



Nelson City Council
Te Kaunihera o **Whakatū**

Notice of the Ordinary meeting of

Hearing Panel

Te Rōpū Rongonga

Date:	Friday 8 September 2023
Time:	9.00a.m.
Location:	Council Chamber Floor 2A, Civic House 110 Trafalgar Street, Nelson

Agenda

Rārangi take

Chairperson
Members

Councillor Rohan O'Neill-Stevens
Cr Matthew Bengé
Cr Pete Rainey

Quorum 2

Nigel Philpott
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.

Hearing Panel

1. 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.

2. Membership:

- All elected members aside from the Mayor, in rotation. Each Hearing Panel will be made up of three members.
- The Chair of each Panel will be an elected member who has previously completed the 'Making Good Decisions' course.
- Each Hearings Panel will include no more than one elected member in their first triennium of Council
- The Group Manager Environmental Management may appoint one or more Independent Commissioners to either assist the Hearing Panel 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.

3. 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
- 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

5.1 16 June 2023

6 - 12

Document number M20190

Recommendation

That the Hearing Panel

- 1. Confirms the minutes of the meeting of the Hearing Panel, held on 16 June 2023, as a true and correct record.***

6. Temporary Road Closure - Nelson Arts Festival 2023

13 - 20

Document number R27845

Recommendation

That the Hearing Panel

- 1. Receives the report Temporary Road Closure - Nelson Arts Festival 2023 (R27845) and its attachments (340448201-5189 and 1355221503-12177); and***

2. ***Approves the temporary road closure as per report (R27845) Section 4 and its attachment (340448201-5189) for the Nelson Arts Festival 2023 on Friday 27 October 2023.***

Karakia Whakamutanga

**Minutes of a meeting of the
Hearing Panel
Te Rōpū Rongonga**

Held in the Council Chamber, Floor 2A, Civic House, 110 Trafalgar Street, Nelson on Friday 16 June 2023, commencing at 9.04a.m.

Present: Councillors R O'Neill-Stevens (Chair), T Brand, R Sanson

In Attendance: Chief Executive (N Philpott), Group Manager Infrastructure (A Louverdis), Governance Adviser (K Libeau) and Assistant Governance Adviser (A Bryce-Neumann)

Apologies : Nil

Karakia and Mihi Timatanga

- 1. Apologies**
- 2. Confirmation of Order of Business**

The Chair advised of one late item for the meeting and that the following resolution needed to be passed for the item to be considered.

Supplementary Report - Parking and Vehicle Control Bylaw (2011), No207 - Updated Bus Stops

Resolved HEA/2023/006

That the Hearing Panel

- 1. Considers Item 9 Supplementary Report - Parking and Vehicle Control Bylaw (2011), No207 - Updated Bus Stops (R27752) and its Attachments (1355221503-11260, 1355221503-11265) at this meeting as a supplementary item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.***

Sanson/O'Neill-Stevens

Carried

3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

4. Public Forum

4.1. Public Forum - Following Feedback on the Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedule Report

Document number R27741

The following people requested to speak to their feedback on the Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedule Report.

Mary O'Brien, Access Coordinator for CCS, spoke about the needs of the disabled community for bus patronage and asked Council to consider consulting with disabled people on what stops they were unable to use and why.

Kay Price spoke about the difficulty she had using the current buses with a walking frame and also being able to navigate the online information regarding the new routes.

Dana Hanson spoke about Jenner Road and the lack of parking at present with Jenner Road being a narrow street, and the number of elderly people residing in the neighbourhood who would be directly affected if parking spaces were taken away.

Robin Westrupp also spoke about Jenner Road being a narrow street and safety issues that would arise with Council installing a bus stop, along with the perceived lack of need for the proposed bus stop amongst residents she had surveyed.

Chris Kennedy spoke about the proposed bus stop on Bisley Ave, his concern that installing a bus stop would encourage unsafe driver activity and concerns that to his knowledge the route had not yet been tested by a bus the same length of the new buses.

Nelson McEwan spoke about the proposed bus stop on Bisley Ave and the current dangers with navigating this road due to the blind corners. He referred to the proposal to install the bus stop in the chicane and requested Council reconsider this. He also asked Council to consider reducing the speed limit on Bisley Ave.

