



# AGENDA

## Regulatory Hearings Panel meeting Thursday, 26 October 2023

**I hereby give notice that a Regulatory Hearings Panel meeting will be held on:**

**Date: Thursday, 26 October 2023**

**Time: 9.30am**

**Location: Ground Floor Meeting Room 1b  
306 Cameron Road  
Tauranga**

*Please note that this meeting will be livestreamed and the recording will be publicly available on Tauranga City Council's website: [www.tauranga.govt.nz](http://www.tauranga.govt.nz).*

**Marty Grenfell  
Chief Executive**

# Terms of reference – Regulatory Hearings Panel

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## Membership

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<b>Chairperson</b>	Mary Dillon
<b>Members</b>	Puhirake Ihaka Terry Molloy Alan Tate
<b>Quorum</b>	At least two members
<b>Meeting frequency</b>	As required

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## Role

- To conduct hearings and make decisions of a quasi-judicial nature on regulatory matters through specific hearings and decision making.

## Scope

### Regulatory matters

- To conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on any regulatory matter that the Council is legally:
  - empowered or obligated to hear and determine;
  - permitted to delegate to a subordinate decision-making body of Council under the Local Government Act 2002, or any other Act.
- To exercise this function in accordance with:
  - the applicable legislation;
  - the Council's corporate strategies, policies, plans and bylaws; and
  - the principles of administrative law and natural justice.
- Regulatory matters include (but are not limited to):
  - dog control matters;
  - matters arising from the exercise of Council's enforcement functions; and
  - regulatory matters that require a hearing under Council's policies (including, without limitation, Council's Gambling Venues Policy) and bylaws.

### Matters excluded from scope

- The following are excluded from the scope of the Regulatory Hearings Panel:
  - matters relating to the sale and supply of alcohol;
  - matters under the Resource Management Act 1991; and
  - matters the Council is precluded from delegating to a subordinate decision-making body by the Local Government Act 2002, or any other Act.

## Power to Act

### Regulatory matters

- All powers, duties and discretions necessary to conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on any regulatory matter that the Council is legally empowered or obligated to hear and determine, including (but not limited to):
  - All powers, duties and discretions necessary to hear and make decisions on behalf of the Council in respect of any matter that the Council is empowered or obligated to hear and determine under the Dog Control Act 1996, the Local Government Act 2002, the Local Government Act 1974 and any regulatory matters that require a hearing under Council's policies and bylaws.
- For the avoidance of doubt, the above delegation includes authority to hear and make decisions on appeals under Council's Gambling Venues Policy, including to decline an application to appeal.
- The power to establish and amend hearings protocols relating to the general conduct of hearings and hearings related matters in accordance with the applicable legislation and the principles of administrative law and natural justice.
- The power to co-opt expert advice on an as required basis.

### Matters excluded from power to act

- For the avoidance of doubt, the Regulatory Hearings Panel does not have the power to hear:
  - matters relating to the sale and supply of alcohol;
  - matters under the Resource Management Act 1991; or
  - matters that the Council is precluded from delegating to a subordinate decision-making body by the Local Government Act 2002, or any other Act.

## Power to Recommend

- The Regulatory Hearings Panel is unlikely to need to make recommendations to the Council as it has the power to conduct hearings and make decisions of a quasi-judicial nature on behalf of Council as per its powers to act. However, the Panel may make recommendations to the Council if, in the circumstances of a matter, it considers it appropriate to do so.

*Note: The Regulatory Hearings Panel is established as a subordinate decision-making body of Council and delegated the powers specified in its Terms of Reference under clauses 30 and 32 of Schedule 7 Local Government Act 2002 respectively. It is not a committee or subcommittee of Council.*

# Regulatory Hearings Panel

## Summary of hearings procedure



### Who is involved in a hearing?

- Regulatory Hearings Panel – these are independent persons who make the decision
- Tauranga City Council staff – staff who write the report and attend the hearing
- Applicant/objector or their representative – those who will present their evidence
- Witnesses/experts – called by staff or applicant/objector



### What happens before the hearing?

- The applicant/objector will be given at least seven days' notice of the date, time and place of the hearing.
- An agenda with the staff report and any documents will be sent to the panel members and the applicant/objector before the hearing.
- The applicant/objector can organise evidence and call witnesses in support of their application/objection.
- If the applicant/objector can't be present at the hearing they can organise a representative to attend on their behalf.

### What happens at the hearing?

- The hearings will be conducted without a lot of formality and will make sure that all parties and witnesses receive a fair hearing.
- Staff will present Council's case (including evidence and any witnesses) in support of its decision that is the subject of the application/objection.
- The applicant/objector presents their case (including any evidence and any witnesses).
- Council staff have a right of reply but can't submit any new evidence or call any further witnesses.
- The chairperson and panel members may ask questions from any party or witness.
- Other persons may ask the chairperson to put a question to any party or witness on their behalf but that is at the discretion of the chairperson as to whether the question is put.

- No cross examination is permitted.
- The chairperson's rulings on any matter is final.
- The hearing is generally open to the public unless there is good reason to have the hearing with the public excluded.

### What happens after the hearing?

- The panel will usually deliberate in private immediately after the hearing and make their decision.
- The panel may, but is not required to, deliver its decision in the open section of a meeting. A notice of decision will be given (or sent) in writing to the applicant/objector as soon as practicable after the panel has made its decision.
- The chairperson will then close the hearing.
- If the chairperson has allowed further information to be provided before the hearing is closed, then the hearing will be adjourned, and the panel will reserve its decision until it has considered the further information.
- Where the applicant/objector has a right to appeal the panel's decision, that will be advised in writing.
- No discussions or communication of any kind will happen outside of the hearing between the panel, the parties or witnesses until a decision is issued, including during any site visits, adjournment or break.
- Minutes of the meeting will be kept as evidence of the hearing.



**Order of Business**

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- 1      OPENING KARAKIA**
- 2      APOLOGIES**
- 3      DECLARATION OF CONFLICTS OF INTEREST**

## 4 BUSINESS

### 4.1 Bus Shelter Hearing Report 2023

**File Number:** A15204762

**Author:** Kurt Graham, Project Manager

**Authoriser:** Nic Johansson, General Manager: Infrastructure

#### PURPOSE OF THE REPORT

1. The purpose of this report is to inform the Regulatory Hearings Panel Members of the background to the objections received to the installation of bus shelters.

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#### RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Bus Shelter Hearing Report 2023".
- (b) In accordance with Section 339 of the Local Government Act 1974:
  - (i) consider for each objection to the installation of a bus shelter, the possible injurious affection to/obstruction of the frontage of the land, resulting from the shelter.
  - (ii) For each objection received make a decision to either proceed with the bus shelter, dismiss the objection or modify the proposal.

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#### EXECUTIVE SUMMARY

2. Tauranga City Council is looking to make the most of the existing road networks before investing in high-cost infrastructure.
3. One of the initiatives is to invest in new bus shelters, especially on inbound routes. The shelters will allow passengers to wait in a safe space, protected from the elements, while having clear visibility of arriving buses.
4. Increasing the number of bus shelters around the city provides a consistent and professional city-wide bus network 'look and feel', which aims to encourage the uptake of Public Transport.
5. Tauranga City Council has consulted with property owners and tenants of properties adjacent to proposed shelters as required under Section 339 of the Local Government Act 1974 (LGA 74).
6. Objections require a decision through the hearing process in accordance with Section 339 of the LGA 74.
7. Staff have reviewed all objections received and have chosen to proceed with a shelter installation at these sites.
8. The Regulatory Hearings Panel (Panel), as a subordinate decision-making body, must consider the objections at the hearing and make the decision under delegated authority from the Council. There is no appeal process provided for in the LGA 74 to the Panel's decision.
9. Legal advice is that the focus of Section 339 of LGA 74 is on possible injurious affection to/obstruction of the frontage of the land, resulting from the shelter, rather than wider issues resulting from buses stopping or passengers gathering etc.

10. The Panel is able to dismiss an objection or decide not to proceed with the bus shelter proposal. It is also able to “make such modifications to the proposal to which the objection relates as it thinks fit”.

## BACKGROUND

11. A key principle of the Tauranga Transport Strategy is to make the most of the existing road networks before we invest in high-cost infrastructure. This includes:
  - (a) Improving planning to reduce transport demand;
  - (b) Encouraging uptake of walking, cycling and public transport;
  - (c) Encouraging alternatives to travel; and
  - (d) Better managing the use of the existing network.
12. There are no quick fix solutions to the current traffic challenges facing the city. The City's transport partners, Western Bay of Plenty District Council, Bay of Plenty Regional Council (BOPRC), Waka Kotahi NZ Transport Agency, as well as Tauranga City Council, realise the importance of the private motor car to the transport system, and over the last 25 years, significant investment in a car-based transport network has occurred in Tauranga. Investment in other modes, however, has lagged behind.
13. Tauranga City Council is now investing in infrastructure to support Multi Modal Transportations including investing in new walking and cycling facilities and improving the level of service of the Public Transport Network.
14. One of the initiatives is to invest in new bus shelters, especially on inbound routes. The shelters will allow passengers to wait in a safe space, protected from the elements, while having clear visibility of arriving buses. A designated waiting place for bus users also ensures the footpath is kept clear and safe for resident use. Increasing the number of bus shelters around the city provides a consistent and professional city-wide bus network ‘look and feel’, which aims to encourage the uptake of public transport.
15. To evaluate suitable sites for shelters around the city, a consultant was engaged to undertake a review on inbound and high use bus stops. The Consultant looked into site specific constraints, such as space, underground and overhead services and topography, and made suggestions on suitable locations for bus shelters.
16. Tauranga City Council consulted with property owners and tenants of properties adjacent to 85 proposed shelters as required under Section 339 of the LGA 74. Residents were able to approve the proposal or object to the proposal, with non-responses deemed to be an approval for Council to proceed. 9 objections were received and will be considered by the Panel. A further 18 were removed from scope for various reasons including, safety concerns, reprioritisation, proposed bus route or stop changes and potential impacts on private retaining walls.
17. Of the objections received the majority have revolved around common themes. TCC staff are recommending that the shelter installations proceed based on the rational listing below:
  - (a) **Graffiti, littering and vandalism**

Unfortunately, some shelters may be targets of anti-social behaviour including graffiti, littering and vandalism. However, this is not an issue unique to Tauranga or New Zealand and it is the opinion of staff that TCC like other cities should continue to invest in bus shelters which provide protection from the elements for public transport users.
  - (b) **Loitering**

All sites are current active bus stops where people wait for the busses. Shelters are expected to improve the usage of the stop which TCC staff view as a good result. To prevent rough sleeping and help deter the use of the shelter at night when busses are not in service, bus shelter seating will have two armrests placed centrally at 1/3 intervals, so that it is not possible to lie down on the seat.

