

# **Ashburton District Council Road Closure Hearings**

**to be held on**

**Wednesday 15 November 2023**

**commencing at 9am**

**In the Council Chamber  
137 Havelock Street  
Ashburton**

# Road Closure Hearing – 15 November 2023

## 1 Welcome and Introductions

Council Hearing Panel:

Mayor Neil Brown (Chair); Crs Carolyn Cameron, Russell Ellis, Phill Hooper, Lynette Lovett, Rob Mackle, Liz McMillan, Tony Todd and Richard Wilson

## 2 Purpose of Hearing

The purpose of the Hearing is to consider objections received to two road closure applications:

- 1) **Santa Parade** - a temporary road closure of Walnut Avenue from West Street (SH1) to Oak Grove on Saturday 2 December 2023, from 10am to 2pm.

Applicant: Carol Johns

*Two objections to the closure have been received but both parties are unable to attend.*

- 2) **Light up the Night** community event – a temporary road closure of East Street (from Havelock Street to Tancred Street) and Burnett Street (from East Street to Cass Street) from 3pm to 10.30pm on Saturday 25 November 2023.

Applicant: Ashburton District Council

*One objection to the closure has been received but is unable to attend.*

<b>3</b>	<b>Hearing Procedure</b>	<b>Appendix 1</b>	<b>Pg 4</b>
<b>4</b>	<b>Santa Parade</b>		
<b>4.1</b>	<b>Applicant's presentation</b> - Carol Johns (10 minutes)		
<b>4.2</b>	<b>Objections</b>	<b>Appendix 2</b>	<b>Pg 5</b>
<b>4.3</b>	<b>Council officers' report</b>	<b>Appendix 3</b>	<b>Pg 6</b>
<b>4.4</b>	<b>Applicant's right of reply</b> - Carol Johns (10 minutes)		
<b>4.5</b>	<b>Hearing Panel deliberations</b> The Hearing Panel may defer deliberations.		

*Cont'd*

## **5 Light up the Night**

### **5.1 Applicant's presentation / Officers' Report**

- ADC officers (10 minutes)

**Appendix 4**

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### **5.2 Objection**

**Appendix 5**

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### **5.3 Hearing Panel deliberations**

The Hearing Panel may defer deliberations.

Neil McCann

**Group Manager Infrastructure Services**

## Appendix 1: Road Closure Hearing Procedure

### Transport (Vehicular Traffic Road Closure) Regulations 1965

In accordance with clause 6 of the Transport (Vehicular Traffic Road Closure) Regulations 1965, where objections have been received to a road closure application, Ashburton District Council (“the Council”) must make a decision on this road closure application (“the Application”).

### Hearing Procedure

The Council shall undertake a public hearing on the Application. At the hearing, the applicant and the submitters in objection may present to Council on any issues relevant to the road closure, before Council makes a decision on the Application.

The hearing shall proceed as follows:

1. Applicant: The applicant shall have 10 minutes to present their case for the road closure.
2. Submitters: Each submitter shall have 10 minutes to present on their objection to the Application.
3. Council officers: Council officers will present a report on the Application, which shall include a recommendation on the Application. This report shall be pre-circulated in the Council Meeting Agenda.
4. Applicant right of reply: The applicant shall have 10 minutes to reply to any point raised by the submitters or Council. No new material or issues shall be discussed in the right of reply.
5. Council: Councillors shall then deliberate on the Application in open meeting. Council has the option to either make a decision on the Application, or reserve its decision for a later date. Council has the right to reserve its decision for any reason, including if there is insufficient information available to make a decision on the Application.

### Appeal Rights

There is no right of appeal under the Transport (Vehicular Traffic Road Closure) Regulations 1965 against the Council’s decision on the Application. Council’s decision shall therefore be final.

### Hearing Guidelines

1. No applicant or submitter shall be required to attend, or present, at the hearing. The Chairperson shall amend the hearing procedure accordingly, depending on which parties attend the hearing.
2. Submitters shall only be authorised to present at the hearing if they have lodged an objection to the Application prior to the objection deadline, and they confirm to the meeting secretary at least one day prior to the hearing that they wish to present.
3. Presentation time limits will be strictly enforced by the Chairperson.
4. The applicant and submitters have no right to cross-examine or question any other party.
5. There is no requirement to pre-circulate evidence or any written material, other than the Council officers’ report.
6. The applicant and submitters may wish to prepare written material to accompany their presentation. Please ensure you bring at least 15 copies of any material you wish to distribute.
7. The hearing may be live-streamed via Council’s usual streaming channels.
8. Nothing in this Procedure is intended to amend or supersede standard Council meeting procedures as contained in Council’s Standing Orders.

