



**Notice of the ordinary meeting of the  
Hearings Panel - Other  
*Rōpū Rongonga – Aha atu anō***

Date:	3 December 2019
Time:	8.30a.m.
Location:	Ruma Waimarama, Civic House 110 Trafalgar Street Nelson

## **Agenda**

### ***Rārangi take***

<b>Chair</b>	Cr Brian McGurk
<b>Members</b>	Cr Judene Edgar
	Cr Tim Skinner

**Pat Dougherty  
Chief Executive**

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

## ***Hearings Panel – Other***

### **Functions:**

- To conduct hearings and/or determine under delegated authority applications relating to the Dog Control Act 1996, all matters relating to Temporary Road Closures pursuant to Schedule 10 Clause 11(e) of the Local Government Act 1974, matters relating to naming features within the city, and any other matters required for determination by Council under legislation as determined by Council.

### **Membership:**

- All elected members aside from the Mayor, in rotation. Each Hearings Panel-Other will be made up of three members.
- The Group Manager Environmental Management may appoint one or more Independent Commissioners to either assist the Hearings Panel - Other or to hear and determine any particular application, such as when Council or a Council-Controlled Organisation or Council-Controlled Trading Organisation is (or could be perceived to be) an interested party, other than applications made for temporary road closure under Schedule 10 Clause 11(e) of the Local Government Act 1974.

### **Powers to Decide:**

- The power to appoint a panel to hear and determine with any other consent authority any application requiring a joint hearing
- The power to hear and recommend appropriate actions from hearings of designations and heritage orders
- The power to hear, consider and attempt to resolve contested road stopping procedures
- The power to consider and determine applications for temporary road closures made under Schedule 10 Clause 11(e) of the Local Government Act 1974
- The power to hear and determine all matters arising from the administration of the Building Act 1991, and the Building Act 2004
- The power to hear and determine objections to the classification of dogs, and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act, 1996
- The power to name all features within the city requiring naming including roads, streets, service lanes, plazas, parking areas, parks, reserves, gardens and all public facilities or infrastructure, aside from those impacted by the Naming Rights and Sponsorship Policy for Community Services Facilities
- The power to provide advice to applicants on appropriate names for private roads, rights of way or other legal forms of private access to property
- The power to make changes to the schedules to the Parking and Vehicle Control Bylaw that do not require public consultation
- The power to hear submissions and recommendations on proposed changes to the schedules to the Parking and Vehicle Control Bylaw requiring public consultation
- The power to administer the administering body functions under section 48 of the Reserves Act 1977 on proposed rights of way and other easements on reserves vested in Council

**1. Apologies**

Nil

**2. Confirmation of Order of Business****3. Interests**

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

**4. Public Forum****5. Temporary Road Closures - Crusaders Rugby Game and Weet-Bix Kids TRYathlon****6 - 15**

Document number R12571

Recommendation

***That the Hearings Panel - Other***

- 1. Receives the report Temporary Road Closures - Crusaders Rugby Game and Weet-Bix Kids TRYathlon (R12571) and its attachments (A2282427, A2265090, A2292647); and***
- 2. Approves the temporary road closures for the Crusaders Rugby Game on 1 February 2020 and the temporary road closures for the Sanitarium Weet-Bix Kids TRYathlon on 8 March 2020.***

**6. Right of Way Easement - Findlay Place Local Purpose Reserve (Road)****16 - 24**

Document number R12532

Recommendation

***That the Hearings Panel - Other***

- 1. Receives the report Right of Way Easement - Findlay Place Local Purpose Reserve (Road) (R12532) and its attachment (A2300467 and A2288406); and***
- 2. Grants a Right of Way Easement over the Local Purpose Reserve (Road) (Lot 17 DP 486996) in favour of 51 Saxton Road (Lot 2 DP 366503) subject to public notice under section 119 (1)(b) of the Reserves Act 1977 with all costs being met by the applicant; and***
- 3. Notes that if any objections to the proposed easement are received, a further report will be brought to the Hearings Panel - Other to enable consideration and decision on those objections.***

**7. Application for change of a private right of way -  
Peartree Park**

**25 - 29**

Document number R13599

Recommendation

***That the Hearings Panel - Other***

- 1. Receives the report Application for change of a private right of way - Peartree Park (R13599) and its attachment (A2298629); and***
- 2. Accepts the name of "Vintners Way" for the right of way servicing Lots 33, 37-42, 131 and 132 on Land Transfer Plan LT 534240.***

**8. Application for naming of a private right of way -  
Marsden Park**

**30 - 34**

Document number R13607

Recommendation

***That the Hearings Panel - Other***

- 1. Receives the report Application for naming of a private right of way - Marsden Park (R13607) and its attachment (A2298629); and***
- 2. Accepts the name of "Falcon Ridge Way" for the right of way servicing Lots 133 and future lots 78 and 79 on Land Transfer Plan LT 534240.***

**9. Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules**

**35 - 49**

Document number R13595

Recommendation

***That the Hearings Panel - Other***

- 1. Receives the report Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules (13595) and its attachments (A2297682 and A2298179); and***
- 2. Approves amendments detailed in the report R10158 to the following Schedules of the Bylaw, Parking and Vehicle Control (2011), No 207:***
  - Schedule 4***
  - Schedule 7***
  - Schedule 8***
  - Schedule 9***

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## **Temporary Road Closures - Crusaders Rugby Game and Weet-Bix Kids TRYathlon**

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### **1. Purpose of Report**

- 1.1 To approve the temporary road closure applications in this report.

### **2. Recommendation**

***That the Hearings Panel - Other***

- 1. Receives the report Temporary Road Closures - Crusaders Rugby Game and Weet-Bix Kids TRYathlon (R12571) and its attachments (A2282427, A2265090, A2292647); and***
- 2. Approves the temporary road closures for the Crusaders Rugby Game on 1 February 2020 and the temporary road closures for the Sanitarium Weet-Bix Kids TRYathlon on 8 March 2020.***

### **3. Background**

- 3.1 It is a requirement that temporary road closures made under Schedule 10 Clause 11(e) of the Local Government Act 1974 come to the Hearings Panel - Other for approval.
- 3.2 It is a requirement that consultation with the New Zealand Transport Agency (NZTA) is undertaken to temporarily close any road under Schedule 10 Clause 11 of the Local Government Act 1974. Nelson City Council (NCC) and NZTA have an agreement that specific consultation is only required if the closure affects state highway or their assigned detour routes.

## Item 5: Temporary Road Closures - Crusaders Rugby Game and Weet-Bix Kids TRYathlon

### 4. Discussion

#### Crusaders Rugby Game

- 4.1 Council officers received an application on 10 October 2019 from Tasman Rugby to temporarily close the roads listed below on 1 February 2020 from 4.30pm until 11pm as per Attachment 1. This closure is to ensure the safety of pedestrians entering and exiting Trafalgar Park for the Crusaders Rugby Game.
- 4.1.1 **Trafalgar Street** between Halifax Street and Wainui Street
  - 4.1.2 **Grove Street** between Trafalgar Street and Collingwood Street
  - 4.1.3 **Elliot Street**
  - 4.1.4 **Hathaway Terrace**
- 4.2 Consultation with NZTA will be undertaken as part of the traffic management approval process due to this closure affecting a State Highway detour route. Consultation with Police has been undertaken and they have given their approval for this event.
- 4.3 As per clause 11(e) of schedule 10 of the Local Government Act 1974, this proposed road closure will not exceed the aggregate of 31 days for any year.
- 4.4 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 30 October 2019 to notify of the applicants intention to close these roads and inviting feedback by 13 November 2019. The advertisement was also placed on the council website and a letter drop was undertaken to directly affected residents. No feedback from the public was received.
- 4.5 The applicant will be applying for a noise consent for this event and evidence of public liability insurance has been provided. Council staff are working with the applicant's traffic management provider, Safe Traffic New Zealand regarding traffic management for this event.
- 4.6 Council officers are satisfied that the road closure will not unreasonably impede traffic because alternative routes are available, there have not been issues with similar closures in the past and the extent and duration is limited. Council officers recommend that this application be approved.