**(c) Visual appearance and interruption of outlooks**

Unfortunately, some shelters may interrupt views or streetscape outlooks for some properties. The majority of the back of the shelters will be glass to limit this impact. However, it is the opinion of staff that TCC must still continue to provide bus shelters for public transport users to ensure they can seek protection from the elements, and to help deliver a professional public transport network with a high level of service to help improve the uptake of public transport.

**(d) Impact on privacy**

All sites are current active bus stops where people wait for the busses currently. Installing a bus shelter should not increase the standing height of waiting passengers or impact negatively on privacy in terms of view into the property. In many instances the shelter may be slightly closer to the property than the existing footpath, giving the feel of lost privacy especially if there is no front fence. However, it is the opinion of staff that TCC must still continue to provide bus shelters for public transport users to ensure they can seek protection from the elements, and to help deliver a professional public transport network with a high level of service to improve the uptake of public transport. Staff are happy to work with residents to try find a suitable positioning in front of their property that impacts them least.

**(e) Lack of boundary fence**

In many situations the lack of boundary fence is due to covenants. So, moving the stop elsewhere in the street would not resolve this issue. It is also the opinion of staff that moving the bus stop location and proposed shelter to another property who may have a fence or more space is equally unfair on the residents of the new location who never previously had a bus stop.

**(f) Lack of maintenance of existing shelters**

Council staff are looking to improve maintenance by initiating regular inspections and shelter cleaning. However, as mentioned above there may be some reliance on public notification to TCC staff for any graffiti or vandalism incidents that require quick responses.

**(g) Lack of use**

A major driver for the upgrade project is to improve the level of service at bus stops, to help encourage further uptake of public transport. On this basis it is hoped that installing the shelter will increase usage at the stop. Therefore, staff still wish to proceed with the installations.

**(h) Safety**

All sites where safety concerns were made known to TCC staff during the consultation, have been either reviewed internally by Safety Engineers or reviewed independently by a consultant. Two sites have been removed from scope on safety grounds, and processes are underway to shift the stops a short distance. No significant safety concerns were noted for the sites still in scope. Side and back walls of the shelter are predominantly glass, so the sight lines are not expected to be impacted greatly by the installation of a bus shelter. Given this and that all bus stop locations are existing, TCC does not expect the addition of a shelter will negatively impact the safety of the existing road environment.

18. A detailed account of all objections to be heard by the hearings panel, can be found in Appendix 1.

**LEGAL IMPLICATIONS / RISKS**

19. Legal advice has been sought to ensure correct legal processes are followed with regards to hearing objections to the installation of the proposed bus shelters. The advice received was



based on the process under Section 339 of the Local Government Act 1974, which is set out below:

### **Section 339 Transport shelters**

*(1) The council may erect on the footpath of any road a shelter for use by intending public-transport passengers or small passenger service vehicle passengers:*

*provided that no such shelter may be erected so as to unreasonably prevent access to any land having a frontage to the road.*

*(2) The council shall give notice in writing of its proposal to erect any shelter under this section to the occupier and, if he is not also the owner, to the owner of any land the frontage of which is likely to be injuriously affected by the erection of the shelter, and shall not proceed with the erection of the shelter until after the expiration of the time for objecting against the proposal or, in the event of an objection, until after the objection has been determined.*

*(3) Within 14 days after the service of the notice, the occupier or owner, as the case may be, may object in writing to the council against the proposal.*

*(4) Where any person objects to the proposal in accordance with subsection (3), the council shall appoint a day for considering the objection and shall give notice to the objector of the time when and place where the objection is to be heard. Any such time shall be not earlier than 7 days after the date on which the notice of objection was received at the office of the council.*

*(5) The council shall, at the time and place stated in the notice referred to in subsection (4), consider the objection, and after hearing any submissions made by or on behalf of the objector, may either dismiss the objection or decide not to proceed with the proposal or make such modifications to the proposal to which the objection relates as it thinks fit. The hearing of any such objection may be adjourned from time to time and from place to place.*

*(6) Where there are more objectors than 1, the council shall, as far as practicable, hear all objections together and give each objector an opportunity of considering and being heard in respect of all other objections.*

*(7) No resolution under this section shall be passed until the council has considered all the objections of which notice has been given in accordance with this section.*

*(8) In this section the term **road** does not include an access way.*

20. Council has followed steps (2) through (4), inclusive. This includes that the Council has given appropriate notice of the proposal to erect the shelter (to the relevant people), objections have been received, and the Council has appointed a day for considering the objections and has given notice to the objectors of the time and place where the objection is to be heard.

21. In terms of the process for the hearing (in the notice under section 339(4)) of LGA 74, TCC has received the following legal advice:

- (a) The Regulatory Hearings Panel (Panel), as a subordinate decision-making body, that will make the decision under delegated authority from the Council, must consider the objections at the time and place stated in the notice.
- (b) Where there is more than one objection to the same bus shelter, the Council must ("as far as practicable") hear all objections together and give each objector the opportunity to consider and be heard in respect of all the other objections.
- (c) The Panel must consider the objections (and any submissions made on behalf of objectors) in accordance with the general principles of good administrative decision-making, including considering objections and submissions with an open mind (with no pre-determination), not being biased etc, taking into account all relevant considerations and not taking account irrelevant considerations.
- (d) In terms of the considerations to be taken into account by the Panel, the focus of Section 339 of LGA 74 is on possible injurious affection to/obstruction of the frontage of the land, resulting from the shelter, rather than wider issues resulting from buses stopping or passengers gathering etc. On this basis, the Panel should focus its attention on the physical effect of the proposed bus shelter itself (especially in terms of

obstruction of access to the relevant land), and is entitled to take less account of other considerations arising from the overall proposal about the location of the bus stop.

- (e) In terms of the scope of decisions that the Panel is empowered to make, the Panel is able to dismiss an objection or decide not to proceed with the bus shelter proposal. It is also able to “make such modifications to the proposal to which the objection relates as it thinks fit”. The exact scope of this power will depend on the particular circumstances, but in terms of some general guidelines, in our view this is likely to be limited to modifications to the proposal (i.e. a decision that fundamentally changes the proposal is unlikely to be a “modification” to it, although as noted above the Panel can decide to not proceed with the proposal at all). Arguably, the scope of the potential modification to the proposal ought also be limited to those modifications that relate to the relevant objection (i.e. the Panel should not use the objection process to make unrelated modifications to the proposal).
- (f) The Panel should pass a resolution to make its final decision under this section.
- (g) There is no appeal process provided for in the LGA 74 to the Panel’s decision.

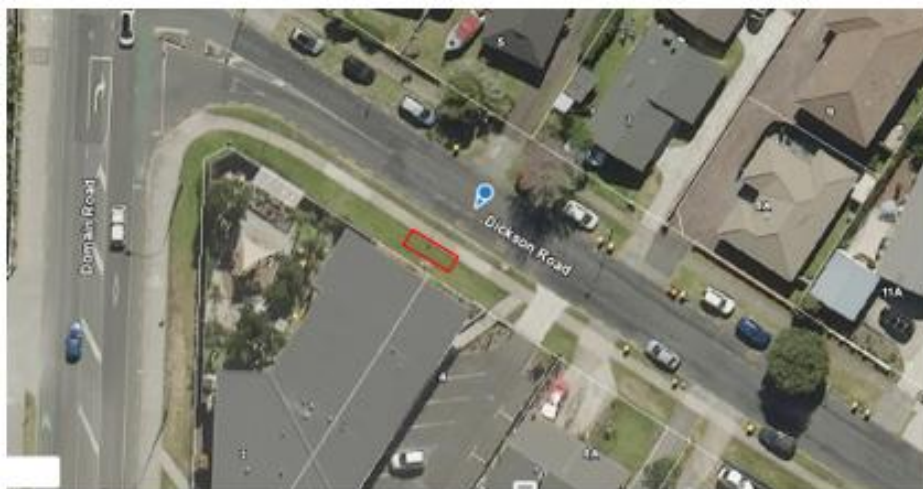
### NEXT STEPS

- 22. Objectors will be advised of the Regulatory Hearings Panel decision to either dismiss their objection, decide not to proceed with the bus shelter proposal or amend the proposal.
- 23. The bus installation programme will be updated with the Panel’s decision.

### ATTACHMENTS

- 1. **Objections Communication Summary October 2023 - A15214977** [↓](#) 

#### 4 DICKSON ROAD



## OBJECTION SUMMARY

- Visibility obstruction to pedestrians entering / exiting Future Focus premises
- Increased pedestrians on footpath could spill over onto road in the way of vehicles
- Bus stopping to collect an increased number of passengers will increase vehicle congestion
- Company signage obstructed
- Consent required painting of yellow line by owners; this is being disregarded with the use of the bus stop

## EMAIL TRAIL

Mon 17/07/2023 5:56 PM

**CAUTION: External Email.**

Dear Paula Simmonds

We acknowledge the TCC letter dated 10 July 2023 regarding a proposed bus shelter near our property at 4 Dickson Road which was received by us on Thursday 13 July.