## Appendix 2: Objections to Santa Parade road closure

### Objection 1 : Chris and Donna Murphy

**Sent:** Friday, October 27, 2023 12:45 PM  
**To:** ADC Customer Services <info@adc.govt.nz>  
**Subject:** walnut ave santa parade closure

as a home owner on walnut ave i object to the road closure  
on the grounds that

1 you are restricting my right to come and go from my property for 4 hours ( when closing a road for road works you still give residents access )

2 all the traffic that usually uses walnut ave over that 4 hours will now have to use the mitre ten lights causing a backlog and possible accidents

3 this is a residential street not suitable for a parade , whats next closing it for nite markets, food carts, closing it once set a precedent

4 there are over a hundred residents on these streets and nobody bothered to consult them before applying for a closure

thanks chris and donna murphy

### Objection 2 : Jaclyn Pow

**Sent:** Friday, November 3, 2023 3:00 PM  
**To:** ADC Customer Services <info@adc.govt.nz>  
**Subject:** Objection to Closure of Walnut Ave on 2 December

Hello,

I wish to object to the proposed closure of Walnut Avenue on 2 December 2023. This objection is based on the following:

- In multiple Social Media posts, the organiser of the Santa parade has announced the location as being Walnut Ave, but has made no effort to consult with residents prior. As a resident of Walnut Ave, I would like to know how access to our property will be maintained. Or will we need to park several hundred metres away on Creek Rd or West St in order to be able to use our vehicle to get to engagements already planned for this day? I would also like to know how rubbish clean up will be handled, and how access to Rosebank, and the ambulance route to the hospital will be maintained (amidst the other road closures in the area).
- Saturday is a busy time on the domain for cricket and it unclear how access for cricket will be maintained

I would like to stress that I am not against the Santa parade, but I am concerned about the lack of consultation with stakeholders prior to the announcement of the new location.

The Santa Parade has long been held along East St. I do not understand why the parade cannot utilise Cass St and Moore St to get from Mona Square to East St while Kermodie St is closed

Kind Regards,  
Jaclyn Pow

## 4.3 Road Closure – Ashburton Santa Parade

Author *Mark Chamberlain; Roading Manager*  
GM responsible *Neil McCann; Group Manager – Infrastructure Services*

### Summary

- The purpose of this report is to consider an application for a temporary road closure of Walnut Avenue from West Street (SH1) to Oak Grove and Creek Road from Walnut Avenue to Queens Drive on Saturday 2 December 2023 from 10am to 2pm to hold the Santa Parade.
- Following the road closure advertisement, two objections have been received from residents of Walnut Avenue.
- Council is not obligated to approve any road closure. Our practice has been to approve such requests, subject to being confident that the event organisers can manage the event safely and have the support of the community.
- The objections related to the closure affecting the access to their and other properties for the four hours of the closure, all the Walnut Avenue traffic having to use alternative streets. The objector considers that a residential street is not suitable for a parade, and notes that nobody consulted with the over a hundred residents before applying for the closure.

### Recommendation

1. **That** Council approves the closure of Walnut Avenue from West Street (SH1) to Oak Grove and Creek Road from Walnut Avenue to Queens Drive on Saturday 2 December 2023 from 10am to 2pm to hold the Ashburton Santa Parade.