#### Sanitarium Weet-Bix Kids TRYathlon

- 4.7 Council officers received an application on 30 August 2019 from SMC Events Ltd to close the roads listed below on 8 March from 6am until 12.30pm for the annual Sanitarium Weet-Bix Kids TRYathlon as per Attachment 2. The proposed wet weather date is Sunday 5th April 2020.
- 4.7.1 **Beach Road** from approximately no. 21 Beach Road to Golf Road
  - 4.7.2 **Golf Road** from Beach Road to Parkers Road
  - 4.7.3 **Hounsell Circle**
  - 4.7.4 **Bisley Walk**

Item 5: Temporary Road Closures - Crusaders Rugby Game and Weet-Bix Kids TRYathlon

- 4.8 Consultation with NZTA has not been undertaken due to this event not having any impact on the State Highway or its detour routes.
- 4.9 Consultation with Police has been undertaken and they have given their approval for this event.
- 4.10 As per clause 11(e) of schedule 10 of the Local Government Act 1974, this proposed road closure will not exceed the aggregate of 31 days for any year.
- 4.11 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 16 October 2019 to notify of the applicants intention to close these roads and inviting feedback by 30 October 2019. The advertisement was also placed on the council website. The following feedback was received:
- 4.11.1 *The proposed closure of the above is completely unnecessary, seriously restricts our legal rights to access our property and must be refused. We have lived in and around Golf Road for some years and witnessed the traffic flows on the Weet-Bix Sunday Event and can assure anybody that closing Golf Road has never been necessary. Unless the plan is to use Golf Road as part of the course, closure should not happen. I would appreciate feedback and an update of the final decision on this matter.*
- Officers can confirm that the cycle section does use Golf Road as per Attachment 3 and the road closure is required for safety reasons.
- 4.11.2 *I have a concern in that the road closure in Waikare Street is not being managed properly, we live at number 6. Over a year or so I've spoken to people who manage the Beach Road end for this event. It appeared to me they have not grasped that they should have a person at the other end (Muritai Street) to stop cars coming down our road as it's blocked. What happens then is we have a traffic jam, everybody follows the leader they all come to stop, then they all have to back out to Muritai Street, even my grandson can figure this puzzle out, so maybe you should look into this before the next event???*
- Council staff are working with the applicant's traffic management provider, Safe Traffic New Zealand, regarding traffic management for this event. Feedback received will be taken into account when formulating the traffic management for this event to ensure concerns are mitigated e.g. ensuring signage provides advanced warning from Muritai Street onto Waikare Street and other side streets.
- 4.12 No noise consent is required for this event and evidence of public liability insurance has been provided.



## Item 5: Temporary Road Closures - Crusaders Rugby Game and Weet-Bix Kids TRYathlon

- 4.13 Council officers are satisfied that the road closure will not unreasonably impede traffic because alternative routes are available and the extent and duration is limited. Council officers recommend that this application be approved.

### **5. Options**

- 5.1 The Hearings Panel - Other has two options, either to approve or decline the temporary road closure applications. Officers recommend approving the temporary road closures for these events.

**Author: Melissa Ramsay, Roding Network Coordinator**

### **Attachments**

Attachment 1: Road Closure - Crusaders Rugby - Map - A2282427 [↓](#)

Attachment 2: Road Closure - Weet-Bix TRYathlon 2020 - A2265090 [↓](#)

Attachment 3: Weet-Bix TRYathlon course and village map - A2292647 [↓](#)

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	<p>The following are applicable:</p> <ul style="list-style-type: none"> <li>• The Local Government Act 1974, Schedule 10, Temporary Prohibition of Traffic;</li> <li>• The Local Government Act 2002, Clause 78, Community Views in Relation to Decisions.</li> </ul> <p>The temporary road closures fit with the purpose of local government.</p>
<b>2. Consistency with Community Outcomes and Council Policy</b>	<p>These events contribute to our community outcomes by assisting our community to celebrate their identity and community.</p>
<b>3. Risk</b>	<p>If the temporary road closures are not approved, these community events are at risk of not going ahead.</p>
<b>4. Financial impact</b>	<p>There is no financial impact to Council for these road closures.</p>
<b>5. Degree of significance and level of engagement</b>	<p>This matter is of medium significance because of the number of people affected and the short duration of the events. A request for feedback was advertised in Our Nelson and on the Council's website.</p>
<b>6. Climate Impact</b>	<p>This decision will have no impact on the ability of the Council or District to proactively respond to the impacts of climate change now or in the future.</p>
<b>7. Inclusion of Māori in the decision making process</b>	<p>No engagement with Māori has been undertaken in preparing this report.</p>
<b>8. Delegations</b>	<p>The Hearings Panel - Other has the following delegations to consider temporary road closures:</p> <p>Functions:</p> <ul style="list-style-type: none"> <li>• <i>To conduct hearings and/or determine under delegated authority applications relating to the Dog Control Act 1996, all matters relating to Temporary Road Closures pursuant to Schedule 10</i></li> </ul>

Item 5: Temporary Road Closures - Crusaders Rugby Game and Weet-Bix Kids  
TRYathlon

*clause 11(e) of the Local Government Act 1974, matters relating to naming features within the city, and any other matters required for determination by Council under legislation as determined by Council.*

Item 5: Temporary Road Closures - Crusaders Rugby Game and Weet-Bix Kids TRYathlon:  
Attachment 1

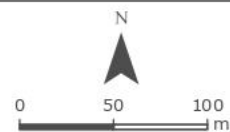


## Proposed Road Closure

Crusaders Rugby Game 2020



Saturday 1st February 2020  
4.30pm to 11.00pm



October 2019

File Ref: A2282427  
MO. Original map size A4.

PO Box 645 Nelson 7040 New Zealand PH 03 5460200 [nelson.govt.nz](http://nelson.govt.nz)




Item 5: Temporary Road Closures - Crusaders Rugby Game and Weet-Bix Kids TRYathlon:  
Attachment 2




The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution 4.0 International License, and the use of any data or plan or any information downloaded must be in accordance with the terms of that licence. For more information please contact us.  
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**Proposed Road Closure**

2020 Sanitarium Weet-Bix  
Kids TRYathlon

 **Nelson City Council**  
te kaunihera o whakatū

**Legend**

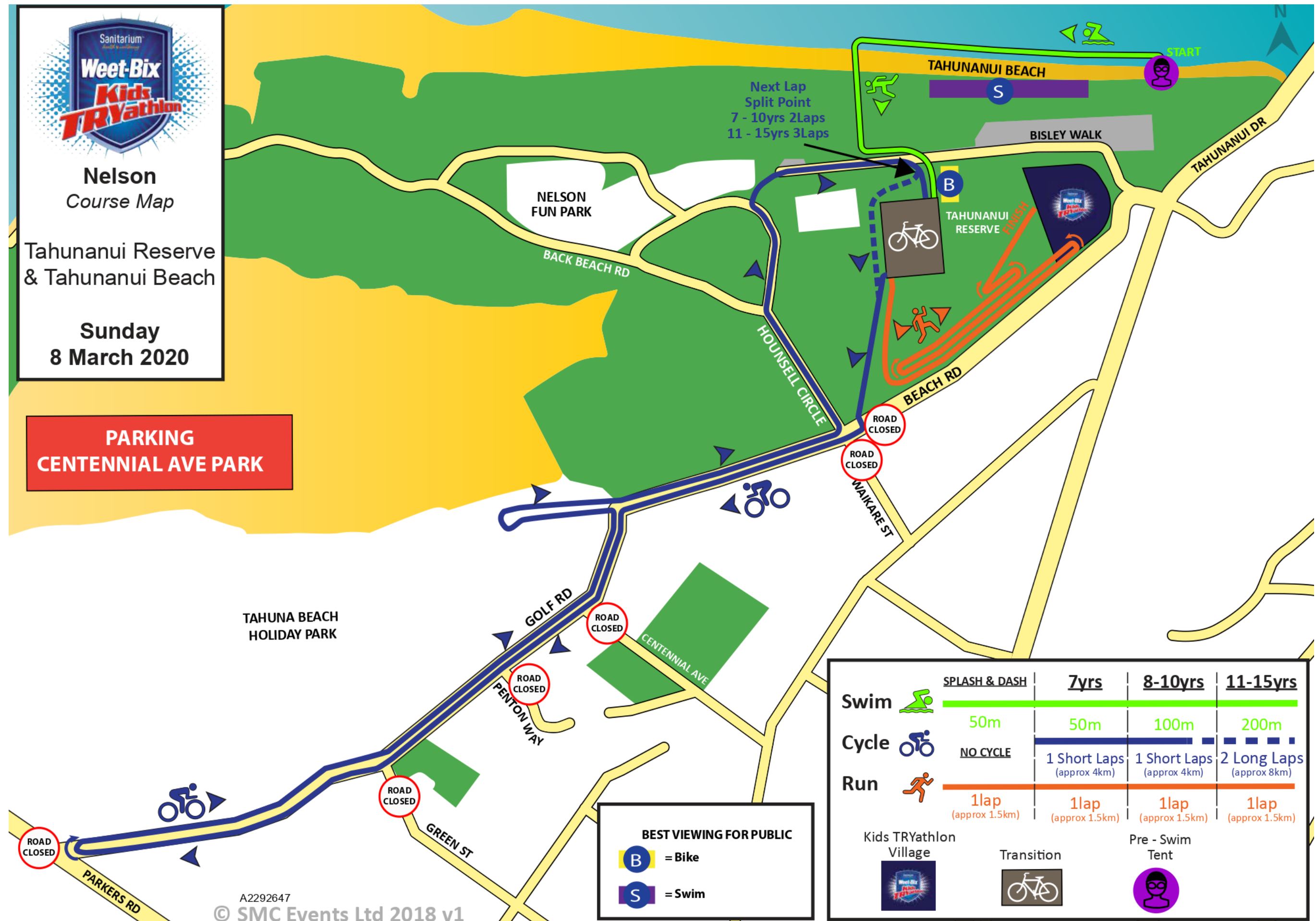
 Proposed Road Closure:  
Sunday 8 March 2020  
6am-12.30pm

**Scale and Orientation**

N

September 2019

0 100 200 300 m









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## **Right of Way Easement - Findlay Place Local Purpose Reserve (Road)**

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### **1. Purpose of Report**

- 1.1 To approve the granting of an easement to Wholesale Landscapes Limited over Council Local Purpose Reserve (Road) for a right of way, subject to public notice and Council consent.