The letter welcomes the opportunity on your part to provide more information on the position and design of the shelter. That being the case we would appreciate the precise location of the shelter on a site map in relation to our property at 4 Dickson Road. The design of the bus shelter would also be appreciated.

Also we seek clarification on the time frame to respond. Is the 14-day timeframe 14 working days from the receipt of the letter being 3 August 2023, or 14 days from the receipt of the letter being 27 July 2023?

Your response to our queries would be appreciated.

Yours sincerely  
Bill & Wendy Flowerday (trustees of Milan Trust)

Thu 20/07/2023 4:39 PM

Tauranga Standard Shelter.pdf  
Good morning Bill and Wendy,

Many thanks for getting in touch to discuss the proposed bus shelter further. We understand there is a postage delay and happy to accept responses up until 3<sup>rd</sup> August 2023. The proposed shelter is in fact adjacent to #2 Dickson Road, but that parcel of land appears to be part of your property addressed as #4 Dickson Road. Attached is an indicative image of the bus shelter location for your reference.

A standard sized shelter is proposed. The shelter design document with measurements is also attached.

As mentioned in the letter, there is an initiative to improve the bus infrastructure around Tauranga City to provide an increased public transport service. Bus shelters extend the ease-of-use of a bus stop by providing shade and shelter for passengers. It is often our most vulnerable community members that are reliant on the bus service - school children, parents with young children, disabled, elderly - and a shelter provides a safe environment to wait for the scheduled bus to arrive. Tauranga City Council has received a request for this shelter by a community member attending the nearby daycare centre.

Please be in touch if you have any further queries.

Kind regards  
Paula

[attached: Objection Letter 2 Dickson Road – received 17 July 2023]

Thu 20/07/2023 4:56 PM

Tauranga Standard Shelter.pdf

Good afternoon Courtney,

Many thanks for getting in touch to submit your objection to the proposed bus shelter. Attached is an indicative image of the bus shelter location for your reference. A standard sized shelter is proposed. The shelter design document with measurements is also attached.

As mentioned in the letter, there is an initiative to improve the bus infrastructure around Tauranga City to provide an increased public transport service. Bus shelters extend the ease-of-use of a bus stop by providing shade and shelter for passengers. It is often our most vulnerable community members that are reliant on the bus service - school children, parents with young children, disabled, elderly - and a shelter provides a safe environment to wait for the scheduled bus to arrive. Tauranga City Council has received a request for this shelter by a community member attending your daycare centre.

You may have noticed some activity outside 2 Dickson Road recently. This was in error and we apologise. Our contractor rectified this by removing the works to date and reinstating grass seed.

I understand part of your objection is around the blocking of signage. We would like to work with you to determine the most appropriate location for the shelter that retains visibility for your signs while ensuring safe driveway accessibility.

Please be in touch if you have any further queries or would like to discuss your concerns in person on site. If you prefer to continue with your objection, we will be in touch when the hearing dates have been set (likely not for a few months).

Kind regards  
Paula

Wed 2/08/2023 4:45 PM

**CAUTION: External Email.**

Dear Paula Simmonds

We have viewed the submission submitted by Future Focus objecting to the proposed bus shelter outside our property at 4 Dickson Road, Papamoa, and support the concerns expressed by our tenants [REDACTED] and [REDACTED]

In the process of consents required by Council to build this childcare centre, the traffic reports that were required to be submitted to Council never made any provisions for traffic to park on Dickson Road for the length of the road frontage adjacent to 2 and 4 Dickson Road.

It was part of our consent requested by Council (which was endorsed by a traffic management company) to paint a no parking yellow line at our cost for traffic safety. You have chosen to ignore all of this for your own convenience. I find this action contradictory on Council's part and shows a complete lack of transparency when rules are insisted by Council on one hand, but ignored by Council with the other .

Yours Sincerely  
Milan Trust  
Trustees Bill and Wendy Flowerday

**Public hearing for proposed bus shelter near your property at 4 Dickson Road**

Mon 9/10/2023 12:55 PM

Dear resident/property owner

In accordance with section 339 of the Local Government Act 1974, we have consulted with you as the adjacent owner (and/or tenant) to seek consent for the installation of a bus shelter outside your property. The details of section 339 have been attached at the end of this email for your reference.

We have received and noted your objection to the establishment of a bus shelter and will now proceed to a hearing to consider your objection.

*Public hearing details*

This is to notify you of the details of the public hearing for your objection. You or your representative are invited to attend and present your objections on:

**26 October 2023 between 9:30am-12 pm**, 306 Cameron Road, Tauranga, ground floor room 1

or, if you prefer not to attend in person, you may submit an objection statement by **19 October 2023** that will be read at the hearing.



Please indicate if you or a representative will be present for your objection to be heard by emailing [HearingSubmittersSchedule@tauranga.govt.nz](mailto:HearingSubmittersSchedule@tauranga.govt.nz) . An appointment time will be issued to you by Governance Services.

Tauranga City Council's Regulatory Hearings Panel, which is made up of four independent Panel members, will consider the objections and submission at the hearing, as well as any staff advice received; and will decide to either dismiss the objection, modify the proposal or not to proceed with the bus shelter. The Panel will make its decision in deliberations closed to the public. You will be advised of the Panel's decision in writing following the hearing.

Please note, there is no right of appeal against the Panel's decision.

*For further information*

Please feel free to contact us with any questions or concerns. You can contact our community engagement representative, Paula Simmonds at [paula.simmonds@tauranga.govt.nz](mailto:paula.simmonds@tauranga.govt.nz) or contact Tauranga City Council on 07 577 7000 or at <https://www.tauranga.govt.nz/council/contact-us>. We welcome an opportunity to provide more information on the position and design of the shelter or discuss any aspects of the bus shelter in advance of the hearing.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kurt Graham', is written over a light grey rectangular background.

Kurt Graham  
**Project Manager**  
**Transportation, Infrastructure**  
**Tauranga City Council**

**Section 339 Local Government Act 1974:**

**339 Transport shelters**

- (1) The council may erect on the footpath of any road a shelter for use by intending public-transport passengers or small passenger service vehicle passengers:  
provided that no such shelter may be erected so as to unreasonably prevent access to any land having a frontage to the road.
- (2) The council shall give notice in writing of its proposal to erect any shelter under this section to the occupier and, if he is not also the owner, to the owner of any land the frontage of which is likely to be injuriously affected by the erection of the shelter, and shall not proceed with the erection of the shelter until after the expiration of the time for objecting against the proposal or, in the event of an objection, until after the objection has been determined.
- (3) Within 14 days after the service of the notice, the occupier or owner, as the case may be, may object in writing to the council against the proposal.
- (4) Where any person objects to the proposal in accordance with subsection (3), the council shall appoint a day for considering the objection and shall give notice to the objector of the time when and place where the objection is to be heard. Any such time shall be not earlier than 7 days after the date on which the notice of objection was received at the office of the council.
- (5) The council shall, at the time and place stated in the notice referred to in subsection (4), consider the objection, and after hearing any submissions made by or on behalf of the objector, may either dismiss the objection or decide not to proceed with the proposal or make such modifications to the proposal to which the objection relates as it thinks fit. The hearing of any such objection may be adjourned from time to time and from place to place.
- (6) Where there are more objectors than 1, the council shall, as far as practicable, hear all objections together and give each objector an opportunity of considering and being heard in respect of all other objections.
- (7) No resolution under this section shall be passed until the council has considered all the objections of which notice has been given in accordance with this section.
- (8) In this section the term **road** does not include an access way.

**42 FIFTEENTH AVENUE**



## OBJECTION SUMMARY

- Visibility obstruction to business signage
- Potential gathering point with unruly behaviour leading to littering and vandalism

## EMAIL TRAIL

Fri 22/09/2023 7:51 AM

Bus Shelter Letter - 42 Fifteenth Avenue.pdf  
Good morning Brendon

I have been asked to provide you with a copy of the bus shelter letter as I understand you were not part of the original discussions on this. Please accept this as the start of your 14 working days to respond on the proposed shelter.

Any questions, please get in touch.

Kind regards  
Paula

Fri 6/10/2023 3:55 PM



CAUTION: External Email.

Dear Paula

In regards to the proposed bus shelter at 42 Fifteenth Avenue, we are writing to express our strong opposition to the proposed installation of a bus shelter outside our retail store, as outlined in the letter. We appreciate the efforts to enhance public transportation infrastructure; however, we believe this particular location is not suitable for several compelling reasons.

The placement of the proposed bus shelter directly outside our retail store would

obstruct valuable marketing real estate for our business. Our store's windows overlook a busy main road and intersection, serving as an essential advertising space for our business. This location played a pivotal role in our decision to set up our shop here, and any obstruction to this visibility would significantly impact our ability to attract customers and generate revenue.

We are also concerned about the potential issues that may arise from the bus shelter's installation. It is foreseeable that the shelter may become a gathering point for individuals who may engage in activities such as smoking and drinking. This, in turn, could lead to increased littering, including cigarette butts, broken glass, and bottles, creating an unsightly and potentially hazardous environment.

Also, there is the unfortunate reality that many bus shelters are susceptible to vandalism. This recurring issue not only detracts from the overall aesthetics of our community but also reflects negatively on our store's image. As local business owners, we are committed to contributing positively to our community, and the presence of a vandalised bus shelter would undoubtedly undermine these efforts.

We have included photos of our store to illustrate why the proposed bus shelter's location is a significant concern for us. The shelter would sit very close to our building and completely block the windows we use for advertising our campaigns and promotions.