### Attachments

**Appendix 1** Map showing Parade route

## Background

### The current situation

1. Carol Johns of Ashburton Santa Parade has applied to Council for a temporary road closure of Walnut Avenue from West Street (SH1) to Oak Grove on Saturday 2 December 2023 from 10am to 2pm to hold the Ashburton Santa Parade.
2. The Santa Parade event is aimed to promote community spirit and participation, welcoming Santa to town for the children of Mid Canterbury.
3. This event was advertised on 26 September with the objections period closing on 3 November. Two objections were received from residents of Walnut Avenue. Both parties were invited to attend the Hearing on 15 November, but are unavailable. They have been advised their comments will be considered in Council's deliberations and they will be notified when Council makes a decision.
4. The objections related to the closure affecting the access to their and other properties, all the Walnut Avenue traffic having to use alternative streets, it is a residential street not suitable for a parade, and residents were not consulted before applying for the closure.
5. Insurances, health and safety plan, and traffic management plan have not been received from the event organiser.
6. The Walnut Avenue route for the parade is an alternative to the original route of Mona Square along Kermod Street to East Street, East Street to Cameron Street, Cameron Street around Baring Square East, and East Street back to Mona Square.
7. This original route is not able to be used because of work on the sewer main on Kermod Street.
8. Walnut Avenue is a primary collector with a traffic volume of 5,600 vehicles per day. It provides the main connection from SH1 to the north of Ashburton. It also provides the access to the sports fields (cricket) on the domain and, being a Saturday, access for users will be affected by the closure. Junior cricket starts at 8.30 and the morning shift plays until midday. Afternoon cricket starts at 12 midday and plays until approximately 4pm.
9. As objections to the road closure have been received for this event, under the Transport (Vehicular Traffic Road Closure) Regulations 1965, Council must decide as to whether the road closure will go ahead.
10. The road closure and associated temporary traffic management is one part of the event application. The applicant will need to ensure that the disruption to access for residents and users of Walnut Avenue is mitigated by appropriate traffic management and communication. Waka Kotahi have been advised of the road closure application and the Traffic Management Plan will be forwarded for that agency's approval.

## Options analysis

### Option One – Approve Road Closure (recommended option)

11. Approve the closure of Walnut Avenue from West Street (SH1) to Oak Grove on Saturday 2 December 2023 from 10am to 2pm to hold the Santa Parade.

<b>Advantages:</b> Road closure enables the parade to take place.	<b>Disadvantages:</b> The closure restricts access for residents of Walnut Avenue and users of the sports fields along with disrupting travel on a primary collector road. With parking not available on Walnut Avenue there will be increased parking on nearby residential streets.
<b>Risks:</b> The risk of the closure is having residents and road users who are not attending the Santa parade being adversely affected by the closure.	

### Option Two – Decline Road Closure

12. Decline the road closure of Walnut Avenue from West Street (SH1) to Oak Grove on Saturday 2 December 2023 from 10am to 2pm to hold the Ashburton Santa Parade.

<b>Advantages:</b> Access for residents of Walnut Avenue, users of the sports fields (cricket) off Walnut Avenue and users of Walnut Avenue as a route will not be affected by the closure.	<b>Disadvantages:</b> The Santa Parade will not be able to be held on Walnut Avenue so will require an alternative route to proceed. There will not be sufficient time to enable an alternative road closure to be advertised and approved.
<b>Risks:</b> Council could be seen to be unsupportive of community events.	

## Legal/policy implications

### Transport Legislation

13. The road closure was advertised on 26th September 2023 under clause 11(e) of Schedule 10 of the Local Government Act 1974 (“LGA”). Clause 11(e) provides that:

*11 The council may, subject to such conditions as it thinks fit, ... close any road or part of a road to all traffic or any specified type of traffic (including pedestrian traffic)—*



(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) if that closure would, in the opinion of the council, be likely to impede traffic unreasonably.*

14. Council must therefore not approve the road closure where it considers that the closure would be likely to unreasonably impede traffic. The LGA does not define what is an unreasonable impediment. Therefore, Council must make its decision based on the particular circumstances, including the volume of traffic affected, as well as affected road users and residents.

15. Further, clause 6 of the Transport (Vehicular Traffic Road Closure) Regulations 1965 provides –

***Where objections to closure received***

*If any objections are received within the prescribed time as a result of the said notice, the controlling authority –*

(a) *shall consider the objections so received; and*

(b) *if, after considering those objections, it decides to close the road in accordance with the terms of the said notice, shall, not later than 24 hours before the proposed period of closure, give further public notice in form B in Schedule 1 in at least 1 newspaper circulating in the locality in which the road is situated of the closure thereof to ordinary vehicular traffic, together with the other particulars specified in that form.*

16. Council has the discretion under clause 6 of these Regulations and clause 11(3) of Schedule 10 of the LGA to decide whether to approve the road closure. If it approves the road closure, Council can add conditions to that approval. Council’s decision must consider the objectors’ views on the application, as well as any points raised by the applicant.

**Climate change**

17. There is not considered to be any climate change outcomes from the road closure decision.

Review of legal / policy implications	
Reviewed by In-house Counsel	Tania Paddock; Legal Counsel

## Strategic alignment

18. The recommendation relates to Council’s community outcome of *A district of great spaces and places* and *A prosperous economy based on innovation and opportunity*.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	The Santa Parade would provide stallholders at the event the opportunity for additional business.
Environmental		
Cultural		
Social	✓	The Santa Parade would provide an event where locals and visitors can interact and socialise.

