

Central Hawke's Bay District Council – Report

TO: Services Committee
FROM: Roothing Manager
DATE: 26 July 2010
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 19 September 2010 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.

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 19 September 2010 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 have also submitted the Motorsport NZ Road Damage bond document along with a certificate 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

That 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 19 September 2010 from 8.00am to 6.30pm.

Option 2

Do not approve the road closure.

5.0 STATUTORY IMPLICATIONS

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Note: These parts of the Local Government Act 1974 were not repealed when the Local Government Act 2002 was enacted.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

Due to the lateness of the application no advertisement calling for objections has been made however 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

342. Stopping and closing of roads—

- (1) The council may, in the manner provided in the Tenth Schedule to this Act,—
- (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.

TENTH SCHEDULE

CONDITIONS AS TO STOPPING OF ROADS AND THE TEMPORARY PROHIBITION OF TRAFFIC ON ROADS

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.