Due to these concerns, we kindly request that the council reconsider the proposed placement of the bus shelter. We are more than willing to engage in the process to explore alternative locations that would support public transportation while preserving the vital advertising space for our store and minimising the potential for adverse consequences.

We appreciate your attention to these concerns and look forward to your response.

Kind regards  
Brendon & Kelly Woodhouse

Mon 9/10/2023 1:21 PM

Good afternoon Brendon and Kelly

Many thanks for taking the time to express your concerns regarding the proposed bus shelter near your store premises. We note your objection and can offer you a time at an upcoming public hearing to discuss these concerns with a panel. There will be an email following with all the details.

In response to your concerns below, this initiative is to improve the infrastructure at existing bus stops that are either highly utilised, or have the potential to be more utilised in the near future. We also respond to requests for shelters made by the public.

The shelter is positioned on the council-owned land between your property and the road as close as practical to the existing bus stop. The bus shelter has reinforced glass for clear visibility and measures 2.25m (height) and 3.8m (length). Being a slimline shelter proposed, it will run just 0.8m deep. Where possible, we do work with property owners to ensure the location has the least visibility impact.

Advice from Council maintenance staff is that while litter, graffiti and vandalism can occur, it is more common where shelters are situated adjacent to parks or reserves than with those adjacent to residential or commercial areas. Council offers a free graffiti removal service for residential and small business property owners which is aimed at delivering a 'zero tolerance' approach to graffiti. With the recent increase in shelter numbers, there is funding to maintain the shelters appropriately and a system for regular checks. Instances of graffiti or other vandalism can be reported to council by ringing 07 577 7000, and will be promptly addressed. This help line is available 24/7. Further information on the graffiti service can be found here: <https://www.tauranga.govt.nz/council/services/graffiti>  
In relation to anti-social behaviour, any incidents of such behaviour should be reported to the police or appropriate agency.

If you have any further questions please do reach out. Otherwise, the details for having your objection heard at a public hearing will follow shortly by email.

Kind regards

Paula

**Public hearing for proposed bus shelter near your property at 42 Fifteenth Avenue**

Mon 9/10/2023 12:55 PM

Dear resident/property owner

In accordance with section 339 of the Local Government Act 1974, we have consulted with you as the adjacent owner (and/or tenant) to seek consent for the installation of a bus shelter outside your property. The details of section 339 have been attached at the end of this email for your reference.

We have received and noted your objection to the establishment of a bus shelter and will now proceed to a hearing to consider your objection.

*Public hearing details*



This is to notify you of the details of the public hearing for your objection. You or your representative are invited to attend and present your objections on:

**26 October 2023 between 9:30am-12 pm**, 306 Cameron Road, Tauranga, ground floor room 1

or, if you prefer not to attend in person, you may submit an objection statement by **19 October 2023** that will be read at the hearing.

Please indicate if you or a representative will be present for your objection to be heard by emailing [HearingSubmittersSchedule@tauranga.govt.nz](mailto:HearingSubmittersSchedule@tauranga.govt.nz). An appointment time will be issued to you by Governance Services.

Tauranga City Council's Regulatory Hearings Panel, which is made up of four independent Panel members, will consider the objections and submission at the hearing, as well as any staff advice received; and will decide to either dismiss the objection, modify the proposal or not to proceed with the bus shelter. The Panel will make its decision in deliberations closed to the public. You will be advised of the Panel's decision in writing following the hearing.

Please note, there is no right of appeal against the Panel's decision.

*For further information*

Please feel free to contact us with any questions or concerns. You can contact our community engagement representative, Paula Simmonds at [paula.simmonds@tauranga.govt.nz](mailto:paula.simmonds@tauranga.govt.nz) or contact Tauranga City Council on 07 577 7000 or at <https://www.tauranga.govt.nz/council/contact-us>. We welcome an opportunity to provide more information on the position and design of the shelter or discuss any aspects of the bus shelter in advance of the hearing.

Yours sincerely,



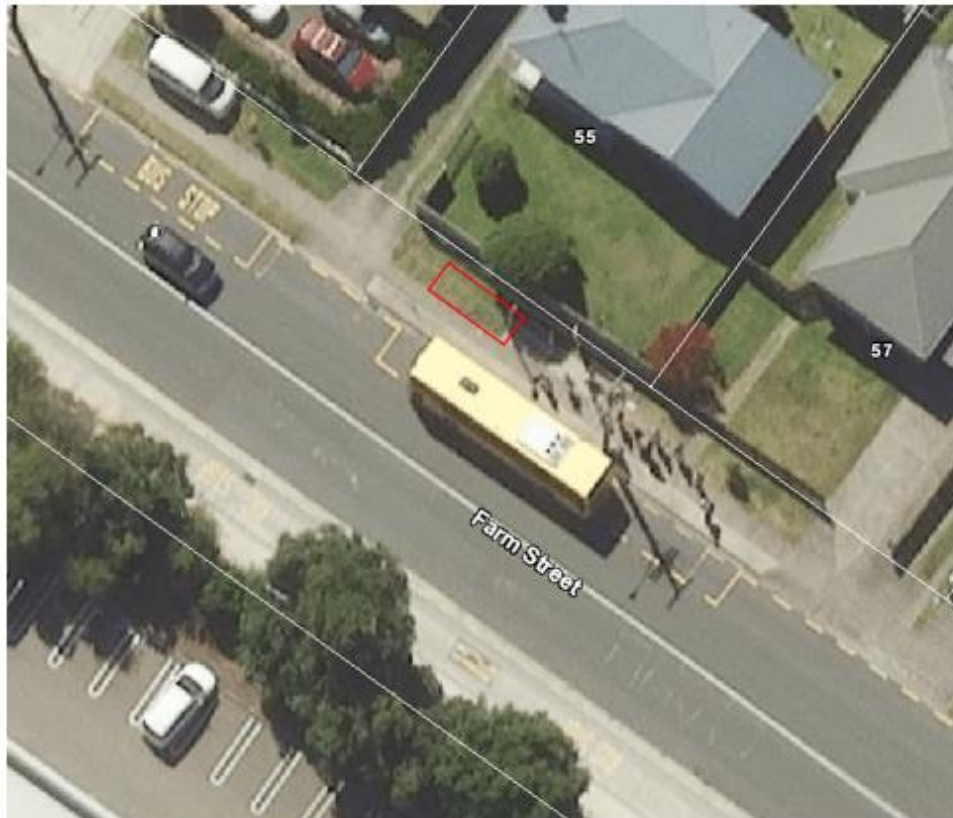
Kurt Graham  
Project Manager  
Transportation, Infrastructure  
Tauranga City Council

**Section 339 Local Government Act 1974:**

**339 Transport shelters**

- (1) The council may erect on the footpath of any road a shelter for use by intending public-transport passengers or small passenger service vehicle passengers:  
provided that no such shelter may be erected so as to unreasonably prevent access to any land having a frontage to the road.
- (2) The council shall give notice in writing of its proposal to erect any shelter under this section to the occupier and, if he is not also the owner, to the owner of any land the frontage of which is likely to be injuriously affected by the erection of the shelter, and shall not proceed with the erection of the shelter until after the expiration of the time for objecting against the proposal or, in the event of an objection, until after the objection has been determined.
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**55 FARM STREET**



## OBJECTION SUMMARY

- It's a "temporary" bus interchange; do not want a shelter

## EMAIL TRAIL

Mon 22/05/2023 8:23 AM

CAUTION: External Email.  
Morning.

In regards to the paper left in our letterbox about the proposed bus shelter at the front of our properties 55 and 55a Farm street, at the "temporary" bus interchange, we do not agree and definitely do not want a bus shelter there.

Ivan Iles & Paula Iles.

Mon 29/05/2023 10:42 AM

Good morning Paula and Ivan,

We appreciate your comments and have registered your objection to a bus shelter near 55 and 55A Farm Street. We will be in touch further with the next steps for objection and a possible public hearing date.

If you would like to discuss your concerns further, please reach out to either Jennifer Pearson or myself and we can arrange a time to visit.

Kind regards  
Paula

**Public hearing for proposed bus shelter near your property at 55 Farm Street**

Mon 9/10/2023 12:55 PM

Dear resident/property owner

In accordance with section 339 of the Local Government Act 1974, we have consulted with you as the adjacent owner (and/or tenant) to seek consent for the installation of a bus shelter outside your property. The details of section 339 have been attached at the end of this email for your reference.

We have received and noted your objection to the establishment of a bus shelter and will now proceed to a hearing to consider your objection.

*Public hearing details*

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**26 October 2023 between 9:30am-12 pm**, 306 Cameron Road, Tauranga, ground floor room 1

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Yours sincerely,

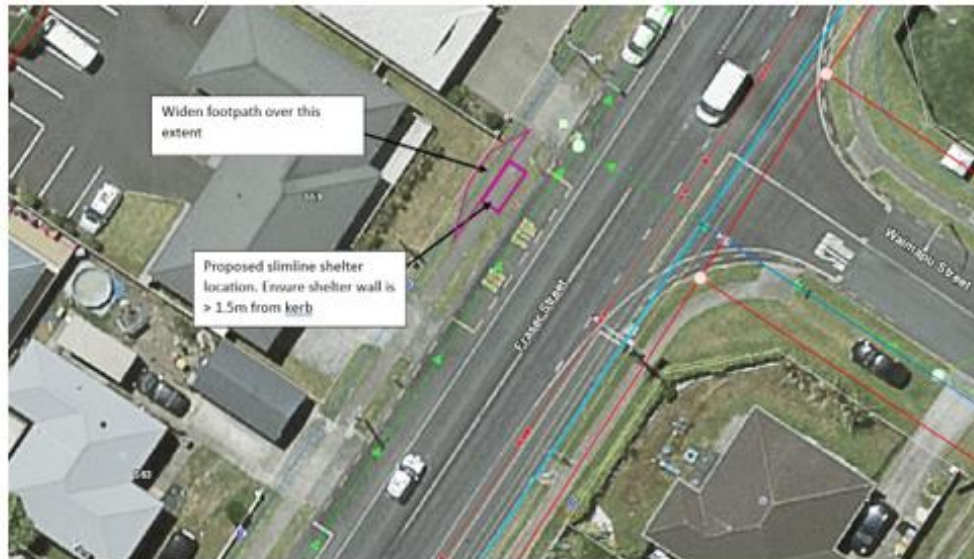
A handwritten signature in black ink, appearing to read 'Kurt Graham', with a long, sweeping horizontal stroke extending to the right.

