



Notice of the Ordinary meeting of

Hearings Panel - Other

Rōpū Rongonga – Aha atu anō

Date:	Wednesday 16 February 2022
Time:	9.00a.m.
Location:	via Zoom

Agenda

Rārangi take

Members

Cr Tim Skinner
Cr Brian McGurk
Cr Pete Rainey

Quorum 2

**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. 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 change of a private right of way name - Upton Lane

4 - 8

Document number R26500

Recommendation

That the Hearings Panel - Other

- 1. Receives the report Application for change of a private right of way name - Upton Lane (R26500) and its attachment (A2808007); and***
- 2. Accepts the name of "Rhodes Lane" for the right of way (ROW) identified as ROW F on Attachment 1 of report R13599 (A2808007).***

Karakia Whakamutanga

Application for change of a private right of way name - Upton Lane

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 "Upton Lane" to "Rhodes Lane".

2. Recommendation

That the Hearings Panel - Other

- 1. Receives the report Application for change of a private right of way name - Upton Lane (R26500) and its attachment (A2808007); and***
- 2. Accepts the name of "Rhodes Lane" for the right of way (ROW) identified as ROW F on Attachment 1 of report R13599 (A2808007).***

3. Background

- 3.1 The name "Upton Lane" was approved by the Hearings Panel on 21 April 2021 under report number R23743. The right of way is located in the Stag Ridge subdivision off Wansford Place (Road B), Ngawhatu Valley as shown in Attachment 1 (A2808007).
- 3.2 A new road in the Richmond West development in the Tasman District has been named Upton Lane so the developer wishes to change the right of way name to "Rhodes Lane".

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 Rhodes Lane in the Nelson City Council and Tasman District Council areas.
- 4.4 The name may not be considered suitable by some as the association with Cecil Rhodes reflects an empirical era. However, the name is English sounding with the Oxford University Rhodes scholarship perhaps more widely known. There are English countryside names in the area reflecting the exotic English trees that were established in the area in the 1950's. The existing surrounding names include Sunningdale Drive, Wansford Place, Charters Lane and Mansfield Way.

Options

- 4.5 The preferred option is to accept the name "Rhodes Lane". The alternative options are "Fulmer Lane" or "Buxhall Lane" (also submitted by the developer), or Council could decline to accept these names and ask the applicant to submit an alternative name.
- 4.6 The proposed alternative names continue the English theme and are not similar to existing names. Fuller Creek, Fullford Drive, Buxton Lane, Buxton Street and Buxton Square are considered sufficiently different to "Fulmer" and "Buxhall" so would not cause confusion.

Author: Mandy Bishop, Manager Consents and Compliance

Attachments

Attachment 1: A2808007 Scheme plan [↓](#)

Important considerations for decision making	
1. 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.
2. 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.
3. 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.
4. Financial impact	No additional resources are required.
5. 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.
6. Climate Impact	Not applicable for the change in name of a private right of way in an existing subdivision.
7. Inclusion of Māori in the decision making process	No engagement with Māori has been undertaken in preparing this report.
8. Delegations	<p>The Hearings Panel has the following delegations to consider</p> <p><i>Areas of Responsibility:</i></p> <ul style="list-style-type: none">• <i>Matters relating to naming features within the city (6.18.1)</i> <p><i>Powers to Decide:</i></p>

Item 6: Application for change of a private right of way name - Upton Lane

- *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)*