### **2. Summary**

- 2.1 For reserves vested in Council as the administering body, the Reserves Act (1977) enables the Council to grant an easement for specified purposes, including a right of way to any other land not forming part of the reserve, subject to the consent of the Minister of Conservation. The Hearings Panel – Other has been delegated the administering body powers. The Minister's powers to grant consent have been delegated to Council.

### **3. Recommendation**

#### ***That the Hearings Panel - Other***

- 1. Receives the report Right of Way Easement - Findlay Place Local Purpose Reserve (Road) (R12532) and its attachment (A2300467 and A2288406); and***
- 2. Grants a Right of Way Easement over the Local Purpose Reserve (Road) (Lot 17 DP 486996) in favour of 51 Saxton Road (Lot 2 DP 366503) subject to public notice under section 119 (1)(b) of the Reserves Act 1977 with all costs being met by the applicant; and***
- 3. Notes that if any objections to the proposed easement are received, a further report will be brought to the Hearings Panel - Other to enable consideration and decision on those objections.***



#### **4. Background**

- 4.1 The proprietors of Lot 2 DP 366503 wish to create a second entrance from Findlay Place to their land at 51 Saxton Road. This will allow them to develop a 'one way' system for delivery trucks. Attachment One shows the relationship between Findlay Place and 51 Saxton Road; attachment two indicates the position and extent of the proposed right of way.
- 4.2 The proposed route is across a Local Purpose Reserve (Road) at the end of Findlay Place that was intended to become formed road when Lot 2 DP 366503 was subdivided and developed.
- 4.3 Findlay Place is within the Industrial – Nayland Road South Zone and services a number of light industrial businesses. The road was built to a subcollector road standard in anticipation of increased traffic numbers when Lot 2 DP 366503 is developed in the future.
- 4.4 Easements formalise the occupation of land by parties other than the landowners. The Easement instrument will stipulate the standard of the right of way formation. It will also contain a restriction preventing the ROW being used for a future subdivision of Lot 2 DP 366503 without being upgraded to full subcollector road standard.

#### **5. Discussion**

- 5.1 The Reserve comprises approximately 13 m<sup>2</sup>, slightly over 18 metres long and less than 1 metre wide. It was created at the same time as Findlay Place was formed and vested in Council.
- 5.2 The intention of this was to ensure that Council could control access to Lot 2 DP 366503 with the intention that:
- the road could be extended into 51 Saxton Road when further development occurred on the site;
  - Council would not be responsible for upgrading or forming the road extension to 51 Saxton Road prior to that development occurring; and
  - Findlay Place could be extended through number 51 and connect to Saxton Road so that it does not remain as a cul-de-sac.
- 5.3 Allowing an access to Lot 2 DP 366503 to be formed over the Local Purpose Reserve (Road) at this time is not in conflict with the intent of the Reserve.
- 5.4 The Easement Instrument will include a number of conditions:
- 5.4.1 The proprietors of Lot 2 DP 366503 agreeing that the ROW can only be used for the existing consented activities at this site and

## Item 6: Right of Way Easement - Findlay Place Local Purpose Reserve (Road)

cannot be used for any future subdivision or development without approval from the Divisional Manager Infrastructure;

- 5.4.2 They agree to a mechanism which ensures that if they sell the land then the above condition automatically transfers to the new landowner;
- 5.4.3 The physical works of constructing the ROW are shown on detailed engineering plans to the requirements of the Nelson Tasman Land Development Manual (NTLDM) and approved by Council prior to starting the work;
- 5.4.4 The works are constructed to the requirements of the NTLDM with as built engineering plans provided to Council within 2 weeks of completion of the work.
- 5.5 The proprietors of Lot 2 DP 366503 will be responsible for all of the costs to develop the ROW and the easement.
- 5.6 It is hard to imagine members of the public, or Council, currently utilising the Reserve due to its size and shape and proximity to the boundary with Lot 2 DP 366503/51 Saxton Road. Allowing the ROW to cross the Reserve would not impact on any potential users of the Reserve.
- 5.7 Any future developer of Lot 2 DP 366503 will be required to surrender the Easement and construct an extension to Findlay Place over the Reserve land, to Council standards.

### **Legislation**

- 5.8 In the case of reserves vested in Council as the administering body, the Reserves Act enables the Council to grant an easement for specified purposes, including *"providing or facilitating access...to...any other land not forming part of the reserve..."*. This approval is subject to the consent of the Minister of Conservation who has delegated the power to grant consent to Council.
- 5.9 The Hearings Panel – Other has been delegated the powers of Council as the administering body. The Ministerial powers to grant final consent remain with the Council. The Hearings Panel – Other is therefore required to decide whether or not to give public notice in accordance with the tests set out in section 48 (3) of the Reserves Act 1977, consider any submissions if public notice is given, and determine whether to grant the easement. If it is determined to grant the easement, consent of the Council is then required.
- 5.10 Where a reserve is likely to be materially altered or permanently damaged due to the granting of an easement public notice is required under section 119 of the Reserves Act 1977. This proposal will materially alter the reserve as the grassed area will be crossed by a paved accessway. This requires Council to publish a plan and description of the proposal in a newspaper circulating in the area in which the reserve is

## Item 6: Right of Way Easement - Findlay Place Local Purpose Reserve (Road)

situated, allow one month for objections and to consider those objections.

- 5.11 The Reserves Act requires that where publication of the notice falls within the period commencing with 10 December in any year and ending with 10 January in the next succeeding year, the date before which objections and submissions shall be made shall be not earlier than 10 February next following that period. In this instance officers intend to publish the notice before 10 December but to give the public until 10 February 2010 to lodge an objection with Ministerial approval of the easement to be considered at the first full Council meeting of 2020.

### Options

- 5.12 The Hearings Panel - Other has the options of approving or declining the easement. Approving the easement, subject to public notification, is the recommended option.

<b>Option 1: Approve the ROW easement to Wholesale Landscapes Limited subject to public notification</b>	
Advantages	<ul style="list-style-type: none"><li>• Enables better traffic flow for the landowner</li><li>• Reduced traffic congestion on Saxton Road thereby improving traffic safety</li><li>• Allows the community to make their views known</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• Possible objections from the community</li></ul>
<b>Option 2: Decline the ROW easement to Wholesale Landscapes Limited</b>	
Advantages	<ul style="list-style-type: none"><li>• Officer time available for other matters</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• Council seen as unsupportive</li><li>• Ongoing traffic congestion on Saxton Road</li></ul>

## 6. Conclusion

- 6.1 The easement Wholesale Landscapes Limited has requested will help with traffic flow through to their property at 51 Saxton Road. As granting the easement will materially alter the Local Purpose Reserve public notification of the easement is required. This is a matter that the Hearings Panel – Other can make a decision on.

## 7. Next Steps

- 7.1 Lodge the Public Notice in the Nelson Mail and on the Council website. Copies of the proposal will also be sent to business operators and landowners in Findlay Place. If objections are received officers will

## Item 6: Right of Way Easement - Findlay Place Local Purpose Reserve (Road)

prepare a further Report to the Hearings Panel – Other/Committee, or, if no objections are received, seek the approval of Council acting under a delegation from the Minister of Conservation.

- 7.2 Subject to Council agreement, draft an Agreement to Grant Easement setting out the conditions Wholesale Landscapes Limited must meet regarding the right of way easement.