Kurt Graham  
**Project Manager**  
**Transportation, Infrastructure**

**Tauranga City Council****Section 339 Local Government Act 1974:****339 Transport shelters**

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**559 Fraser Street**

## OBJECTION SUMMARY

- Bus shelter location does not suit future development of the site
- Yet to agree position that is more suitable

## EMAIL TRAIL

Mon 13/03/2023 5:15 PM

**CAUTION: External Email.**

Hi Paula,

We act for the property owner of 559 Fraser St and they have just received a letter from TCC confirming the proposed bus shelter in front of their property.

The owner is generally supportive of a bus shelter but they are concerned with the location and what impact this may have on developing their property in the future. Could we ask that the bus shelter is located as far north as possible toward Pemberton Park to avoid any future clashes?

Do you have any additional information to share on the location of the shelter and impact it may have on developing [REDACTED]?

We acknowledge this response is after the due date to respond however we request that TCC acknowledge that the letter was only received on the 12<sup>th</sup> of March 2023.

We look forward to hearing TCC response.

Cheers,



Stephen Cornwall

Mon 19/06/2023 1:16 PM

Item 49 ID 170 shelter location assessment (1).pdf

Good afternoon Stephen

Attached is the proposed location image for the bus shelter at 559 Fraser Street. Please let us know if this proposed location will work with the owners future development plans.

Many thanks  
Paula

Mon 19/06/2023 3:55 PM

**CAUTION: External Email.**

Hi Paula,

Thanks for providing the proposed location of the bus shelter.

Unfortunately, this proposed bus shelter location does not suit our clients design and proposed redevelopment of this site.

We are workshopping a design for seven - eight dwellings on this site which is consistent with Plan Change 33 and the intention is that there will be three dwellings fronting Fraser St and they will all have individual pedestrian access points to the footpath.

However, the proposed bus shelter position clashes with these pedestrian access points and it will impact on the urban outcomes and CPTED requirements of this proposed redevelopment.

We request that the bus shelter is positioned between the footpath and the back of kerb or in front of the neighbouring properties.

Cheers,

Thu 5/10/2023 1:22 PM

Item 49 ID 170 shelter location assessment (1).pdf

Good afternoon Stephen,

I have attached the proposed location for the bus shelter. Does this better suit your requirements?

Many thanks  
Paula

Thu 5/10/2023 1:38 PM

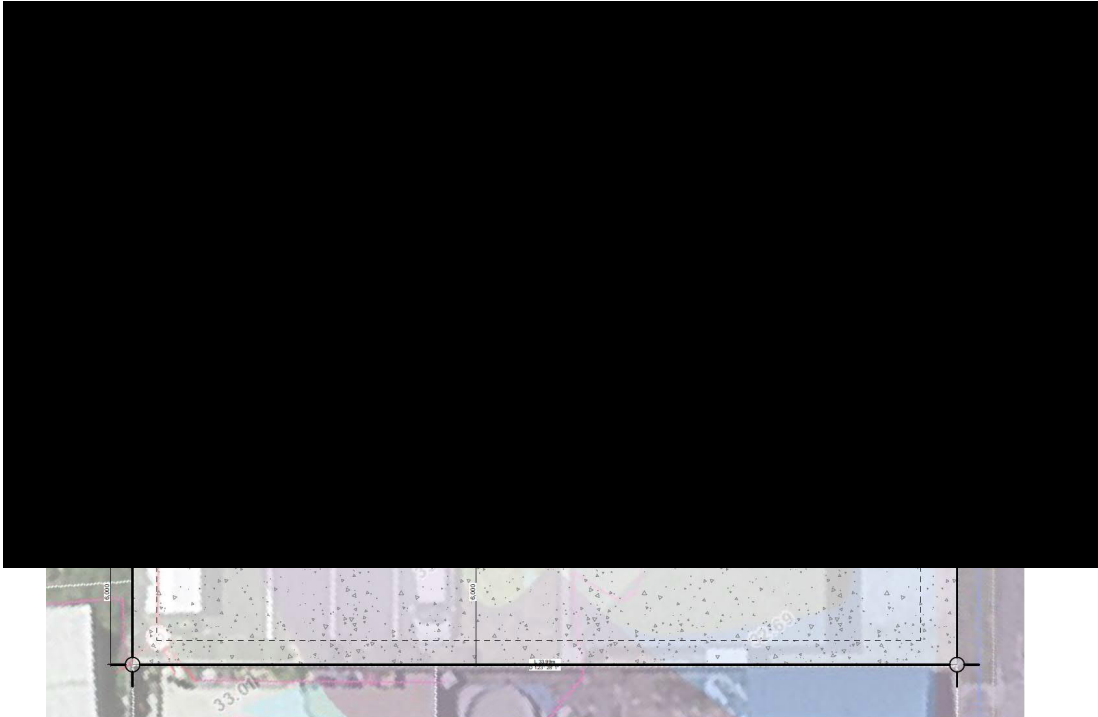
**CAUTION: External Email.**

Hi Paula,

As per our previous email this location doesn't work for our client as it will impact pedestrian access to the proposed units ■ and ■ from Fraser St.

We requested in June that the bus shelter proposed location was between the back of kerb and footpath to avoid clashing with the redevelopment of 559 Fraser St.

Can you please revise the location or move the bus shelter so that it is not adjacent 559 Fraser St.



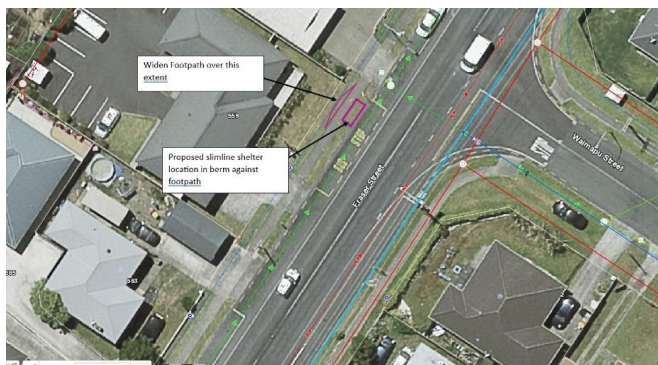
Cheers,

Thu 5/10/2023 3:08 PM

Stephen

Does this additional detail help clarify the location?

Regards  
Paula



**Public hearing for proposed bus shelter near your property at 559 Fraser Street**

Mon 9/10/2023 1:46 PM

Good afternoon Stephen

I appreciate you are considering the location for the proposed bus shelter provided last week. However, as we are nearing the public hearing date for bus shelters, I am forwarding you the details (below) to ensure you are informed ahead of time.

Kind regards  
Paula

Dear resident/property owner

In accordance with section 339 of the Local Government Act 1974, we have consulted with you as the adjacent owner (and/or tenant) to seek consent for the installation of a bus shelter outside your property. The details of section 339 have been attached at the end of this email for your reference.

We have received and noted your objection to the establishment of a bus shelter and will now proceed to a hearing to consider your objection.

*Public hearing details*

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**26 October 2023 between 9:30am-12 pm**, 306 Cameron Road, Tauranga, ground floor room 1

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*For further information*

Please feel free to contact us with any questions or concerns. You can contact our community engagement representative, Paula Simmonds at [paula.simmonds@tauranga.govt.nz](mailto:paula.simmonds@tauranga.govt.nz) or contact Tauranga City Council on 07 577 7000 or at <https://www.tauranga.govt.nz/council/contact-us>. We welcome an opportunity to provide more information on the position and design of the shelter or discuss any aspects of the bus shelter in advance of the hearing.

