Environment Court reverses the decision of the council, no proceedings shall be entertained by the Environment Court for stopping the road for 2 years thereafter.
- 8 If the Environment Court confirms the decision of the council, the council may declare by public notice that the road is stopped; and the road shall, subject to the council's compliance with clause 9 of this Schedule, thereafter cease to be a road.
- 9 Two copies of that notice and of the plans hereinbefore referred to shall be transmitted by the council for record in the office of the Chief Surveyor of the land district in which the road is situated, and no notice of the stoppage of the road shall take effect until that record is made.
- 10 The Chief Surveyor shall allocate a new description of the land comprising the stopped road, and shall forward to the District Land Registrar or the Registrar of Deeds, as the case may require, a copy of that description and a copy of the notice and the plans transmitted to him by the council, and the Registrar shall amend his records accordingly.

#### **Temporary prohibition of traffic**

- 11 The council may, subject to such conditions as it thinks fit (including the imposition of a reasonable bond), and after consultation with the Police and the Ministry of Transport, close any road or part of a road to all traffic or any specified type of traffic (including pedestrian traffic)
  - a. While the road, or any drain, water race, pipe, or apparatus under, upon, or over the road, is being constructed or repaired; or
  - b. Where, in order to resolve problems associated with traffic operations on a road network, experimental diversions of traffic are required; or
  - c. During a period when public disorder exists or is anticipated; or
  - d. When for any reason it is considered desirable that traffic should be temporarily diverted to other roads; or
  - e. For a period or periods not exceeding in the aggregate 31 days in any year for any exhibition, fair, show, market, concert, film-making, race or other sporting event, or public function:

Provided that no road may be closed for any purpose specified in paragraph (e) of this clause if that closure would, in the opinion of the council, be likely to impede traffic unreasonably.

- 11A The council shall give public notice of its intention to consider closing any road or part of a road under clause 11(e) of this Schedule; and shall give public notice of any decision to close any road or part of a road under that provision.
- 11B Where any road or part of a road is closed under clause 11(e) of this Schedule, the council or, with the consent of the council, the promoter of

any activity for the purpose of which the road has been closed may impose charges for the entry of persons and vehicles to the area of closed road, any structure erected on the road, or any structure or area under the control of the council or the promoter on adjoining land.

- 11C Where any road or part of a road is closed under clause 11(e) of this Schedule, the road or part of a road shall be deemed for the purposes of—
- (a) The Transport Act 1962 and any bylaws made under section 72 of that Act:
  - (b) The Traffic Regulations 1976:
  - (c) The Transport (Drivers Licensing) Regulations 1985:
  - (d) The Transport (Vehicle and Driver Registration and Licensing) Act 1986:
  - (e) The Transport (Vehicle Registration and Licensing) Notice 1986:
  - (ea) The Land Transport Act 1998:
  - (f) Any enactment made in substitution for any enactment referred to in paragraphs (a) to (ea) of this clause—  
 not to be a road; but nothing in this clause shall affect the status of the road or part of a road as a public place for the purposes of this or any other enactment.
- 12 The powers conferred on the council by clause 11 (except paragraph (e)) may be exercised by the Chairman on behalf of the council or by any officer of the council authorised by the council in that behalf.
- 13 Where it appears to the council that owing to climatic conditions the continued use of any road in a rural area, other than a State highway or Government road, not being a road generally used by motor vehicles for business or commercial purposes or for the purpose of any public work, may cause damage to the road, the council may by resolution prohibit, either conditionally or absolutely, the use of that road by motor vehicles or by any specified class of motor vehicle for such period as the council considers necessary.
- 14 Where a road is closed under clause 13 of this Schedule, an appropriate notice shall be posted at every entry to the road affected, and shall also be published in a newspaper circulating in the district.
- 15 A copy of every resolution made under clause 13 of this Schedule shall, within 1 week after the making thereof, be sent to the Minister of Transport, who may at any time, by notice to the council, disallow the resolution, in whole or in part, and thereupon the resolution, to the extent that it has been disallowed, shall be deemed to have been revoked.
- 16 No person shall—
- (a) Use a vehicle, or permit a vehicle to be used, on any road which is for the time being closed for such vehicles pursuant to clause 11 of this Schedule; or
  - (aa) Without the consent of the council or the promoter of any activity permitted by the council, enter or attempt to enter, or be present, on any road or part of a road that is for the time being closed to pedestrian traffic pursuant to clause 11 of this Schedule; or
  - (b) Use a motor vehicle, or permit a motor vehicle to be used, on any road where its use has for the time being been prohibited by a resolution under clause 13 of this Schedule.