**Author: Peter Hunter, Team Leader Property**

### **Attachments**

Attachment 1: A2300467 - 51 Saxton Road and Findlay Place Diagram [↓](#)

Attachment 2: A2288406 - Findlay Place Indicative Area of ROW [↓](#)

<b>Important considerations for decision making</b>
<p><b>1. Fit with Purpose of Local Government</b></p> <p>The recommendation in this report is aligned with the purpose of Local Government in enabling “<i>democratic decision-making and action by, and on behalf of, communities</i>” as it enables the community the opportunity to consider and comment on the granting of a right of way over Council administrated Local Purpose Reserve. Granting the right of way will allow the applicants to operate more efficiently and to reduce traffic congestion thereby improving traffic safety.</p>
<p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p>Supports community outcomes –</p> <ul style="list-style-type: none"><li>• <i>Our infrastructure is efficient, cost effective and meets current and future needs</i></li><li>• <i>Our communities are healthy, safe, inclusive and resilient</i></li></ul>
<p><b>3. Risk</b></p> <p>This is a low risk decision as, if approved, the easement will be controlled by an appropriate legal instrument, physical construction of the right of way will be to the Nelson Tasman Land development Manual standard and the community will have an opportunity to consider and provide feedback on the impacts on the Reserve itself.</p>
<p><b>4. Financial impact</b></p> <p>The costs of securing the easement, and the physical works, will be met by Wholesale Landscapes Limited as the beneficiaries of the easement.</p>
<p><b>5. Degree of significance and level of engagement</b></p> <p>This matter is of low significance because it does not impact the public or Council’s use of the reserve. However, consultation is required under section 48(2) of the Reserves Act because this easement proposal means that the reserve will be materially altered or permanently damaged. The community will be given an opportunity to make their views known under section 119 of the Act.</p>
<p><b>6. Climate Impact</b></p> <p>This decision will have no impact on the ability of the Council or District to proactively respond to the impacts of climate change now or in the future.</p>

**7. Inclusion of Māori in the decision making process**

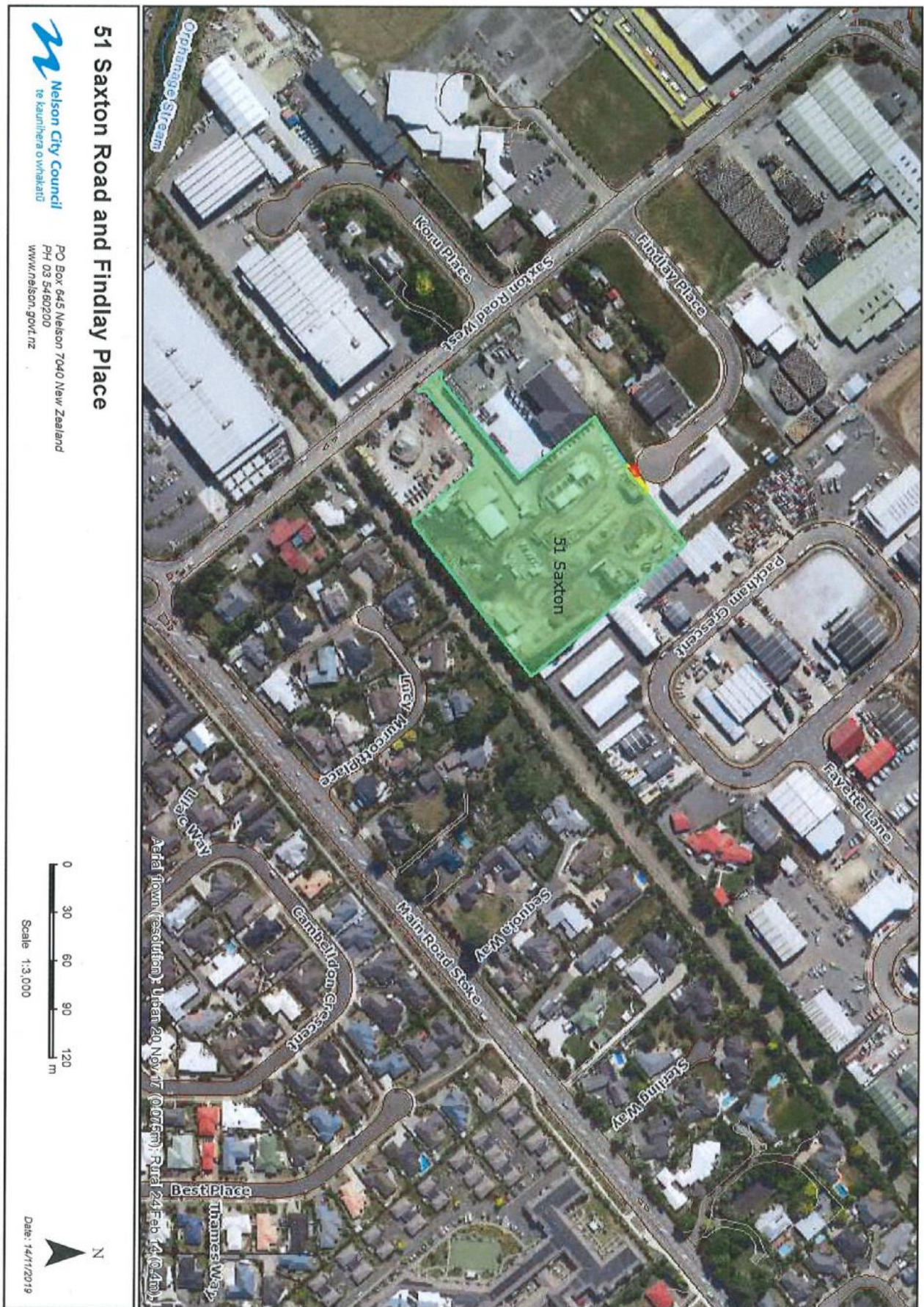
No engagement with Māori has been undertaken in preparing this report.

**8. Delegations**

The Hearings Panel – Other has the following delegations to consider this matter –

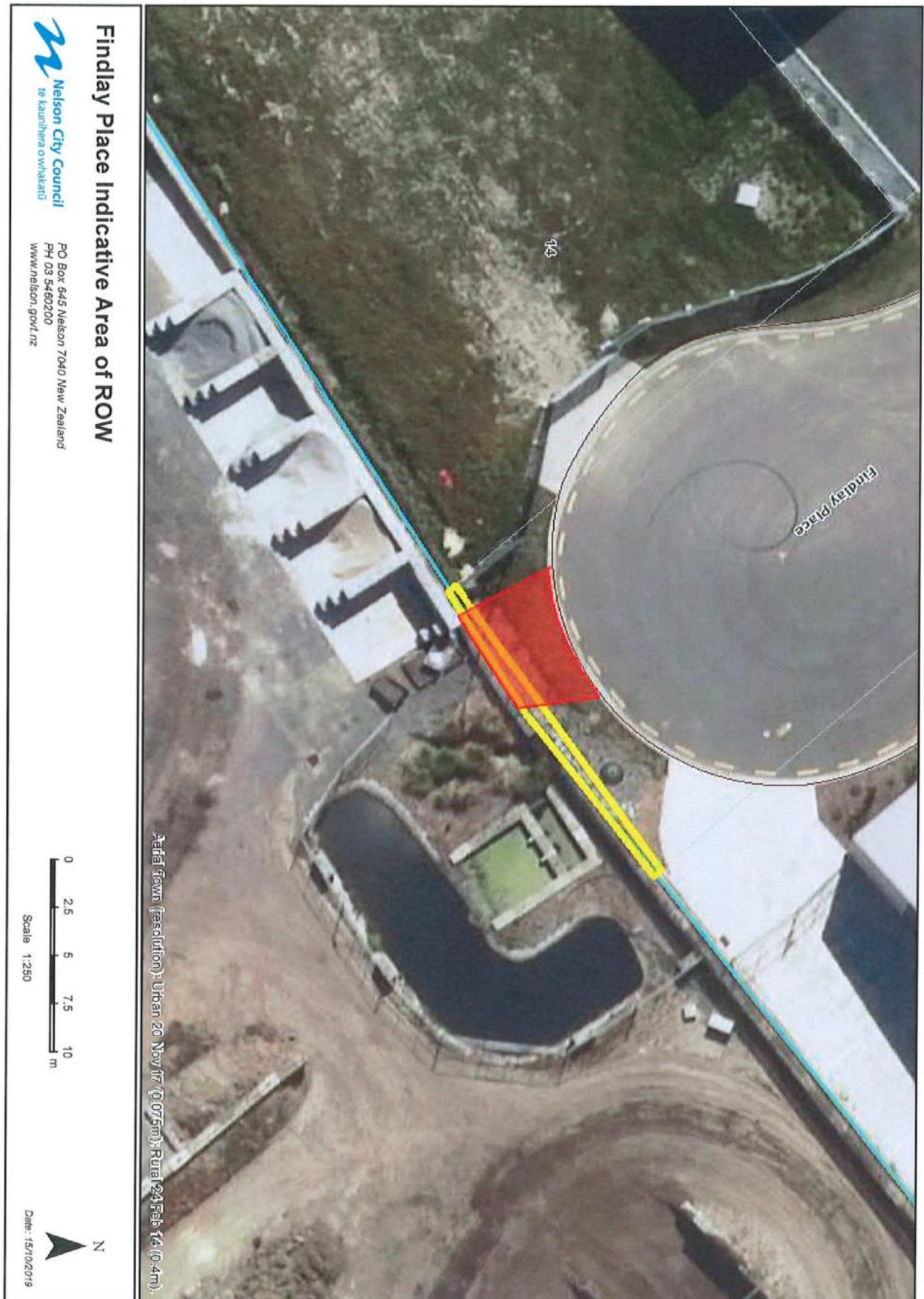
- *The power to administer the administering body functions under section 48 of the Reserves Act 1977 on proposed rights of way and other easements on reserves vested in Council*





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A2788406



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## **Application for change of a private right of way - Peartree Park**

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### **1. Purpose of Report**

- 1.1 To accept or decline to accept an application to change the naming of a private right of way from "Peartree Way" to "Vintners Way".