Anne Miller spoke about the Nayland Road bus stop, the proposed Main Road Stoke bus interchange location, her desire for the car parks outside the Main Road Stoke shops to remain and her displeasure with the consultation process despite being in support of the planned bus services.

Kim Hall spoke about the Stoke bus interchange location and the Stoke business owners' proposal for a new location, thanking officers for taking their feedback onboard, and asked officers to consider locations of the proposed "super stops".

Ray Weston spoke about the proposed location of the Tāhunanui bus stops, asking that the Council consider placing the bus stops more centrally and consider access to the holiday park given that this was not currently adequately serviced by any of the bus stops.

Lisa Post spoke about the proposed bus stop at 208 Brook Street and requested Council officers revisit this location, moving the proposed stop slightly away from her driveway so as to be visually less imposing.

Ali Wood, on behalf of Karl Hadfield, spoke about their disappointment in the lack of public consultation, the Stoke businesses' engagement with Council and presented a petition to the Chair "STOP NCC's proposed Bus Interchange outside Stoke Businesses". The petition stated:

"We want to send a clear message to Nelson City Council that their proposed Stoke Interchange site needs revisiting.

The proposed site will result in the loss of valuable carparking and established trees, increase safety issues being so close to traffic lights and a pedestrian crossing and reduce the local amenity value.

Stoke Businesses aren't opposed to a decent bus service.

We are opposed to the lack of consultation, poor planning and design work and want to highlight a lack of due diligence by council staff."

The petition was signed by 2388 people. The petition has been recorded in Nelson City Council's Information Management system (1982984479-6139).

Andrew Murray spoke about the location of the proposed bus stop on Moana Ave, advising safety, speed of vehicles and the narrow road were all factors which should be taken into consideration when determining the location.

Andy Wells spoke about the proposed bus stop on Westbrook Terrace, requesting that officers move the bus stop either further north or south where the road is wider and safety wouldn't be compromised.

David James spoke about the proposed bus stop behind The Sands complex, querying whether a bus had been parked in the proposed location to test it, that a proposed bus stop in front of The Sands would be on a blind corner and that there would be nowhere for tradesmen to park to service the Sands complex. He also requested submissions be acknowledged when received by Council.

Dennis Goodman spoke about the proposed Main Road Stoke bus interchange location, advising that with the change in proposed location his main concern had now been addressed but he still had concerns about route via Putaitai Street, given this road was already congested.

Attachments

- 1 1982984479-6128 Hearing Panel 16Jun2023 Tabled Document Public Forum Chris Kennedy
- 2 1982984479-6117 Hearing Panel 16Jun2023 Tabled Document Public Forum Ray Weston

5. Confirmation of Minutes

5.1 18 May 2023

Document number M20155, agenda pages 7 - 8 refer.

Resolved HEA/2023/007

That the Hearing Panel

1. ***Confirms the minutes of the meeting of the Hearing Panel, held on 18 May 2023, as a true and correct record.***

Brand/Sanson

Carried

The meeting adjourned from 10.08a.m. until 10.16a.m.

6. Road naming Toi Toi Grove Limited

Document number R27715, agenda pages 9 - 16 refer.

Group Manager Environmental Management, Mandy Bishop and Development and Naming Adviser, Bernadette Power, presented the report and it was taken as read.

Resolved HEA/2023/008

That the Hearing Panel

1. ***Receives the report Road naming Toi Toi Grove Limited (R27715) and its attachment (1737134922-159598); and***
2. ***Approves the name "Golden Elm Rise" for the road shown on the subdivision plan in Attachment 1 (1737134922-159598) of Report (R27715).***

Brand/Sanson

Carried

7. Temporary Road Closure - Te Ramaroa Light Festival 2023

Document number R27732, agenda pages 17 - 24 refer.

Group Manager Infrastructure, Alec Louverdis, and Contracts Supervisor - Roading, Gillian Dancey, presented the report and it was taken as read.

Resolved HEA/2023/009

That the Hearing Panel

- 1. Receives the report Temporary Road Closure - Te Ramaroa Light Festival 2023 (R27732) and its attachments (340448201-4951 and 1355221503-2959); and***
- 2. Approves the temporary road closure as per report (R27732) Section 4 and its attachment (340448201-4951) for Te Ramaroa Light Festival 2023 between Friday 30 June and Tuesday 4 July 2023.***

Sanson/O'Neill-Stevens

Carried

8. Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedule

Document number R27717, agenda pages 25 - 126 refer.

