

Ashburton District Council Road Closure Hearing

to be held on

Wednesday 7 September 2022

commencing at 9am

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

Road Closure Hearing – 7 September 2022

1 Welcome and Introductions

Council Hearing Panel:

Mayor Neil Brown (Chair); Cllrs Leen Braam, Carolyn Cameron, John Falloon, Rodger Letham, Lynette Lovett, Angus McKay, Liz McMillan, Diane Rawlinson and Stuart Wilson

2 Purpose of Hearing

The purpose of the Hearing is to consider an application from Ashburton Market Days for a temporary road closure of East Street, Burnett Street, and Tancred Street on Monday 26 September to hold the Ashburton Market Day.

Three objections to the closure have been received and will be heard.

3 Hearing Procedure

[Appendix 1](#) Pg 3

3.1 Applicant's presentation

[Appendix 2](#) Pg 4

- Carol Johns (10 minutes)

3.2 Objectors' presentations

[Appendix 3](#) Pg 7

- Verity Jackson (10 minutes)

- Terry McNab (10 minutes)

- Bob McDonald (10 minutes)

3.3 Council officers' report

[Appendix 4](#) Pg 13

3.4 Applicant's right of reply

Carol Johns (10 minutes)

3.5 Hearing Panel deliberations

The Hearing Panel may defer deliberations until the Council meeting at 1pm.

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.

Event Application



This application form is for events held on public open spaces controlled by the Ashburton District Council, including parks, reserves, roads, streets and footpaths.

If you are organising an event or activity on public land in the Ashburton District you should complete this form, which will help determine if you need approval. This will also help us to help you deliver a successful event.

Contact details

Name	Carol Johns
Organisation	Ashburton Market Days

Event details

Name of event	Ashburton Market Day
Physical location of event	East Street Ashburton from Havelock Street to Moore Street
Event date(s) and time(s)	26th September 2022 from 7am till 6pm
Is this a ticketed event or free to the public	No
Expected attendees	10.000
Purpose of the event	To attract the people of South Canterbury to Ashburton on their Anniversary Day . Also promoted into Christchurch . This has been an annual event for many years
Describe activities being held at the event	Market stalls Food vendors Buskers Local fundraisers such as Lions-Golden Oldies

Event activities

	Yes	No	N/A
Food and drink (non-alcoholic) sales <i>You will need to complete an additional form</i>	yes		
Alcohol sale or supply <i>You will need to complete an additional form</i>		no	
Sale of merchandise <i>You will need to complete an additional form</i>	yes		
Noise		no	
Structures (e.g. marquees, stages) <i>You will need to complete an additional form</i>	yes		
Amusement devices (not including bouncy castles) <i>You will need to complete an additional form</i>	yes		
Fireworks <i>You will need to complete an additional form</i>		no	
Animals		no	
Advertising/billboards/drones <i>You will need to complete an additional form</i>		no	

Roads, car parks and footpaths

	Yes	No	N/A
Do you need to stop or delay moving traffic	yes		
Do you need to close part or all of a road	yes		
Have you got a traffic management plan		no	
Have you considered car parking for the event	yes		
Will you be using parking marshals	yes		

Health and safety – complete separate form

	Yes	No	N/A
Have you prepared an Event Management Safety Plan		no	
Have you organised security for the event	yes		
Does your organisation hold public liability insurance	yes		
Will a specialist medical provide e.g. St John be in attendance		no	

Consultation

	Yes	No	N/A
Will you be advising local residents of the event	yes		

Will you be advising local business of the event	yes		
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Utilities

	Yes	No	N/A
Do you require access to power if available	yes		
Will you be providing additional lighting		no	
Will you be providing generators		no	

Toilets, sanitation and waste management

	Yes	No	N/A
Will there be toilet facilities available	yes		
Will you be providing port-a-loos		no	
Have you arranged for disposal of waste water/sewerage/liquid waste		no	
Does the event need a water supply if available		no	
Have you prepared a waste management plan	yes		
Do you require additional bins (<i>if so please advise how many of each are required</i>) <ul style="list-style-type: none"> Red (general waste) Yellow (recycling) Green (glass) 	yes		