### **2. Recommendation**

***That the Hearings Panel - Other***

- 1. Receives the report Application for change of a private right of way - Peartree Park (R13599) and its attachment (A2298629); and***
- 2. Accepts the name of "Vintners Way" for the right of way servicing Lots 33, 37-42, 131 and 132 on Land Transfer Plan LT 534240.***

### **3. Background**

- 3.1 The name "Peartree Way" was approved by the Hearings Panel on 27 August 2014 under report number A1230645. The right of way is located in the Marsden Park subdivision off Sanctuary Drive as shown in Attachment 1 (A2271180).
- 3.2 The developer now wishes to change this name to "Vintners Way" as when the subdivision started there were grapes growing in that area.

### **4. Discussion**

- 4.1 The Council has no authority to name private roads or ways, other than to accept a name for inclusion in Council records.

### **Compliance with Council road naming guidelines**

- 4.2 In considering an application for the naming of a private right of way, the Council should consider the following relevant road naming guidelines:
- 4.2.1 Whether the name is similar in sound or spelling to any road name in the Nelson City Council and Tasman District Council area; and
  - 4.2.2 Whether the name is likely to cause any offence.

### **Evaluation of the proposed name**

- 4.3 There is no similar name of Vintners Way in the Nelson City Council and Tasman District Council areas.
- 4.4 The name is not likely to cause any offence. In addition the name is consistent with the horticultural theme of other Lanes in the area such as Plumtree and Elderberry Lanes.

## **5. Options**

- 5.1 The preferred option is to accept the name "Vintners Way". The alternative option is for Council to decline to accept this name and keep the existing Peartree Way name or ask the applicant to submit an alternative name.

**Author:** Mandy Bishop, Manager Consents and Compliance

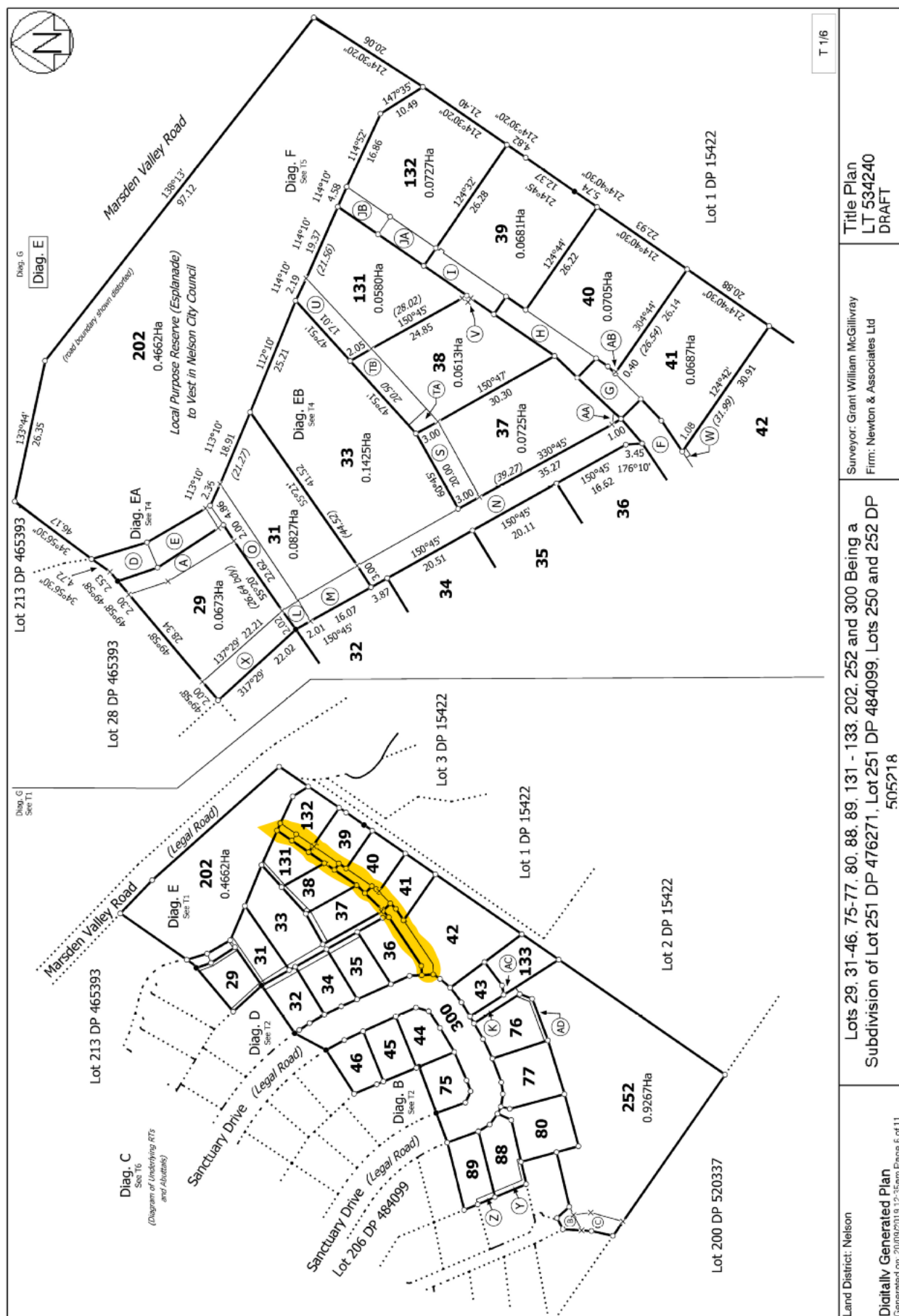
### **Attachments**

Attachment 1: A2298629 Vintners Way location [↓](#)

<b>Important considerations for decision making</b>
<b>1. Fit with Purpose of Local Government</b>  The Council has the authority to name roads, pursuant to s 319(j) of the Local Government Act 1974. The Council does not have the authority to name private rights of way, but may accept and record the name in Council systems and records.
<b>2. Consistency with Community Outcomes and Council Policy</b>  The decision in this report supports the community outcome that our Council provides leadership and fosters partnerships, a regional perspective and community engagement.
<b>3. Risk</b>  This is a low risk decision as checks have been carried out to ensure that the proposed name will not cause confusion to the public or to emergency services, if there are existing similar names. The name will not cause offence.
<b>4. Financial impact</b>  No additional resources are required.
<b>5. Degree of significance and level of engagement</b>  This matter is of low significance because there is no impact on any private person (no building on these lots has commenced). No consultation is required.
<b>6. Climate Impact</b>  No applicable for the change in name of a private right of way in an existing subdivision.
<b>7. Inclusion of Māori in the decision making process</b>  No engagement with Māori has been undertaken in preparing this report.
<b>8. Delegations</b>  The Hearings Panel has the following delegations to consider <i>Areas of Responsibility:</i> <ul style="list-style-type: none"><li>• <i>Matters relating to naming features within the city (6.18.1)</i></li></ul> <i>Powers to Decide:</i>

Item 7: Application for change of a private right of way - Peartree Park

- *The power to provide advice to applicants on appropriate names for private roads, rights of way or other legal forms of private access to property (6.18.3)*



A2298629

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## **Application for naming of a private right of way - Marsden Park**

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### **1. Purpose of Report**

- 1.1 To accept or decline to accept an application for the naming of a private right of way servicing Lots 133 and future lots 78 and 79 on Land Transfer Plan LT 534240 as shown in Attachment 1 (A2298629).

### **2. Recommendation**

***That the Hearings Panel - Other***

- 1. Receives the report Application for naming of a private right of way - Marsden Park (R13607) and its attachment (A2298629); and***
- 2. Accepts the name of "Falcon Ridge Way" for the right of way servicing Lots 133 and future lots 78 and 79 on Land Transfer Plan LT 534240.***

### **3. Background**

- 3.1 The name "Falcon Ridge Way" was chosen as the name of the general area has been referred to as Falcon Ridge for many years. A local falcon can often be seen there. The right of way is located in the Marsden Park subdivision off Sanctuary Drive as shown in Attachment 1 (A2298629).

### **4. Discussion**

- 4.1 The Council has no authority to name private roads or ways, other than to accept a name for inclusion in Council records.