## Financial implications

Requirement	Explanation
What is the cost?	No costs incurred to Council
Is there budget available in LTP / AP?	N/A
Where is the funding coming from?	All costs associated to this event are being paid by the organiser (Ashburton Santa Parade)
Are there any future budget implications?	No
Reviewed by Finance	No

## Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	N/A
Level of engagement selected	Council has offered the objector the opportunity to be heard in support of their objection. The objector has accepted and the applicant will also have the opportunity to present
Rationale for selecting level of engagement	Council supports allowing the objector the opportunity to speak in support of their objection.
Reviewed by Strategy & Policy	Richard Mabon, Senior Policy Advisor

Map of Santa Parade route



## Appendix 4

### Council Hearing

15 November 2023

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## 5.1 Road Closure – Ashburton Light Up the Night

Author *Mark Chamberlain; Roading Manager*  
GM responsible *Neil McCann; Group Manager – Infrastructure Services*

### Summary

- The purpose of this report is to consider an application for a temporary road closure of East Street (from Havelock Street to Tancred Street) and Burnett Street (from East Street to Cass Street) from 3.00pm to 10.30pm on Saturday 25 November 2023 to hold the Light Up the Night community event.
- Following the road closure advertisement, one objection was received from a business on East Street.
- The one objection related to the 3pm start time of the event and the effect the closure would have on businesses in the CBD being “Black Friday weekend”. A later start time of 5pm was suggested.
- Council is not obligated to approve any road closure. Our practice has been to approve such requests, subject to being confident that the event organisers can manage the event safely and have the support of the community.

### Recommendation

**That** Council approves the closure of the following roads in the Ashburton CBD from 3:00pm until 10:30pm on Saturday 25 November 2023 for the Light Up the Night community event.

EAST STREET, from Tancred Street to Havelock Street

BURNETT STREET, from East Street to Cass Street

### Attachments

**Appendix 1** Copy of the objection received

## Background

### The current situation

1. Ashburton District Council Events Team has applied to Council for a temporary road closure of East Street (from Havelock Street to Tancred Street) and Burnett Street (from East Street to Cass Street) to hold the Light Up the Night community event.
2. This event was advertised on 19 September with the objections period closing on 27 October. One objection was received in relation to the start time of the closure and the effect the closure would have on businesses in the CBD being “Black Friday weekend”. A later start time of 5pm was suggested.
3. The applicant has been informed of the objection and agreed to meet with the submitter to explain the rationale for the start time of 3pm and the logistics associated with the event.
4. Insurances, health and safety plan, and traffic management plan have been received from the event organiser.
5. As an objection to the road closure has been received for this event, under the Transport (Vehicular Traffic Road Closure) Regulations 1965, Council must decide as to whether the road closure will go ahead.
6. Following discussion between the applicant and the submitter of the objection, officers consider that the road closure should proceed as advertised.

## Options analysis

### Option One – Approve Road Closure (recommended option)

7. Approve the closure of East Street (from Havelock Street to Tancred Street) and Burnett Street (from East Street to Cass Street) from 3.00pm to 10.30pm on Saturday 25 November 2023 to hold the Light Up the Night community event.

#### **Advantages:**

This event will provide the opportunity for both locals and people from out of town to attend the Light Up the Night community event in the CBD.

#### **Disadvantages:**

The closure of roads within the CBD on a Saturday afternoon during “Black Friday weekend” will restrict access and cause disruption to the businesses on East Street and Burnett Street.

#### **Risks:**

Approving the road closure for such a community event may risk businesses on East Street being adversely affected with customers not able to gain vehicle access.

## Option Two – Decline Road Closure

8. Decline the road closure.

<b>Advantages:</b> Declining the closure would mean access to businesses in the CBD is not affected.	<b>Disadvantages:</b> With one objection to the closure in relation to the start time, declining the closure would deny the locals and visitors from enjoying a community event.
<b>Risks:</b> Not approving the road closure for such a community event may risk the holding of similar future events in the CBD that require a road closure.	

## Option Three – Approve Road Closure with an amended start time

9. Approve the closure of East Street (from Havelock Street to Tancred Street) and Burnett Street (from East Street to Cass Street) with amended time of 5.00pm to 10.30pm on Saturday 25 November 2023 to hold the Light Up the Night community event.