Impact assessment (for internal use)

Event size		Event impact	
Low	Under 500 people	Minor	<ul style="list-style-type: none"> Bouncy castles BBQ or sausage sizzle Gazebos
Moderate	500 – 5,000 people	Medium	All of the minor impacts plus any or all of the below: <ul style="list-style-type: none"> Generate a large amount of waste Involve youth and young children Food being sold Amusement devices Significant amount of noise for an extended duration Structures such as marquees and stages Animals
High	5,000 + people	Major	All of the minor and medium impacts plus any or all of the below: <ul style="list-style-type: none"> Traffic management is required Alcohol sold or served In or around water Fireworks

Appendix 3 Objections

Objection 1

ATTN: Neil McCann

I am writing to oppose the proposed road closure:

Road proposed to be closed:

- **EAST STREET**, from Moore Street to Havelock Street
- **TANCRED STREET**, from East Street to Cass Street
- **BURNETT STREET**, from East Street to Cass Street

Purpose: To enable the holding of a community event – Ashburton Market Day

Period of Closure: From 7.00am until 6.00pm on Monday, 26 September 2022

Objections: By 4.00PM on Monday, 29 August 2022

I am opposing as a worker in the CBD and not as a business owner or manager as I work at two businesses, one on Havelock Street and the other on Burnett Street.

Both businesses will be seriously impacted by the proposed road closure and I would like to raise a number of serious concerns regarding the closure.

1. The majority of customers to each business are elderly, they require ease of access including car parking. The proposed road closure will prevent elderly customers from going about their daily routines and business.
2. Neither business will benefit economically from the proposed road closure as regular customers and members to each business will suffer from a lack of available car parking
3. It is disappointing that the applicant has not been required to consult with all affected businesses prior to the application being submitted, and I question Council's process in this regard. Neither business I work in has had any visit or

correspondence from the applicant. Please note that the applicant is already advertising that the road closure is going ahead



4. In previous years, the applicants for this road closure consulted with all affected businesses, not only to make them aware of the event but to ensure that they were aware of the proposed road closure. This is also why in 2021 this road closure was not proposed, instead the event was relocated as it was deemed that it would no longer fit with the upgraded CBD.
5. The majority of CBD businesses will be isolated, one of the businesses I work in (a bank) on Burnett Street has a critical delivery on a Monday and cannot be changed the closure of Burnett Street will create an unmanageable risk for this situation.

Regards,

Verity Jackson

Objection 2

Neil McCann

I am writing to object to the proposal to close East Street for the so call Ashburton Market Day, scheduled for Monday 26 of September 2022.

Over the last 2 years my business has had nothing but disruption through Covid & Town development and currently we a having more disruption with the demolishment of the building next to us.

We operate two essential service business's inside Paper Plus. one being NZ Post and the other is AA Driver & Vehicle licensing. these two business's serve a lot of elderly customers, so with no parking near due to road closure, it has a massive impact on our business for that day.

For a few years now we have had these days where the roads in the CBD get closed off but all we are doing is inviting out of Town stall holder to park up outside our doors for the day. That does not help any of the locally own and operated business's in that area.

I do not have a problem with a market day, but I do have a problem with holding it on the street. The Organiser need to come up with a new location for the future, either having Stalls along the East Street green or a section of West street car park closed but not closing the roads the do this.

Regards

Terry McNab

Objection 3

24/08/22

Re the Ashburton CBD closure on 26th September 2022

I am writing on behalf of the CBD business listed below, regarding the closing of East Street on the 26th September 2022 for a street market.

The CBD businesses are very concerned about the closure of East Street on the 26th September, because of the new CBD layout and one way system, meaning if you close East Street off from Havelock St to Moore St, this will effectively shut down the whole CBD, there are a number of essential businesses that the CBD supports, the main being the Eastfield's medical centre and other pharmacy's, Eastfields is a very busy medical centre with people coming and going all day to the medical centre and also the pharmacy attached there is also huge pressure on the parking around the centre on a normal day.

There are also banks and retail shops that custom's and service vehicles will not be able to access, it is not only that they can't get easy access to these businesses, on a busy market day the parking will be lock up for the whole day again restricting access.