#### **Compliance with Council road naming guidelines**

- 4.2 In considering an application for the naming of a private right of way, the Council should consider the following relevant road naming guidelines:

Item 8: Application for naming of a private right of way - Marsden Park

4.2.1 Whether the name is similar in sound or spelling to any road name in the Nelson City Council and Tasman District Council areas; and

4.2.2 Whether the name is likely to cause any offence.

**Evaluation of the proposed name**

4.3 There is no similar road name of Falcon Ridge Way in the Nelson City Council and Tasman District Council areas. There is a Falcon Ridge Estate in Higgins Road, Spring Grove but a private right of way is unlikely to be confused with the winery.

4.4 The name is not likely to cause any offence.

**5. Options**

5.1 The preferred option is to accept the name "Falcon Ridge Way". The alternative option is for Council to decline to accept this name and ask the applicant to submit an alternative name.

**Author: Mandy Bishop, Manager Consents and Compliance**

**Attachments**

Attachment 1: A2298629 Falcon Ridge Way location [↓](#)

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	The Council has the authority to name roads, pursuant to s 319(j) of the Local Government Act 1974. The Council does not have the authority to name private rights of way, but may accept and record the name in Council systems and records.
<b>2. Consistency with Community Outcomes and Council Policy</b>	The decision in this report supports the community outcome that our Council provides leadership and fosters partnerships, a regional perspective and community engagement.
<b>3. Risk</b>	This is a low risk decision as checks have been carried out to ensure that the proposed name will not cause confusion to the public or to emergency services, if there are existing similar names. The name will not cause offence.
<b>4. Financial impact</b>	No additional resources are required.
<b>5. Degree of significance and level of engagement</b>	This matter is of low significance because there is no impact on any private person (no building on these lots has commenced). No consultation is required.
<b>6. Climate Impact</b>	Not applicable for the naming of a private right of way in an existing subdivision.
<b>7. Inclusion of Māori in the decision making process</b>	No engagement with Māori has been undertaken in preparing this report.
<b>8. Delegations</b>	<p>The Hearings Panel has the following delegations to consider</p> <p><i>Areas of Responsibility:</i></p> <ul style="list-style-type: none"><li>• <i>Matters relating to naming features within the city (6.18.1)</i></li></ul> <p><i>Powers to Decide:</i></p>



Item 8: Application for naming of a private right of way - Marsden Park

- *The power to provide advice to applicants on appropriate names for private roads, rights of way or other legal forms of private access to property (6.18.3)*



A2298629

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## **Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules**

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### **1. Purpose of Report**

- 1.1 To approve proposed alterations to Schedules of the Parking and Vehicle Control Bylaw (2011), No 207, to give effect to minor safety and parking improvements, roading improvements carried out as part of the capital works programme and changes from new subdivisions.

### **2. Recommendation**

***That the Hearings Panel - Other***

- 1. Receives the report **Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules (13595) and its attachments (A2297682 and A2298179); and*****
- 2. Approves amendments detailed in the report **R10158 to the following Schedules of the Bylaw, Parking and Vehicle Control (2011), No 207:*****
  - Schedule 4***
  - Schedule 7***
  - Schedule 8***
  - Schedule 9***

### **3. Background**

- 3.1 The Parking and Vehicle Control Bylaw 2011 allows for the Council by resolution, to add, amend or delete specifications contained within the Schedules. The Council has delegated this power to the Hearings Panel - Other. To ensure that the Bylaw is enforceable it is important to ensure that the Schedules are updated on a regular basis. The Bylaw Schedules were last updated in June 2019.

## Item 9: Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules

- 3.2 Minor alterations and additions are proposed to Schedules 4, 7, 8, and 9 of the Bylaw as detailed in section 4.
- 3.3 The proposed alterations and additions are shown for indicative purposes only by plans attached to this report. The purpose of these plans is to assist the panel to easily and quickly understand the nature of the changes proposed. These plans will not form part of the final bylaw. The actual changes as they will be incorporated into the final Bylaw, and with the level of detail required for enforcement purposes, are set out in the schedule of changes appended as Attachment 2.

### **4. Discussion**

#### **Schedule 4 – Special Parking Areas**

- 4.1 Muritai Street Bus Stop Removal
  - 4.1.1 As a result of the proposed Nelson Petroleum Distribution (NPD) development at 142 Muritai Street, the current bus stop near the corner of Muritai Street and Parkers Road needs to be removed. Officers have reviewed the number of bus stops and their spacing along the route, and have concluded that removing this bus stop is acceptable. The nearest inbound journey bus stops are situated only 220m south on Parkers Road, and 170m north on Muritai Street. The proximity of these bus stops are less than 400m apart, and are therefore in line with best practice for bus stop spacing. Officers also noted that safety concerns had been raised in the past as a result of buses stopping near the intersection, making it difficult for drivers to see when re-entering the traffic stream. The bus stop proposed to be removed is shown in Attachment 1, titled 4.1
- 4.2 Relocation of Bus Stop outside 134 Waimea Road
  - 4.2.1 Following feedback from Nelson Coachlines (operator of NBus), officers have recommended making alterations to the bus stop on Waimea Road, north of Tukuka Street. As a result of cars parking directly north and south of the bus stop, NBus drivers find it difficult to safely and efficiently enter and exit this bus stop. It is therefore proposed to shift the current bus stop north, thus allowing NBus to use adjoining driveways to enter and exit the bus stop. The proposed location is shown in Attachment 1, titled 4.2, and is the preferred option as there is no net loss of on-street parking. A letter box drop was carried out with directly affected residents but no feedback was received regarding this proposal.

#### **Schedule 7 – Resident Parking Spaces**

- 4.3 219 Bridge Street (Resident Only park)

## Item 9: Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules

- 4.3.1 Council Officers previously presented the request for a resident's only park outside 219 Bridge Street to the Hearings Panel – Other on 20 June 2019, which was subsequently declined. Following this decision, further information has come to light regarding the circumstances of the applicant. Officers wish to present this further information to the Panel for consideration.
  - 4.3.2 It has been advised by the applicant that incorrect advice was provided in relation to the future parking possibilities of the property by council's duty planners. This advice was provided at the time the applicant was in the process of purchasing the property. The applicant was led to believe that providing a driveway would be a simple process and would not require resource consent. The transport team have reviewed the requirements for off-street parking, and have confirmed that this would require a resource consent, and would likely cost up to \$15,000 for works within the road reserve alone.
  - 4.3.3 The applicant has also advised of her physical disability that makes walking long distances difficult. For this reason, having a parking space in close proximity to the house is advantageous.
  - 4.3.4 The resident has indicated that it remains her desire to create an off street carpark on the property but that consent requirements and costs will delay this work. The resident only carpark is sought as an interim measure (1 – 2 years) and would be revoked when the off street carpark is created.
  - 4.3.5 The proposed resident only park is shown in Attachment 1, titled 4.3. No consultation was or has been undertaken with neighbouring properties due to the unique nature of this application.
- 4.4 34 Tasman Street (Resident Only Park)
- 4.4.1 Council have received an application for a resident only park at 34 Tasman Street. Officers have confirmed that this application meets the requirements of the resident parking policy. The Group Manager Infrastructure has recommended this application to the Hearings Panel – Other. Neighbouring properties were consulted and feedback was received from one property (36 Tasman Street) who was in support of this proposal. The proposed resident only park is shown in Attachment 1, titled 4.4
- 4.5 36 Tasman Street (Resident Only Park)
- 4.5.1 Council have received an application for a resident only park at 36 Tasman Street. Officers have confirmed that this application meets the requirements of the resident parking policy. The Group Manager Infrastructure has recommended this application to the Hearings Panel – Other. Neighbouring properties were consulted

## Item 9: Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules

and no feedback was received. The proposed resident only park is shown in Attachment 1, titled 4.4.

### **Schedule 8 – Time Limited Parking Areas**

#### 4.6 575 Main Road Stoke P60 Parking

- 4.6.1 Following the change of use at 575 Main Road Stoke from retail to a dentist, the current P10 time limited parking is proposed to be altered to P60 to reflect the change in use and average time customers spend at the new premise. The proposed changes are shown in Attachment 1, titled 4.5. This development is subject to a resource consent, and no consultation was undertaken due to the effects being restricted only to the applicants business.

### **Schedule 9 – No Stopping and No Parking Areas**

#### 4.7 Tasman Street / Grove Street Intersection

- 4.7.1 Following concerns raised by multiple residents and road users, officers have reviewed the need for no stopping at the intersection of Tasman Street and Grove Street. As a result of historical intersection design, Bobby Franks Café and high parking demand, visibility at this intersection is restricted by a number of factors. Officers recommend installing no stopping as shown in Attachment 1, titled 4.6 on safety grounds. The café is aware of the proposal and did not object. Feedback was received from three nearby residents who were all in support.

#### 4.8 Tasman Street Resident Only Parking No Stopping

- 4.8.1 Officers have identified the need to install no stopping north of the Grove Street / Tasman Street intersection to improve the sight lines to the north. The area proposed for no stopping is 3m in length, and thus too small for a vehicle to park legally. The extent of no stopping required is 8m in length, extending over the existing driveway. Due to the restricted length, there is no loss in on-street parking. The proposed no stopping is shown in Attachment 1, titled 4.4 and would be completed at the time of installing the resident only parks as outlined in items 4.4 and 4.5, assuming these are approved. Irrespective of that decision, officers recommend proceeding with the proposed no stopping. Feedback was received by three nearby residents who were all in support of this proposal.