Yours sincerely,

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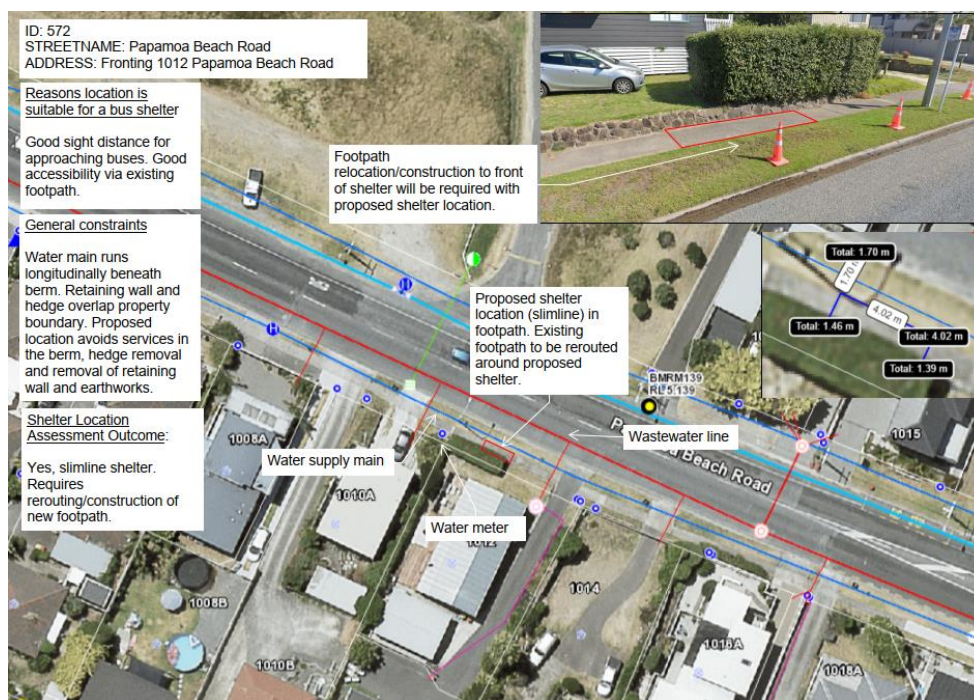
Kurt Graham  
**Project Manager**  
**Transportation, Infrastructure**  
**Tauranga City Council**

**Section 339 Local Government Act 1974:**

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**1012A PAPAMOA BEACH ROAD****OBJECTION SUMMARY**

- Safety for pedestrians crossing the road with the current bus stop position is questioned
- Limited space for a shelter so likely expensive construction

**EMAIL TRAIL**

Mon 4/09/2023 8:41 PM

**CAUTION:** External Email.

Dear Paula,

We have just received the letter about the bus shelter in close proximity to our property at 1012A Papamoa Beach Road - so I hope you can take our points below into account.

There are several reasons why we consider the current site/ existing bus stop is not in the best location.

**1. Safety:** The main objection to the current bus stop site is it's opposite the intersection for the entry/exit point of Taylors Reserve car park, which creates traffic congestion and safety risks for pedestrians. The current bus stop is located at a dangerous and difficult place to cross the road safely.

**2. Better locations near by:** There is a pedestrian refuge crossing median with safety barriers nearby. I propose locating the bus stop in front of 1016A or 1018A Papamoa Beach Road, would be a better/safer solution given they are further removed from the intersection and closer to the crossing with the raised pedestrian safety medians.

**3. Inadequate space/ cost:** There is also very limited space for a bus shelter at the current bus stop location (even for a slimline shelter). Constructing a bus shelter without obstructing the footpath would require expensive excavation and removal of the existing rock retaining wall.

I appreciate your consideration of my concerns and would be happy to discuss this with you further by phone at any time [REDACTED]

Many thanks,  
Otis Wilson  
[REDACTED]

Fri 22/09/2023 7:50 AM

Good day Otis

I apologise for our slow response and thank you for taking the time to get in touch.

This initiative is to improve the infrastructure at existing bus stops and is therefore not looking at relocating bus stops themselves. However, I will request the use statistics data for this site and a location map of the proposed shelter to provide you with more clarity. We can certainly look at undertaking a safety assessment if there is a question around visibility.

Let me get back to you with a little more information.

Kind regards  
Paula

Fri 22/09/2023 8:31 AM

Otis

Further to my message this morning, I have just received the location image proposed for the bus shelter outside 1012 Papamoa Beach Road. This location requires the footpath to be redirected in front of the shelter. It would be a slimline shelter measuring 2.25m (height), 3.8m (length) and 0.8m (depth).

For Papamoa Beach Road, this is one of the more highly used bus stops so a shelter would benefit the community.

Please review the proposed location and let us know any further queries you have.

Kind regards  
Paula

Mon 25/09/2023 10:52 PM

**CAUTION:External Email.**

Dear Paula

Just following up to confirm a suitable time to discuss this with you by phone?

As you know I have major concerns about the location of this bus shelter, as this intersection makes it a very dangerous place to cross the road.

I have seen the risks firsthand while living at this property and seek your time to hear these concerns for the safety of the community.

I feel very strongly that it is a critical time to review the safety of the location prior to investing in a new shelter and footpath relocation.

Kind regards

Otis Wilson

[REDACTED]

Wed 27/09/2023 2:26 PM

Hi Otis,

Thanks for your time on the phone earlier. As mentioned, please confirm with Paula if you wish to lodge a formal objection and go through the hearing process.

Currently our safety engineer is satisfied with the bus stop location and I am looking into signage options to highlight and encourage use of the pedestrian beach access to Taylor Reserve and the refuge island approximately 70-100m east of the crossing.

@Nick Kershaw can we please place this site as provisional and let Rueben know for the interim if we have not done so already.

Regards  
Kurt

Wed 27/09/2023 11:04 PM

**CAUTION:External Email.**

Good evening Kurt,

Thank you very much for your time on the phone and prompt update.

I greatly appreciate your genuine consideration of our concerns and I am keen to work with you to reach a safe solution to avoid the formal objection process if we can.

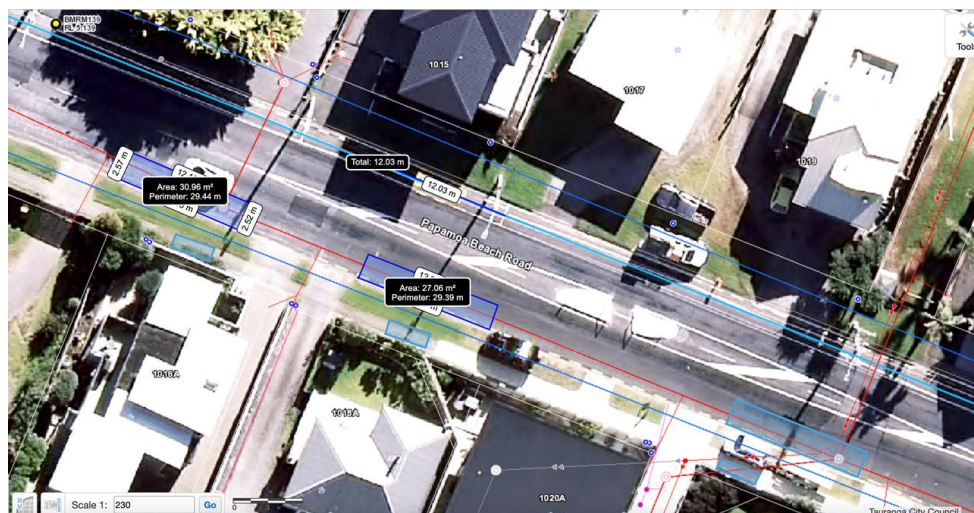
I feel passionately about the safer alternatives for the bus stop location and shelter. I have

personal experience crossing at the intersection where the current bus stop location is, and know how dangerous it is when cars are pulling out of the reserve. This is only exacerbated when a bus is at the stop and creates genuine risk for traffic, cyclists and general pedestrians as well as bus users.

These safety concerns can be mitigated with a change to the shelter location and I propose several alternative options for your consideration (picture below). All of the solutions are away from the Taylors reserve intersection and close to the pedestrian refuge.

From left to right:

1. Option 1 is opposite the bus stop at 1015 Papamoa Beach Rd.
2. Option 2 is further again from the Taylors reserve intersection while also being closer to the pedestrian refuge (equal distance to the opposite bus stop). *We stopped crossing the road by the intersection and only crossed at the pedestrian refuge which is much safer*
3. Option 3 is the furthest from Taylors reserve intersection and also benefits from it's proximity to the pedestrian refuge and the pedestrian accessway direct to Taylors Reserve



Please forgive me for my limited skills using Mapi, I have endeavoured to ensure all bus shelter options are at least 12m in length, like the one in front of 1015 Papamoa Beach Road.

Also noting your point well made about street lights. There is a street light outside 1015/1017 Papamoa Beach Road and 1019 Papamoa Beach Road, which would provide lighting for Options 2 & 3. Below is a street view of current bus stops outside 1051 Papamoa Beach Road, where the street lamp is on the northern alignment of the street only, servicing both bus stops.



All three options have enough space for a bus shelter without costly excavations.

Thank you for taking our proposal into account. I feel strongly that the Taylors Reserve Intersection is a high risk option with significant safety concerns and puts people at unnecessary risk. I am optimistic the safety team will agree with these concerns and view the alternate suggestions as more future proofed options for the bus network.

Please let me know if you seek any more information.

Best regards,

Otis Wilson



**Public hearing for proposed bus shelter near your property at 1012A Papamoa Beach Road**

Wed 11/10/2023 5:25 PM

Good afternoon Otis

I understand Kurt is still in discussion with you to try to reach an agreed option with the proposed bus shelter near your property. I am forwarding you the information regarding the bus shelter hearing just in case it becomes the best option forward.

Kind regards  
Paula

Dear resident/property owner

In accordance with section 339 of the Local Government Act 1974, we have consulted with you as the adjacent owner (and/or tenant) to seek consent for the installation of a bus shelter outside your property. The details of section 339 have been attached at the end of this email for your reference.

We have received and noted your objection to the establishment of a bus shelter and will now proceed to a hearing to consider your objection.

