



Notice of the Ordinary meeting of

Hearings Panel - Other

Rōpū Rongonga – Aha atu anō

Date:	Friday 10 February 2023
Time:	8.30a.m.
Location:	Rūma Waimārama Floor 2A, Civic House 110 Trafalgar Street, Nelson

Agenda

Rārangi take

Members

Deputy Mayor Rohan O'Neill-Stevens (Chairperson)
Cr Mel Courtney
Cr Tim Skinner

Quorum 2

Lindsay McKenzie
Interim 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. For enquiries call (03) 5460436.

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

Karakia and Mihi Timatanga

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. Confirmation of Minutes

There are no minutes to be confirmed.

6. Application for naming of a right of way - 83 Cable Bay Road, Nelson

4 - 8

Document number R27410

Recommendation

That the Hearings Panel - Other

- 1. Receives the report Application for naming of a right of way – 83 Cable Bay Road, Nelson (R27410); and***
- 2. Accepts the name of Drumduan Rise for the right of way identified in attachment 1 (11366331260-14900) of report R27410.***

Karakia Whakamutanga



Hearings Panel - Other

10 February 2023

REPORT R27410

Application for naming of a right of way – 83 Cable Bay Road, Nelson

1. Purpose of Report

To accept or decline to accept an application for the naming of a private right of way resulting from the subdivision of 83 Cable Bay Road, Nelson.

2. Recommendation

That the Hearings Panel - Other

1. **Receives the report Application for naming of a right of way – 83 Cable Bay Road, Nelson (R27410); and**
2. **Accepts the name of Drumduan Rise for the right of way identified in attachment 1 (11366331260-14900) of report R27410.**

3. Background

- 3.1 The location of the proposed development and private right of way is off Cable Bay Road as identified in the plan in Attachment 1. This subdivision will create 20 additional lots.
- 3.2 The proposed name for the private right of way is Drumduan Rise, Drumduan is the name of the hill on which the development is located and is well known in the area by locals. It was named by James Mackay who was an early settler and owned the property which he called "Drumduan" after his Scottish Highland home.

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 and thereby other public records.

Compliance with Council road naming guidelines

- 4.2 In considering an application for the naming of a 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 areas; and

4.2.2 Whether the name is likely to cause any offence.

Evaluation of the proposed name

- 4.3 The proposed name is not similar to any existing name in the Nelson region. In Tasman there is a Drummond Road in Lower Moutere but the spelling and sound of the proposed name is considered sufficiently different to not cause confusion for the public or emergency services. The name is not likely to cause any offence.

5. Options

- 5.1 The preferred option is to accept the name Drumduan Rise. The alternative option is for Council to decline to accept the name and ask the applicant to submit an alternative name.

Author: Bernadette Power, Development and Naming Adviser

Attachments

Attachment 1: 11366331260-14900 - 83 Cable Bay Road subdivision showing right of way [↓](#)

Important considerations for decision making

Fit with Purpose of Local Government

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.

Consistency with Community Outcomes and Council Policy

The decision in this report supports the community outcome that our Council provides leadership and fosters partnerships, a regional perspective and community engagement.

Risk

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.

Financial impact

No additional resources are required.

Degree of significance and level of engagement

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.

Climate Impact

Not applicable for the naming of a private right of way in an authorised subdivision and land use development.

Inclusion of Māori in the decision making process

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

Delegations

The Hearings Panel has the following delegations to consider

Areas of Responsibility:

- **Matters relating to naming features within the city (5.19.1)**

Item 6: Application for naming of a right of way - 83 Cable Bay Road, Nelson

Powers to Decide:

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 (5.19.3)