#### 4.9 71 Tasman Street No Stopping

- 4.9.1 Following concerns raised by residents and road users, officers have reviewed the need for no stopping around the corner of Tasman Street, near 71 Tasman Street. Parking on the inside of this corner limits the visibility for road users and restricts the safe and efficient access to and from driveways. Officers recommend

## Item 9: Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules

installing no stopping as shown in Attachment 1, titled 4.7 on safety grounds. Feedback was received from three residents who were all in support of the proposal.

### 5. Options

- 5.1 There are limited options for the items presented in this report as the majority in schedules 4, 7, 8, and 9 are proposed changes to improve safe and efficient traffic movement. Option 1 is the preferred option.

<b>Option 1: Adopt changes as attached for Schedules 4, 7, 8 and 9 without changes</b>	
Advantages	<ul style="list-style-type: none"><li>• Changes to Schedules are designed to improve safety and efficiency</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• Nil</li></ul>
<b>Option 2: Do not adopt changes as attached for Schedules 4, 7 8 and 9.</b>	
Advantages	<ul style="list-style-type: none"><li>• There are no identified advantages</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• Failure to approve changes could result in unsafe and inefficient use of the roading network.</li><li>• Failure to update Schedules will open enforcement to challenge.</li><li>• Failure to approve changes will delay or prevent development under the Resource Management Act (RMA).</li></ul>

**Author:** Matt Bruce, Team Leader Transport and Solid Waste

### Attachments

Attachment 1: A2297682 Proposed changes shown indicatively on aerials [↓](#)

Attachment 2: A2298179 Schedule of Changes to Parking and Vehicle Control Bylaw [↓](#)

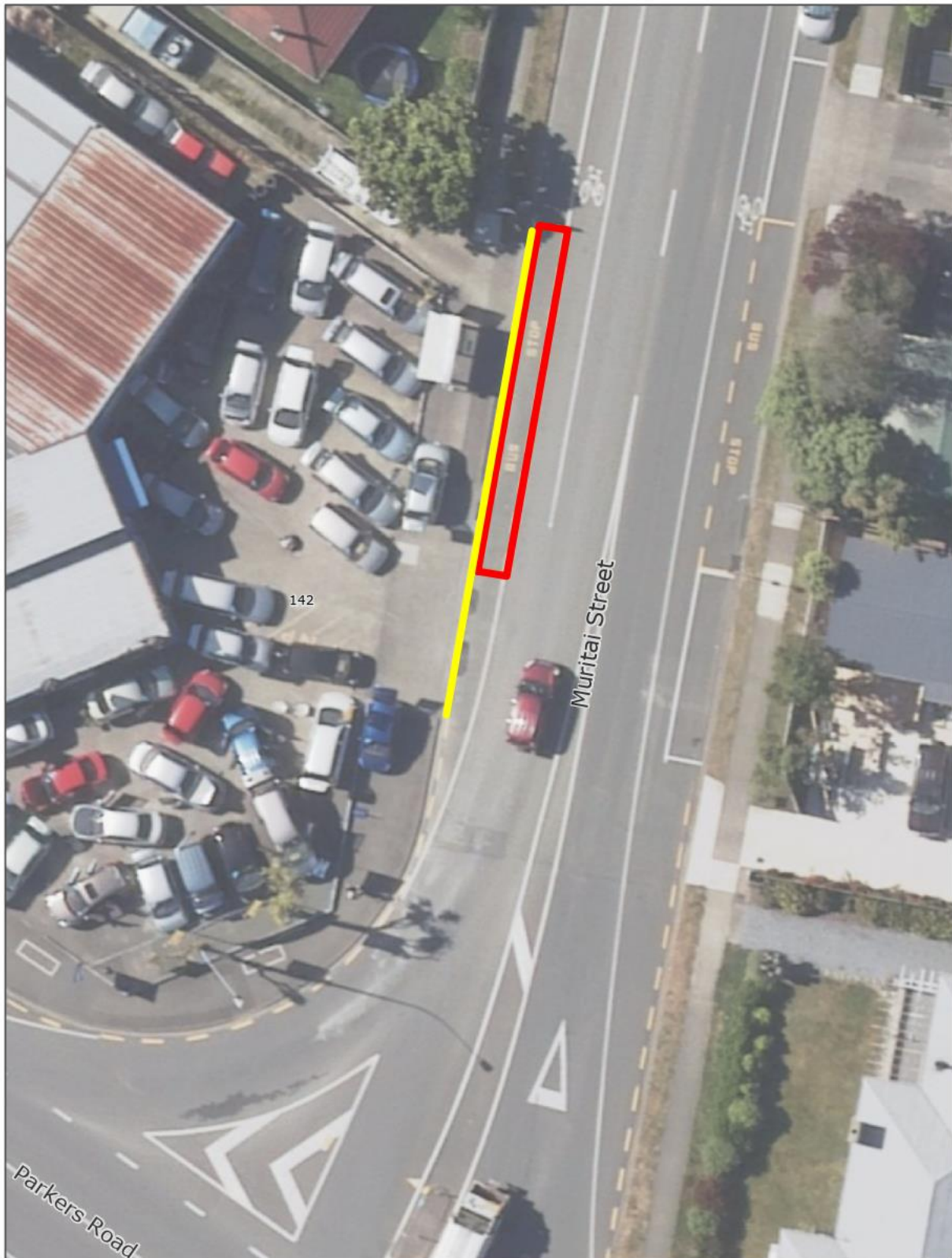
<b>Important considerations for decision making</b>
<b>1. Fit with Purpose of Local Government</b>  The report recommendation meets current and future needs of communities in contributing to the safe use of the roading and parking network in the City.
<b>2. Consistency with Community Outcomes and Council Policy</b>  The content and recommendations of this report are consistent with Council's Community Outcomes – "Our Infrastructure is efficient, cost effective and meets current and future needs". In particular that we have good quality, affordable and effective infrastructure and transport networks. This report is directly aligned to the requirements of the Parking Policy, the Parking and Vehicle Control Bylaw and with Council's strategic direction through the Regional Land Transport Strategy.
<b>3. Risk</b>  To ensure that the Bylaw is enforceable, it is important to ensure that the Schedules are updated on a regular basis. Failure to update Schedules will open enforcement up to challenge.
<b>4. Financial impact</b>  Costs are within allocated annual budgets for road maintenance or capital projects.
<b>5. Degree of significance and level of engagement</b>  This matter is of low significance. Nearby businesses and residents that could be affected, have been consulted.
<b>6. Climate Impact</b>  This decision will have no impact on the ability of the Council or District to proactively respond to the impacts of climate change now or in the future.
<b>7. Inclusion of Māori in the decision making process</b>  No engagement with Māori has been undertaken in preparing this report.
<b>8. Delegations</b>  The Hearings Panel - Other has the following delegations to consider changes to the Parking and vehicle Control Bylaw.  <i>Powers to Decide:</i> <ul style="list-style-type: none"><li><i>The power to make changes to the schedules to the Parking and Vehicle Control Bylaw that do not require public consultation</i></li></ul>



Item 9: Parking and Vehicle Control Bylaw (2011), No 207 Amendments to  
Schedules

- *The power to hear submissions and recommendations on proposed changes to the schedules to the Parking and Vehicle Control Bylaw requiring public consultation*

Item 9: Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules:  
Attachment 1



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#### 4.1 - Muritai Street Remove Bus Stop & Proposed No Stopping



