
REPORT 3
(1215/53/IM))

TEMPORARY ROAD CLOSURE APPROVAL PROCESS

1. Purpose of Report

To seek confirmation from the Regulatory Processes Committee that the process previously utilised for considering temporary road closures through the Temporary Road Closures Subcommittee is satisfactory to the Committee.

2. Executive Summary

The Regulatory Processes Committee has been delegated with the authority to approve temporary road closures under the Local Government Act 1974. It is proposed that the same process previously agreed to by the Temporary Road Closures Subcommittee also be utilised by the Regulatory Processes Committee to consider applications for temporary road closures for events. A copy of the process, updated and amended to reflect names and titles, is attached to this report. The proposed process (appendix one) remains effectively the same as that used previously and is compliant with legislation and legal advice.

3. Recommendations

Officers recommend that the Committee:

- 1. Receive the information.*
- 2. Approve the process described in appendix one to this report.*

4. Background

At the inaugural meeting of the Temporary Road Closures Subcommittee on Thursday 28 June 2007, an approval process for temporary road closures for events was proposed and agreed to by that subcommittee. The process aligns with the Local Government Act 1974 provisions for temporary road closures for events, including the prescription of the communications and consultation required for such road closures.

The Temporary Road Closures Subcommittee no longer exists and the Regulatory Processes Subcommittee now has delegated authority to approve such closures. A standardised process should be utilised for consistency and efficiency.

5. Discussion

5.1 *Applicable legislation*

Both the Transport (Vehicular Traffic Road Closure) Regulations 1965 and the Local Government Act 1974 (LGA) provide for the ability to close roads temporarily for events. The requirements of each of these pieces of legislation differ. The LGA is considered to override the Regulations, and therefore the requirements of the LGA have been adopted by the Wellington City Council.

5.2 *Why Councillors' approval is required for road closures for events*

The public road provides a fundamental access path for all members of the public to get from one place to another. Section 342 and Schedule 10 of the Local Government Act 1974 provides the authority for the Council to temporarily close public roads.

Decisions to temporarily close a road for roadworks or safety issues (e.g. for riots or road hazards) may be made by officers on the basis that this is in the best interests of the majority of the public.

Temporary road closures for events prevent the public from using the public road for its intended purpose, and instead set aside this public space for private use by a subset of the community. In accordance with the principles of the Local Government Act, and specifically Section 12 of Schedule 10 (which states that such decisions may not be delegated to officers), such decisions must be made by elected members representing the majority interests of the community and the city.

Road closures for events must go through a formal approval process in order to transfer liability for management of the space to the event organiser. If approval is not granted by the Council, the Council may end up being liable for any incidents that occur on the public road, and the event may be at risk of an injunction from any party opposing the event.

5.3 *Role of the Regulatory Processes Committee*

Previously, applications for such closures were considered by the Temporary Road Closures Subcommittee, set up specifically for this purpose, under the Strategy and Policy Committee. This Subcommittee no longer exists.

The approval of a temporary road closure for an event is not considered to be a question of policy, but rather the issuing of a formal approval in accordance with existing legislation and Council strategies and policies. Therefore the Regulatory Processes Committee is considered to be the most appropriate and effective Committee to consider such decisions.

6. Conclusion

The Regulatory Processes Committee has been delegated with the authority to approve temporary road closures for events in accordance with the Local Government Act 1974. This report presents the standardised process that is appropriate for this.

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Supporting Information

1) Strategic Fit / Strategic Outcome

Temporary road closures for events contribute to the council's desire to be the events capital of New Zealand. Specific council strategies that are supported by this include:

- More liveable – through prudent management of the road network.
- More eventful – some events may not be possible without temporary road closures.
- More actively engaged – affected stakeholders will have the opportunity to provide feedback on proposed closures.
- Better connected – through better management of traffic flows. Conversely road closures could sever key transport routes.
- More prosperous – the film industry relies on road closures, and other types of events increase commercial activity.

2) LTCCP/Annual Plan reference and long term financial impact

Administration of temporary road closures is budgeted for under Annual Plan Project C481 Network Activity Coordination. There are no long term financial impacts to the Council resulting from these closures.

3) Treaty of Waitangi considerations

No significant Treaty implications.

4) Decision-Making

This is not considered to be a significant decision.

5) Consultation

a) General Consultation

Democratic Services and Council's Chief Transport Planner have been consulted to confirm that the process remains appropriate.

b) Consultation with Maori

No specific consultation with Maori was carried out.

6) Legal Implications

The process used to consider the proposed closures for approval is in accordance with the advice provided by the council's lawyers.

7) Consistency with existing policy

The process aligns with the Local Government Act 1974 and the process previously approved by the Temporary Road Closures Subcommittee on 28 June 2007.