The CBD businesses have also had a tough time of it with the two years of CBD development and also the Covid lock downs, we believe another day with restricted trading is not beneficial for the CBD.

We are in favour of the market day coming to Ashburton but not at the cost of the CBD.

The Business that have expressed that they will not support the closure are.

Health 2000 Ashburton	Redmonds
Latitude Magazine	Beds R Us
East st Pharmacy	Show Case Jeweller
Paper Plus	Minx Hair Spa
A1 Lawns	Sprit Magazine
Fusion Gallery	Unique Boutique
Somerset Grocer	Tots To Teens
Sparrows	

Yours Sincerely, Bob Mc Donald

Information provided via email to Bob McDonald from businesses that expressed they would not support the road closure

(Verbal support given by A1 lawns, Fusion Gallery, Paper Plus, Minx Hair spa, East St Pharmacy and Sparrows)

From: Julie McGrath [<mailto:julie@latitudemedia.co.nz>]
Sent: Monday, 22 August 2022 2:08 p.m.
To: Bob Mcdonald
Subject: RE: re road closure

Yes happy to have latitude media name on the 'no' to road closure.

Ngā mihi nui / Kind regards
JULIE MCGRATH
operations manager

From: Ashburton [<mailto:ashburton@showcasejeweller.com>]
Sent: Saturday, 20 August 2022 9:49 p.m.
Subject: Re: re road closure

Hi All,
It is usually Roasty that deals with all this stuff.
I agree with not closing off the CBD.
I find it hard that those who's lively hoods don't depend on the greater public, get to dictate the outcome of those who's do.
It cannot be a community event if the community can't get to the event due to mobility issues etc.

Jayne

From: Chris Redmond [<mailto:chris@redmonds.co.nz>]
Sent: Saturday, 20 August 2022 4:25 p.m.
To: Health 2000 Ashburton
Subject: Re: CBD road clousure

It's a no from us
Regards
Chris Redmond

From: Louis [<mailto:louis@redmonds.co.nz>]
Sent: Monday, 22 August 2022 5:17 p.m.
To: Bob Mcdonald
Subject: Re: re road closure

Hi bob,

We at Redmonds don't want to close the road down either.
Sorry for the late reply
Kind regards,
Louis Redmond

From: Rachel McKeich [<mailto:uniqueboutiqueashburton@gmail.com>]
Sent: Monday, 22 August 2022 3:03 p.m.
To: Bob Mcdonald
Subject: Re: re road closure

Unique Boutique oppose to the closure :)
Thanks Bob
Regards Stacey

From: Judy McAuliffe [<mailto:judy@spiritmagazine.co.nz>]
Sent: Monday, 22 August 2022 2:15 p.m.
To: Bob Mcdonald
Subject: RE: re road closure

Hi Bob, count me in please.

Judy McAuliffe
Publisher

P: 03 307 0590 M: 021 909 939 E: judy@spiritmagazine.co.nz

From: Bruce Morton [<mailto:bruce-morton@hotmail.com>]
Sent: Wednesday, 24 August 2022 11:46 a.m.
To: Bob Mcdonald
Cc: Tots To Teens 0
Subject: RE: re road closure

Hey Bob....you can add our name 😊

From: Somerset Grocer Manager [<mailto:manager@somersetgrocer.co.nz>]
Sent: Saturday, 20 August 2022 2:24 p.m.
To: Health 2000 Ashburton
Subject: RE: re road closure

Hi Bob
We are not keen for all the roads to be closed all day for Boulevard day. Sorry didn't get back to you sooner.
Nicky & Mark

Nicky and Mark Milmine
Somerset Grocer
161 Burnett Street
Ashburton
03 307 5899

Road Closure – Ashburton Market Day

Author	<i>Tayla Hampton; Applications Officer Roading</i>
Activity Manager	<i>Mark Chamberlain; Roading Manager</i>
GM responsible	<i>Neil McCann; Group Manager – Infrastructure Services</i>

Summary

- The purpose of this report is to consider an application from Ashburton Market Days for a temporary road closure of East Street, Burnett Street, and Tancred Street on Monday 26 September to hold the Ashburton Market Day.
- Following the road closure advertisement, three objections have been received from affected businesses and individuals in the CBD.
- 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.
- Officers are not satisfied that Ashburton Market Days can meet these expectations, as a health and safety plan has not yet been received, and a total of 16 businesses and/or individuals from the three objections received have expressed that they do not support the temporary closure of those roads.
- With the event looming and large number of objections, officers recommend that the road closure is declined and suggest that an alternate venue is considered for Ashburton Market Days.