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Yours sincerely,





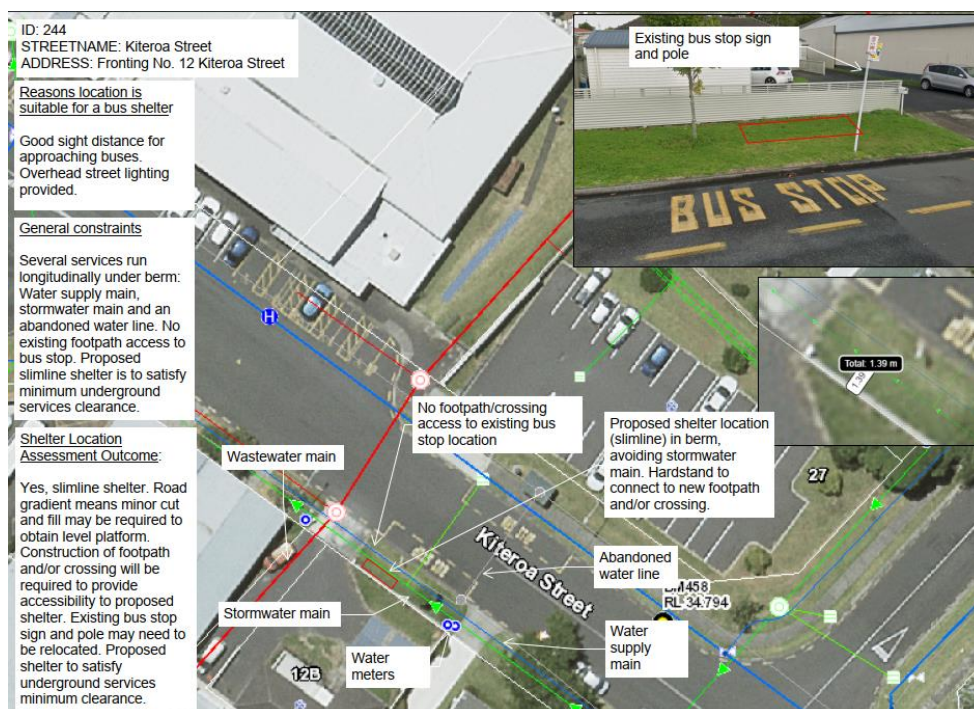
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**12B KITEROA STREET****OBJECTION SUMMARY**

- Not much space in front of property for a shelter
- A shelter exists across the road
- Vandalism issues have been observed at nearby shelters

**EMAIL TRAIL**

Mon 17/04/2023 6:05 PM

CAUTION: External Email.

**Subject: Bus shelter erection 12B Kiteroa Street**

Good afternoon Paula

I have received your letter in the mail regarding erecting a bus shelter outside my property of 12b Kiteroa street, Greerton, Tauranga on the council verge.

Honestly I object to the decision of erecting a bus shelter there, the verge is rather small,

narrow from the road to my fence, a lovely tree has finally got a nice shape to it, and it has taken me a few years to finally get it looking nice due to vandalism.

But the big thing is... there is already a bus shelter directly across the road. It has been so vandalised no glass left in it, constantly get tagged, gets kicked in. So why do we need another bus shelter directly across the road outside my house verge only to be vandalised constantly.

There is a bus stop sign outside the house on the verge that the bus has hit a few times coming around the corner and has not been fixed. The likelihood of the buses hitting a shelter erected there is quite high due to the angle they come round the corner. All in all it is asking for trouble putting another shelter out here. And no one comes to fix the broken stuff. I am a solo mother, i do not need the hassle of vandalism to fix.

Plus the bus only comes once every hour, my daughter can't even use it cause its so useless on timing wise for interlinking with other buses timetables. Very limited amount of people use 59 bus out my verge because it only comes once an hour. Would have better to get the bus to go the other way and use the existing bus stop and get them to come more regularly so people can actually use the bus. Hardly seems a good use of council rates money to waste on another bus shelter when the one directly across the road could be fixed up easily and cost effectively. Most people who need a shelter already use that one.

I have just erected a new front verge fence, it would look ugly and untidy with a great big bus stop slapped in front it, you will have to remove the pretty tree, because a shelter would take up the whole verge space there.

I am not impressed with the whole idea of another bus stop being erected there. If i had know the council wanted this to happen I would not have purchased this property 4 years ago. Seems a big waste of time and money to me, and everyone I have told this about agrees.

Thank you for giving me the chance to have my say.

Kind regards

Helena Foy

[REDACTED]

Best way to contact me is email.

Wed 3/05/2023 10:08 AM

Good morning Helena

We appreciate your comments and have registered your objection to a bus shelter near 12B Kiteroa Street. We will be in touch further with the next steps for objection and a possible public hearing date.

In response to some of your comments, this initiative is to improve the infrastructure at existing bus stops to make bus use a more attractive alternative transport option in the region. The new shelters are therefore not only targeting high use areas, but those routes that also have the potential to grow.

The shelter itself sits on a concrete pad with room around it for ease of general maintenance. It faces towards the road to encourage waiting passengers to view away from private properties. A slimline shelter is proposed that has reinforced glass for clear visibility and measures 2.25m (height), 3.8m (length) and 0.8m (depth). I have attached the proposed location image for your reference. With this proposed location the tree should be fine to stay.

In regard to damage, advice from Council maintenance staff is that while litter, graffiti and vandalism can occur, it is more common where shelters are situated adjacent to parks or reserves than with those adjacent to residential areas. Council offers a free graffiti removal service for residential and small business property owners which is aimed at delivering a 'zero tolerance' approach to graffiti. With the recent increase in shelter numbers, there is funding to maintain the shelters appropriately and a system for regular checks. I encourage you to contact Council to notify them of the poor state in the shelter across from you. Instances of graffiti or other vandalism can be reported to council by ringing 07 577 7000, and will be promptly addressed. This help line is available 24/7. Further information on the graffiti service can be found here: <https://www.tauranga.govt.nz/council/services/graffiti>

If you have any further questions please do reach out.

Kind regards  
Paula

**Public hearing for proposed bus shelter near your property at 12B Kiteroa Street**

Mon 9/10/2023 12:55 PM

Dear resident/property owner

In accordance with section 339 of the Local Government Act 1974, we have consulted with you as the adjacent owner (and/or tenant) to seek consent for the installation of a bus shelter outside your property. The details of section 339 have been attached at the end of this email for your reference.

We have received and noted your objection to the establishment of a bus shelter and will now proceed to a hearing to consider your objection.

*Public hearing details*

This is to notify you of the details of the public hearing for your objection. You or your representative are invited to attend and present your objections on:

**26 October 2023 between 9:30am-12 pm**, 306 Cameron Road, Tauranga, ground floor room 1

or, if you prefer not to attend in person, you may submit an objection statement by **19 October 2023** that will be read at the hearing.

Please indicate if you or a representative will be present for your objection to be heard by emailing [HearingSubmittersSchedule@tauranga.govt.nz](mailto:HearingSubmittersSchedule@tauranga.govt.nz) . An appointment time will be issued to you by Governance Services.

Tauranga City Council's Regulatory Hearings Panel, which is made up of four independent Panel members, will consider the objections and submission at the hearing, as well as any staff advice received; and will decide to either dismiss the objection, modify the proposal or not to proceed with the bus shelter. The Panel will make its decision in deliberations closed to the public. You will be advised of the Panel's decision in writing following the hearing.

Please note, there is no right of appeal against the Panel's decision.

*For further information*

Please feel free to contact us with any questions or concerns. You can contact our community engagement representative, Paula Simmonds at [paula.simmonds@tauranga.govt.nz](mailto:paula.simmonds@tauranga.govt.nz) or contact Tauranga City Council on 07 577 7000 or at <https://www.tauranga.govt.nz/council/contact-us>. We welcome an opportunity to provide more information on the position and design of the shelter or discuss any aspects of the bus shelter in advance of the hearing.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kurt Graham', with a long, sweeping horizontal stroke extending to the right.

Kurt Graham  
**Project Manager**

## Transportation, Infrastructure Tauranga City Council

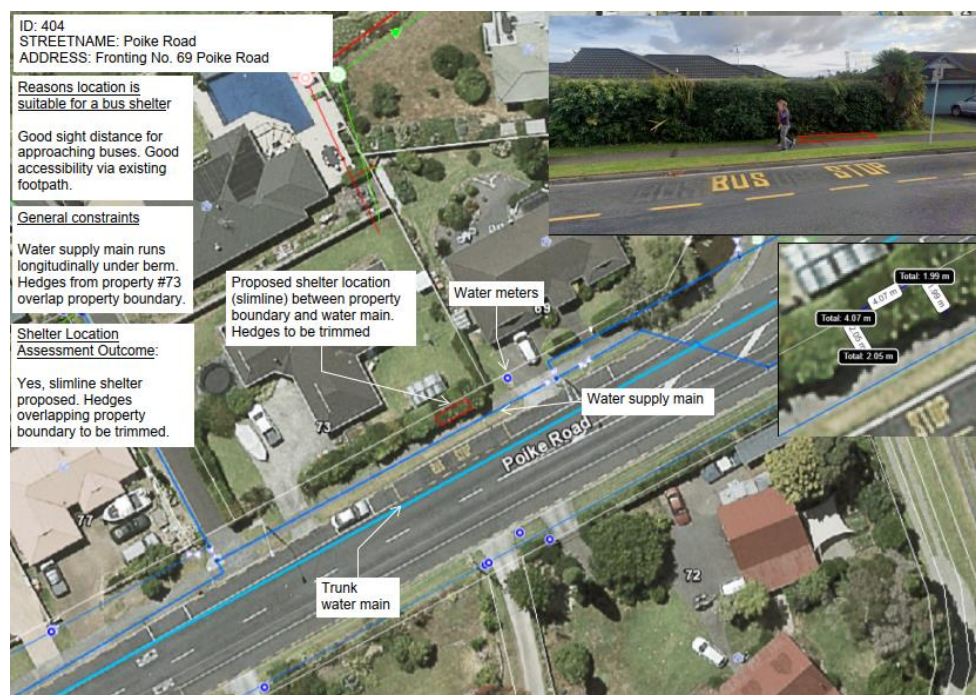
### Section 339 Local Government Act 1974:

#### **339 Transport shelters**

- (1) The council may erect on the footpath of any road a shelter for use by intending public-transport passengers or small passenger service vehicle passengers:  
provided that no such shelter may be erected so as to unreasonably prevent access to any land having a frontage to the road.
- (2) The council shall give notice in writing of its proposal to erect any shelter under this section to the occupier and, if he is not also the owner, to the owner of any land the frontage of which is likely to be injuriously affected by the erection of the shelter, and shall not proceed with the erection of the shelter until after the expiration of the time for objecting against the proposal or, in the event of an objection, until after the objection has been determined.
- (3) Within 14 days after the service of the notice, the occupier or owner, as the case may be, may object in writing to the council against the proposal.
- (4) Where any person objects to the proposal in accordance with subsection (3), the council shall appoint a day for considering the objection and shall give notice to the objector of the time when and place where the objection is to be heard. Any such time shall be not earlier than 7 days after the date on which the notice of objection was received at the office of the council.
- (5) The council shall, at the time and place stated in the notice referred to in subsection (4), consider the objection, and after hearing any submissions made by or on behalf of the objector, may either dismiss the objection or decide not to proceed with the proposal or make such modifications to the proposal to which the objection relates as it thinks fit. The hearing of any such objection may be adjourned from time to time and from place to place.
- (6) Where there are more objectors than 1, the council shall, as far as practicable, hear all objections together and give each objector an opportunity of considering and being heard in respect of all other objections.
- (7) No resolution under this section shall be passed until the council has considered all the objections of which notice has been given in accordance with this section.
- (8) In this section the term **road** does not include an access way.



