

STRATFORD DISTRICT COUNCIL

POLICY: TEMPORARY ROAD CLOSURES

DEPARTMENT: Assets	RESPONSIBILITY: <ul style="list-style-type: none">• Director Assets• Roading Assets Manager
SECTION: Roading	
REVIEW DATE: 2015/2016	NEXT REVIEW: 2018/2019
VERSION: 2	APPROVAL DATE: 15/05/2013

PURPOSE

Stratford District Council (Council) has authority to close roads for which it is responsible. It also has delegated authority to facilitate road closures on State Highways within urban areas, however in these situations final approval has to be given by New Zealand Transport Agency (NZTA). The policy is written on the basis of road closures on local roads requested by external applicants (usually those organising events not associated with Council) with sections dedicated to how the following closures are managed differently:

- State Highways in urban areas
- Planned maintenance undertaken by Council (and NZTA on State Highways in urban areas)
- Emergency events.

LEGAL REQUIREMENTS

1. Before Council can close roads pursuant to the Transport (Vehicle Traffic Road Closure) Regulations 1965 and schedule 10 of the Local Government Act 1974 it must first advertise:
 - Applicants are to notify Stratford District Council 80 days prior to the event of the requirement to close of road.
 - Applicant to undertake consultation with all affected residents within the road closure area.
 - First advertisement - its intention (proposal) to close roads will be advertised 42 days before the event.
 - Second advertisement - Notification of road closure.
 - Approval for the road closure has to be granted by Council
2. Both the first and second advertisements will contain the following information:
 - Roads to be closed, including start and finish points (normally intersecting roads)
 - Dates and times the roads are to be closed
 - Purpose of the closures, e.g. parade, car event etc.

TIMELINES FOR ADVERTISING

1. To fulfil its legal obligations under the transport regulations, the minimum notice for advertising the proposal to close roads is 42 days. It is recommended the first advertisement is placed at least 70 days (10 weeks) before the proposed closure to enable objections to be managed and reporting recommendations to Council.
2. The second advertisement is normally published during the week preceding the closure. For significant events the same advertisement may be published for two weeks beforehand.

PUBLIC NOTIFICATION

The applicant is required to notify all property owners and businesses affected by the closure before it can be approved. To maintain good public relations it is recommended this be carried out prior to placement of the first advertisement.

THE FIRST ADVERTISEMENT

1. In addition to the information set out in Clause 2 above, the first advertisement will state that persons have the right to formally object to the proposed road closures. The advertisement will:
 - Show the closing date for objections
 - State that objections have to be in writing, including name and address of the person(s) objecting
 - Provide the address, and the addressee, the objections are to be sent to.
2. To meet its statutory obligations, Council sets the minimum time for receipt of objections at two weeks following placement of the first advertisement. For simplicity, the last date for objections is normally the first Friday following expiry of this two-week period.

MANAGING OBJECTIONS

Initially representatives of Council and/or the applicant will contact those objecting to the proposed road closure to endeavour to resolve the grounds for objection, without stopping the closure from taking place. If resolution cannot be achieved, the Roading Asset Manager, or delegated staff member, then writes a report to Council proper with a recommendation as to whether the proposed road closure should proceed or not. The recommendation will take into account:

- The number of objections
- Validity of objections
- Whether the purpose of the proposed closure can be alternatively accommodated
- In setting the timetable for placement of the first advertisement, the following matters need to be considered:
 - a) Date of the proposed road closure

- b) Date of the last Council meeting prior to the proposed road closure (if too close to that of the event, the preceding Council meeting)
- c) Deadline for compiling the Council meeting agenda
- d) Time required to manage objections and prepare the report to Council proper.
- e) Frequency of road closure
- f) Time of the year, which could affect seasonal farming

APPROVAL

1. Approval for a road closure can only be granted by a Council Resolution. The Rooding Asset Manager will prepare a report for Council, seeking approval for a road closure providing that:

Council will generally approve the road closure:

- If no objections from the public are received
- If any concerns from objections received have been satisfied
- If there are no safety concerns or conflicts with other occurrences
- If there are no other reasons for refusing the closure that Council can foresee.