Recommendation

That Council declines the closure of the following roads in the Ashburton CBD from 7:00am until 6:00pm on Monday 26 September for the Ashburton Market Day.

EAST STREET, from Moore Street to Havelock Street

TANCRED STREET, from East Street to Cass Street

BURNETT STREET, from East Street to Cass Street

Background

The current situation

1. Ashburton Market Days has applied to Council for a temporary road closure of East Street (from Havelock Street to Moore Street) to hold the Ashburton Market Day on Monday 26 September (South Canterbury Anniversary Day).
2. This event was advertised on 16 August with the objections period closing on 29 August. Three objections were received with one of the objectors including reference to 15 various businesses in the CBD also objecting to the road closure.
3. Insurances, health and safety plan, and traffic management plan have not been received from the event organiser.
4. An alternative location using the West Street car park was considered, however after discussions with relevant parties it was decided that removing these car parks from use with Ashburton Market Day and Bookarama being on the same day would cause too much disruption to the town.
5. A second alternative location in the Tinwald Domain was also suggested, however this option has been verbally declined by the applicant.
6. As objections to the road closures have been received for this event, under the Transport Regulations 1965, Council must make a decision as to whether the road closure will go ahead.
7. To ensure the applicant and submitters have the opportunity to present their views on the proposed road closure, a hearing is being held for Council to make a decision on this road closure application. A hearing is considered to be the most equitable way for all parties to be involved in this process. The purpose of this report is to provide officer's recommendation on the road closure application as part of this hearing process.
8. Officers have prepared a hearing procedure guideline (see Appendix two). This guideline was circulated to all parties involved in this application.

Options analysis

Option One – Approve Road Closure

9. This event is aimed to bring individuals from out of town to Ashburton to browse and purchase items from stallholders and businesses in the CBD, and has been an annual event for many years.
10. The closure of roads within the CBD on a normal working day will restrict access and cause disruption to the businesses on East, Burnett and Tancred Streets due to the new one-way system.

Option Two – Decline Road Closure

11. A total of 16 businesses and/or individuals from the CBD have objected to the closure through the three objections received. They submitted that they do not support the closure due to the disruption to traffic movement and restricted access to their businesses or places of work.
12. With less than a month before the event, officers are concerned about the limited information provided as part of the application (e.g. Event Management Plan, Traffic Management Plan, amusement devices form, etc).

Legal/policy implications

13. 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.*
14. Council has the discretion under clause 6 of these Regulations to decide whether to approve the road closure. Council's decision must take into account the objectors' views on the application, as well as any points raised by the applicant.

Strategic alignment

15. The recommendation relates to Council's community outcome of Economic and Social because it is an event in the Ashburton CBD where businesses, stallholders and general public can purchase goods and interact.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	The Market Day would provide stallholders the opportunity for additional business however the road closure will disrupt the businesses located on those roads.
Environmental		
Cultural		
Social	✓	The Market Day 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 Market Days)
Are there any future budget implications?	No
Reviewed by Finance	Erin Register; Finance Manager

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	When assessed against the seven criteria and their thresholds in the Significance & Engagement Policy, the matters in the report scored LOW on four criteria and MEDIUM on three criteria. This gives an overall score of MEDIUM based on the technical application of the Policy. When assessed in the round, this overall score is appropriate.
Level of engagement selected	Council proposes to hold a hearing to allow the applicant and objectors to the road closure to put their case. This is formal two-way communication and follows the formal notice for objections required under statute.
Rationale for selecting level of engagement	Given the statutory nature of the process, and the overall significance of the process, a hearing is an equitable and reasonable approach for public participation before council makes a decision on the application.
Reviewed by Strategy & Policy	Richard Mabon Senior Policy Advisor