A document was tabled of additional late feedback incorporated into the total feedback document (1982984479-6135).

The meeting adjourned from 10.21a.m. until 10.46a.m. in order for members to consider the additional late feedback.

Group Manager Infrastructure, Alec Louverdis, Team Leader Transport Operations, Matt Bruce, and Team Leader Transport Activity Management, Drew Bryant, presented the report. They advised that following publication of the agenda additional feedback had been received and officers proposed further amendments to the proposed routes, these were outlined in the Supplementary Report (R27752). Mr. Louverdis confirmed that officers would continue to monitor community feedback and review the bus stops in 12 months' time.

Councillor O'Neill-Stevens advised that he would consider each route separately.

Route 1: no changes were made.

Route 2: Mr Bruce answered questions on future communications to the public on the proposed road layout changes.

Route 3: Mr Bryant answered questions on facilities at bus stops and confirmed that consideration had been given to the location of bus stops in order to incorporate a shelter and/or bike parking in the future.

Following public feedback Mr Louverdis confirmed that officers would no longer be proceeding with the proposed bus stops on Jenner Road. He also confirmed that the proposed Emano Street bus stops at 55 Emano Street, 63 Emano Street, 54 Emano Street and 60 Emano Street were subject to further community feedback and would be brought back to a future Hearing Panel meeting.

Route 4: It was noted that the proposed Brook Street stop at 208 Brook Street and also 53 Beach Road would be brought back to a future Hearing Panel meeting.

It was noted that the proposed bus stop at Bisley Ave, behind The Sands, was subject to officers checking the resource consent conditions.

Other Bylaw Changes

Main Road Stoke: Mr Louverdis confirmed that the businesses had requested the P2 parking restriction.

The meeting adjourned from 11.29a.m. until 12.00p.m.

Mr Louverdis tabled an updated Parking Bylaw Changes document (1982984479-6136) which provided a reviewed version reflecting the changes to the original document.

Resolved HEA/2023/010

That the Hearing Panel

- 1. Receives the report Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedule (R27717) and its Attachments (1355221503-11131, 1355221503-10911, 1355221503-10695, 1355221503-10909, 1355221503-10759, 1355221503-10753, 1355221503-10690, 1355221503-10754, 1355221503-10755); and***
- 2. Receives the report Supplementary Report - Parking and Vehicle Control Bylaw (2011), No207 - Updated Bus Stops (R27752) and its Attachments (1355221503-11260, 1355221503-11265); and***
- 3. Considers the changes detailed within report R27752; and***
- 4. Approves the revised Stoke interchange location (near the Turf Hotel) as detailed in Attachment (1355221503-10754) of report R27717; and***

5. ***Approves bus stops and associated parking restrictions as detailed in attachment titled "Updated parking & bylaw changes 16June2023" (1982984479-6136); and***
6. ***Approves the corresponding changes for approved bus stops, and associated parking restrictions detailed in Attachment 2 (1355221503-11265), to the following Schedules of the Parking and Vehicle Control (2011), No 207 bylaw;***
 - ***Schedule 4***
 - ***Schedule 5***
 - ***Schedule 8***
 - ***Schedule 9***

O'Neill-Stevens/Sanson

Carried

Attachments

- 1 1982984479-6135 Hearing Panel 16Jun2023 Tabled Document Updated New Feedback
- 2 1982984479-6136 Hearing Panel 16Jun2023 Tabled Document Updated Parking & Bylaw Changes
- 3 1355221503-11265 Attachment 2 - Proposed Changes to Bylaw Schedules V2

9. Supplementary Report - Parking and Vehicle Control Bylaw (2011), No207 - Updated Bus Stops

Document number R27752, late items agenda pages 2 - 131 refer.

This recommendation was incorporated into Resolution HEA/2023/010 above.

Karakia Whakamutanga

There being no further business the meeting ended at 12.20p.m.

Confirmed as a correct record of proceedings by resolution on (date)

Resolved

Report Title: Temporary Road Closure - Nelson Arts Festival 2023
Report Author: Gillian Dancey - Contracts Supervisor - Roading
Report Authoriser: Alec Louverdis - Group Manager Infrastructure
Report Number: R27845

1. Purpose of Report

- 1.1 To approve or decline the temporary road closure application for the Nelson Arts Festival 2023 on Friday 27 October 2023.