2. The approval is issued subject to the following:

- The applicant implements a Traffic Management Plan approved by Council (also refer to Clause 8)
- The applicant further notifies affected landowners/occupiers of the closure
- The applicant notifies emergency services, dairy companies, and New Zealand Post
- The applicant furnishes Council with a monetary bond (also refer to clause 9)
- The applicant provides evidence of public liability insurance cover (also refer to Clause 10)
- The applicant indemnifies Council against any incident arising from the road closure and its purpose (also refer to Clause 11)
- The applicant meets all costs incurred by Council associated with advertising
- Any other conditions Council considers necessary to apply.

TRAFFIC MANAGEMENT PLAN

The applicant shall submit a Traffic Management Plan (TMP) to Council for approval, and engage the services of a Site Traffic Management Supervisor (STMS) to both prepare and implement the TMP. In instances where the road closure is adjacent to a State Highway, the TMP will require joint approval by Council and NZTA.

BOND

1. The applicant shall pay Council a monetary bond to cover any possible damage to Council property arising from the road closure and its purpose (this entails a Council inspection of the affected roads beforehand). The bond is normally a cash bond of \$1,000, however for individual events, may be set at a higher level at the discretion of the Rooding Asset Manager (a surety bond may be considered appropriate in such situations). Conversely, the bond may be waived for smaller events where damage to Council property is improbable.

2. The bond is refundable if no damage has occurred to the road or other Council property as a consequence of the road closure and associated purpose.

PUBLIC LIABILITY INSURANCE

1. The applicant must forward to Council a copy of its public liability insurance certificate. The minimum cover shall be:
 - General liability \$2,000,000
 - Statutory liability \$1,000,000
2. The Director Assets may request a higher cover amount for events where there is greater risk of higher claims e.g. motor races.
3. The applicant must prove its public liability insurance premiums are up-to-date.

INDEMNITY

In addition to Clause 10 above, the applicant is required to provide Council with a letter stating it will indemnify Council from any incidents and occurrences that may arise from the event for which the road closure is for (to avoid confusion between indemnity and insurance, indemnity absolves Council from any adverse publicity, legal action or monetary claims associated with the event, whereas insurance is a mechanism for the applicant to settle any claims arising).

APPROVAL LETTER

Once the conditions set out in Clauses 7 to 11 inclusive are satisfied, Council will then issue a letter to the applicant approving the event. The letter may include some other requirements such as treating members of the public in a courteous manner, and leaving the site in a clean and tidy condition.

SECOND ADVERTISEMENT

On approving the road closure, Council will arrange for publishing of the second advertisement. In addition to the information outlined in Clause 2, the advertisement will provide details on traffic detours (if any), and names and telephone numbers of event organisers.

CANCELLING AND STOPPING AN EVENT

Council can cancel or stop an event if any of the above conditions are not met, or there is danger to the public.

POST-CLOSURE

1. Following the road closure, Council staff will visit the site, assess any damage, and organise refund of the bond as applicable. In the event of any damage occurring, Council will write to the applicant advising of the damage, arrange for contractors to carry out the required maintenance, and deduct the associated cost from the bond.

2. Council may, at its discretion, request a meeting with event organisers for a de-brief following the event.

STATE HIGHWAYS

The processes described in Clauses 2 to 15 inclusive, also apply to temporary closures of State Highways in urban areas with the following differences:

- Direction is sought from NZTA in management of objections
- Council co-approves TMPs where local roads are affected
- NZTA advises if a bond is required in each instance
- The letter of indemnity includes both NZTA and Council
- Once all conditions are satisfied copies of first and second advertisements, public liability insurance certificate, indemnity letter and approved TMP are sent to NZTA
- NZTA issues letter of approval

PLANNED MAINTENANCE

1. This clause applies to both local roads and State Highways within urban areas.
2. Essentially, Council advertises the closure (not allowing opportunity for objections) twice within the two week preceding the maintenance, after notifying affected property owners and nearby schools, businesses etc of the upcoming work. Council also notifies emergency services, dairy companies, and New Zealand Post.
3. Council will endeavour to co-ordinate any planned work with the proposed road closure for a street event. In situations where this cannot be avoided, the request for a road closure may be declined or an alternative road will be proposed. Providing the requirements of clause 2 are followed, it is highly unlikely that there will be a clash of planned maintenance work and the street event.

EMERGENCY WORK

Council's contractor will notify emergency services, and if feasible, those immediately affected by the works. The majority of such work are completely unforeseen, for example a burst water main.