<b>Advantages:</b> A later start time for the event will mean that businesses in the CBD are less affected by the closure.	<b>Disadvantages:</b> The reduced timeframe to set up the food vendors will cause issues for the timely running of the event.
<b>Risks:</b> Approving the road closure with an amended start time may risk the holding of similar future events in the CBD that require a road closure.	

## Legal/policy implications

### Transportation Legislation

10. The road closure was advertised on 19<sup>th</sup> September 2023 under clause 11(e) of Schedule 10 of the Local Government Act 1974 (“LGA”). Clause 11(e) provides that:

*11 The council may, subject to such conditions as it thinks fit, ... close any road or part of a road to all traffic or any specified type of traffic (including pedestrian traffic)–*

*(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) if that closure would, in the opinion of the council, be likely to impede traffic unreasonably.*

11. Council must therefore not approve the road closure where it considers that the closure would be likely to unreasonably impede traffic. The LGA does not define what is an unreasonable impediment. Therefore, Council must make its decision based on the particular circumstances, including the volume of traffic affected, as well as affected road users and residents.
12. Further, clause 6 of the Transport (Vehicular Traffic Road Closure) Regulations 1965 provides –

***Where objections to closure received***

*If any objections are received within the prescribed time as a result of the said notice, the controlling authority –*

*(a) shall consider the objections so received; and*

*(b) if, after considering those objections, it decides to close the road in accordance with the terms of the said notice, shall, not later than 24 hours before the proposed period of closure, give further public notice in form B in Schedule 1 in at least 1 newspaper circulating in the locality in which the road is situated of the closure thereof to ordinary vehicular traffic, together with the other particulars specified in that form.*

13. Council has the discretion under clause 6 of these Regulations and clause 11(e) of the LGA to decide whether to approve the road closure. If it approves the road closure, Council can add conditions to that approval. Council’s decision must consider the objectors’ views on the application, as well as any points raised by the applicant.

**Climate change**

14. There is not considered to be any climate change outcomes from the road closure decision.

Review of legal / policy implications	
Reviewed by In-house Counsel	Tania Paddock; Legal Counsel

**Strategic alignment**

15. The recommendation relates to Council’s community outcome of *A district of great spaces and places* and *A prosperous economy based on innovation and opportunity*. Economic and Social because it is an event in the Ashburton CBD where businesses, stallholders and public can interact.



Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	The Light Up the Night event would provide food vendors the opportunity for business. Increased numbers of people in the CBD particularly from out of town for the event may result in increased patronage at businesses in the CBD.
Environmental		
Cultural		
Social	✓	The Light Up the Night event would provide a venue where locals and visitors can interact and socialise.

## Financial implications

Requirement	Explanation
What is the cost?	No costs incurred to Council
Is there budget available in LTP / AP?	N/A
Where is the funding coming from?	All costs associated to this event are being paid by the organiser (Ashburton District Council Events Team)
Are there any future budget implications?	No
Reviewed by Finance	No

## Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	N/A.
Level of engagement selected	Council has offered the objector the opportunity to be heard in support of their objection. The objector has declined and the applicant will also have the opportunity to present
Rationale for selecting level of engagement	Council supports allowing the objector the opportunity to speak in support of their objection.
Reviewed by Strategy & Policy	Richard Mabon, Senior Policy Advisor

Map of Light up the Night route



## Appendix 5:      **Objection to Light up the Night road closure**

### **Objection from Whitcoulls Store Manager**

**Sent:** Friday, October 27, 2023 11:33 AM

**To:** ADC Customer Services <info@adc.govt.nz>

**Subject:** Light Up the Night 2023 - Road Closure Objection. Saturday 23 November

Hi there

I wish to lodge an objection in regards to the timing of the road closure for the above event. This objection is focusing on East Street (from Tancred to Havelock Street) being closed from 3 pm on Saturday 25 November.

Is there anyway that the time for closing this stretch of road could be delayed until 5.00 pm The reason for this request is that this particular weekend is 'Black Friday Weekend' and in the retail world attracts a lot of foot traffic as well

as vehicle traffic. As we know people in Ashburton like to park close or outside their shop of choice. Perhaps road closures could start on Burnett Street first?

This is the first objection that Whitcoulls has ever made and I do hope that you take this into consideration, or perhaps compromise in some way.

Thank you

Elfleda Dixon

Store Manager