#### Legend

- Remove Bus Stop
- Proposed No Stopping

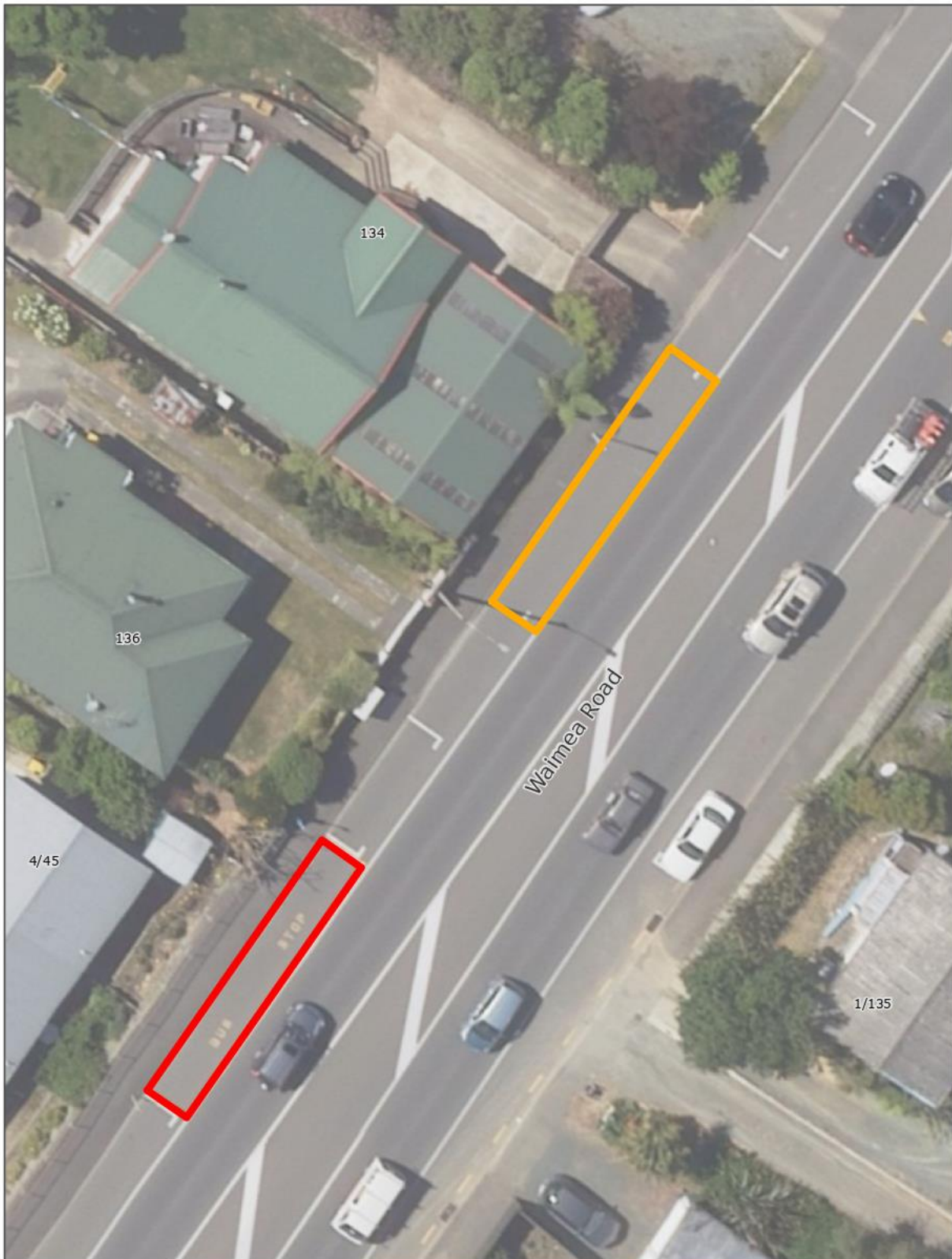
0 5 10 m



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File Ref: A2297682  
MO. Original map size A4.

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Attachment 1



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## 4.2 - 134 Waimea Road Relocate Bus Stop



- Legend**
- Remove Bus Stop
  - Proposed Bus Stop

0 5 10 m



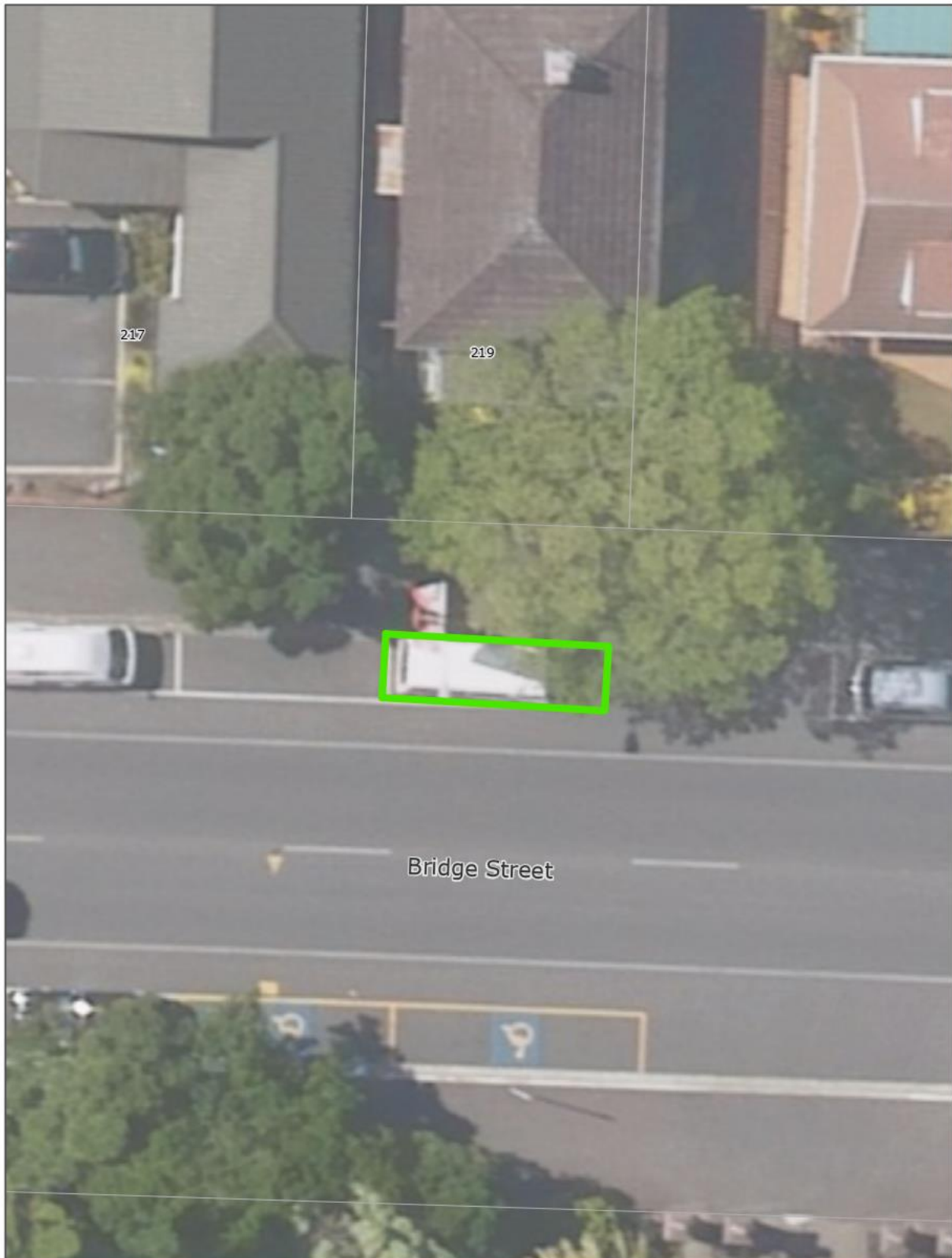
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Item 9: Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules:  
Attachment 1



**4.3 - 219 Bridge Street -  
Proposed Resident ONLY  
Park**



**Legend**

■ Proposed Resident ONLY Park

0 2.5 5 m



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Attachment 1



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#### 4.4 - 34 and 36 Tasman Street Proposed Resident Only Parking



#### Legend

- Proposed Resident ONLY Park
- Proposed No Stopping

0 2.5 5 m

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MO. Original map size A4.



Item 9: Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules:  
Attachment 1



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**4.5 - 575 Main Road Stoke**  
**Proposed P60 Parking**  
**to Replace P10 Parking**



**Legend**

■ Proposed P60 parking

0 5 10 m



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MO. Original map size A4.

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Item 9: Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules:  
Attachment 1



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#### 4.6 - Tasman Street Near Cafe Proposed No Stopping



#### Legend

— Proposed No Stopping

0 5 10 m



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Attachment 1



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#### 4.7 - 71 Tasman Street Proposed No Stopping



#### Legend

Proposed No Stopping

0 5 10 m



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Item 9: Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules:  
Attachment 2

**Attachment 2 – Proposed Amendments – Parking and Vehicle Control Bylaw Schedules**

[View Full Version](#)

Results								
ID	Street	Start Location	Side	Direction	Start Point	Distance	Type	Status
5426	Tasman Street	Grove Street Intersection.	Right	South	11.0	8.5	No stopping	Pending
5425	Murital Street	Parkers Road Intersection.	Left	North	25.0	24.5	No stopping	Pending
5424	Main Road Stoke	Ranui Road Intersection.	Right	North	68.0	14.5	P60	Pending
5423	Bridge Street	Ngairi Lane	Left	East	82.0	5.0	Resident Only Park	Pending
5422	Waimea Road	Tukuka Street Intersection.	Left	North	56.0	15.5	Bus Stop	Pending
5421	Tasman Street	Bridge Street Intersection.	Right	North	88.0	17.0	No stopping	Pending
5420	Tasman Street	Grove Street Intersection.	Left	North	17.0	11.0	Resident Only Park	Pending
5419	Tasman Street	Grove Street intersection.	Left	North	7.5	9.5	No stopping	Pending

A2298179