2. Recommendation

That the Hearing Panel

- 1. Receives the report *Temporary Road Closure - Nelson Arts Festival 2023 (R27845)* and its attachments (340448201-5189 and 1355221503-12177); and**
- 2. Approves the temporary road closure as per report (R27845) Section 4 and its attachment (340448201-5189) for the Nelson Arts Festival 2023 on Friday 27 October 2023.**

3. Background

- 3.1 This closure is for an event, and therefore fits the requirements of Schedule 10 Clause 11(e) of the Local Government Act 1974 comes to the Hearings Panel for approval.
- 3.2 It is a requirement that consultation with Waka Kotahi (New Zealand Transport Agency) is undertaken to temporarily close any road under Schedule 10 Clause 11 of the Local Government Act 1974. Nelson City Council (NCC) and Waka Kotahi have an agreement whereby specific consultation is only required if the closure affects the State Highway or their assigned detour routes.

4. Discussion

- 4.1 Council officers received an application on 19 July 2023 from the Nelson Arts Festival to close the following roads listed below at the times listed below, and as shown in Attachment 1.
- Hardy Street from Church Street to Trafalgar Street and Hardy Street from Park Street to Morrison Street from 9am Friday 27 October to 12am Friday 27 October.
 - Partial closure of Montgomery Square Carpark, including the Entrance to Montgomery Square Car Park from Bridge Street, and Exit from Montgomery Square Car Park onto Hardy Street from 2pm Friday 27 October to 7pm Friday 27 October.
 - Hardy Street from Montgomery Square Carpark to Church Street, Hardy Street from Trafalgar Street to Park Street and Trafalgar Street from Bank Lane to Hardy Street from 2pm Friday 27 October to 12am Friday 27 October.
 - Trafalgar Street from Bank Lane to Bridge Street and Bridge Street from Trafalgar Street to Montgomery Square Carpark Entrance/Exit from 4pm Friday 27 October to 7pm Friday 27 October.
 - Park Street, Church Street and Trafalgar Square between Church Street and Trafalgar Square East, including the Church Steps from 4pm Friday 27 October to 12am Friday 27 October.
- 4.2 The Nelson Arts Festival is a biennial event that is a celebration of community and creativity. This road closure is for the Mask Carnivale Parade that is a free outdoor event featuring a colourful explosion of creative masks and costumes that will parade through the inner Nelson City Centre.
- 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 Consultation with Waka Kotahi has not been undertaken due to this event not having any impact on the State Highway or its detour routes.
- 4.5 Consultation with the Police has been undertaken and they have given their approval for this event.
- 4.6 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 2 August 2023 to notify of the applicant's intention to close these roads and inviting feedback by 16 August 2023. The advertisement was also placed on the Council website, an email notification was undertaken, and a hand delivered letter drop by the applicant to directly affected businesses/residents was carried out (Attachment 2). No feedback from the public was received.

Item 6: Temporary Road Closure - Nelson Arts Festival 2023

- 4.7 No noise consent is required for this event and evidence of public liability insurance has been provided.
- 4.8 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.
- 4.9 If approved, a minimum of 24 hours' notice will be provided to affected businesses and residences.
- 4.10 In the event that this event gets cancelled, the closures will not proceed, and this will be publicly notified.

5. Options

- 5.1 Council has two options, either to approve or decline the temporary road closure application. Officers recommend approving the temporary road closure for this event.

Attachments

Attachment 1: 340448201-5189 - MAP - 2023 Nelson Arts Festival 2023 [↓](#)

Attachment 2: 1355221503-12177 - Letter Drop - Nelson Arts Festival 2023 [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government The following are applicable: <ul style="list-style-type: none">• The Local Government Act 1974, Schedule 10, Temporary Prohibition of Traffic.• The Local Government Act 2002, Clause 78, Community Views in Relation to Decisions. This temporary road closure fits with the purpose of local government.
Consistency with Community Outcomes and Council Policy These events contribute to our community outcomes by assisting our community to celebrate their identity and community.
Risk If the temporary road closure is not approved, the event is at risk of not going ahead.
Financial impact There is no financial impact for Council for this road closure.
Degree of significance and level of engagement 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.
Climate Impact 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.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.

Delegations

The Hearing Panel has the following delegations to consider temporary road closures:

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.