## 73 POIKE ROAD



### OBJECTION SUMMARY

- Not much space in front of property for a shelter
- Safety hazard for neighbour reversing out of drive
- Nearby shelters exist within 5 min walk

### EMAIL TRAIL

Wed 1/03/2023 8:42 PM

**CAUTION:** External Email.

To whom this may concern,

We are writing to you regarding a letter we received on the 1<sup>st</sup> of March 2023 from Kurt Graham, TGA City Council, via post.

We would like to **formally object** to the erection of a bus shelter proposed outside our property of 73 Poike Road.

We have noted the following as reasons that we object to this installation of a bus shelter as proposed in this letter we received.

1. There is no space for this to be erected on our verge between the footpath and our hedge.
2. It will be safety hazard for our neighbour reversing out of their driveway as it would block view of pedestrians.
3. There are plenty of other bus shelters for the popular routes in close proximity, there are also two shelters erected down the Poike Road on big grass verges in both directions within 5 min walk like stated in your Bus Stop Guideline, April 2010.
4. For the small amount of people that use this bus stop I don't understand why you would install a shelter that would only be vandalised like the rest of them.( The two bus shelters down by Changepoint church are both vandalised and both smashed glass in the recent past).

We would appreciate you abandon this proposed bus shelter given the following recommendations as above.

Thanks  
Adrian & Amanda Delany

██████████





Thu 2/03/2023 11:07 AM

Good morning Adrian and Amanda,

Many thanks for getting in touch to express your concerns regarding the proposed bus shelter. I will speak further with the transport team to look into the proposed location near your property and safety hazard concerns and be in touch with more information. You have the right to object, and we will offer you a time at a scheduled hearing to discuss your concerns further. The date for this hearing has not yet been set.

In response to your other points:

This initiative is to support existing bus stops that are either highly utilised, or have the potential to be more utilised in the near future, with improved infrastructure. The shelters will provide a service for future bus users as well as current users by providing shelter from rain and sun for those waiting for buses and will provide an alternative transport option for the neighbourhood as a response to road congestion and climate change.

Advice from Council maintenance staff is that while graffiti can occur, it is more common where shelters are situated adjacent to parks or reserves than with those adjacent to residential areas. With the recent increase in shelter numbers, there is funding to maintain the shelters appropriately and a system for regular checks.

Kind regards  
Paula

Mon 6/03/2023 2:20 PM

Item 103 \_73 Poike Road.pdf

Good afternoon Adrian and Amanda

Attached is the proposed position for the bus shelter. It would be a slimline design, tucked back against the hedge, with clear glass from mid-height to ensure visibility through it for cars exiting from your neighbour's driveway.

Our data from Bay of Plenty Regional Council who operate the bus routes suggests 55 people per month use the stop at this time.

I will be in touch when we have more firm dates set for the hearing. It is likely to be a few months away.

Kind regards  
Paula

**Public hearing for proposed bus shelter near your property at 73 Poike Road**

Mon 9/10/2023 12:55 PM

Dear resident/property owner

In accordance with section 339 of the Local Government Act 1974, we have consulted with you as the adjacent owner (and/or tenant) to seek consent for the installation of a bus shelter outside your property. The details of section 339 have been attached at the end of this email for your reference.

We have received and noted your objection to the establishment of a bus shelter and will now proceed to a hearing to consider your objection.

*Public hearing details*

This is to notify you of the details of the public hearing for your objection. You or your representative are invited to attend and present your objections on:

**26 October 2023 between 9:30am-12 pm**, 306 Cameron Road, Tauranga, ground floor room 1

or, if you prefer not to attend in person, you may submit an objection statement by **19 October 2023** that will be read at the hearing.

Please indicate if you or a representative will be present for your objection to be heard by emailing [HearingSubmittersSchedule@tauranga.govt.nz](mailto:HearingSubmittersSchedule@tauranga.govt.nz). An appointment time will be issued to you by Governance Services.

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Please note, there is no right of appeal against the Panel's decision.

*For further information*

Please feel free to contact us with any questions or concerns. You can contact our community engagement representative, Paula Simmonds at [paula.simmonds@tauranga.govt.nz](mailto:paula.simmonds@tauranga.govt.nz) or contact Tauranga City Council on 07 577 7000 or at <https://www.tauranga.govt.nz/council/contact-us>. We welcome an opportunity to provide more information on the position and design of the shelter or discuss any aspects of the bus shelter in advance of the hearing.

Yours sincerely,



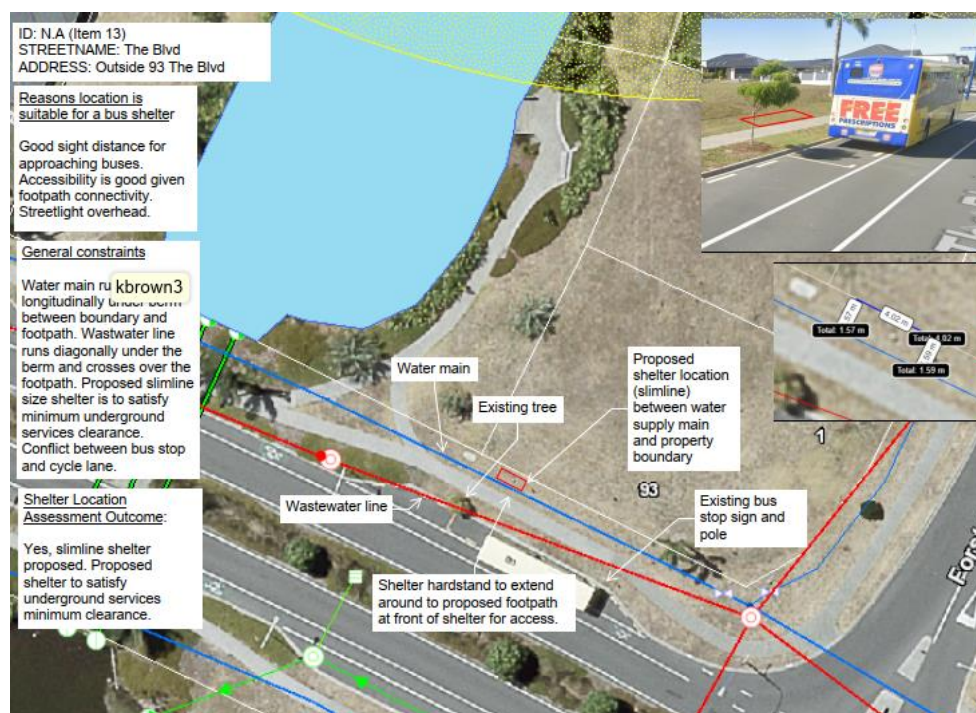
Kurt Graham  
**Project Manager**  
**Transportation, Infrastructure**  
**Tauranga City Council**

**Section 339 Local Government Act 1974:**

**339 Transport shelters**

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provided that no such shelter may be erected so as to unreasonably prevent access to any land having a frontage to the road.
- (2) The council shall give notice in writing of its proposal to erect any shelter under this section to the occupier and, if he is not also the owner, to the owner of any land the frontage of which is likely to be injuriously affected by the erection of the shelter, and shall not proceed with the erection of the shelter until after the expiration of the time for objecting against the proposal or, in the event of an objection, until after the objection has been determined.
- (3) Within 14 days after the service of the notice, the occupier or owner, as the case may be, may object in writing to the council against the proposal.
- (4) Where any person objects to the proposal in accordance with subsection (3), the council shall appoint a day for considering the objection and shall give notice to the objector of the time when and place where the objection is to be heard. Any such time shall be not earlier than 7 days after the date on which the notice of objection was received at the office of the council.
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- (6) Where there are more objectors than 1, the council shall, as far as practicable, hear all objections together and give each objector an opportunity of considering and being heard in respect of all other objections.
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## 1 FORSTERA WAY / 93 THE BOULEVARD



### OBJECTION SUMMARY

- Corner site, yet to develop
- Bus shelter will hinder ability to access the property from The Boulevard
- Why require a bus shelter at the start / end of a route?

Please note: Owners live out of town and would like an option to attend via an internet call

### EMAIL TRAIL

Mon 27/02/2023 7:37 PM

**CAUTION:** External Email.

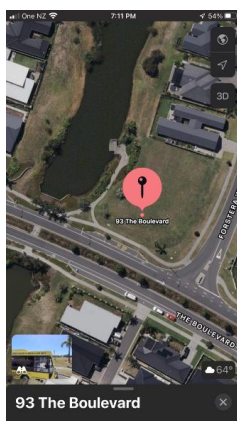
Good day

We have received your notification to have a bus stop erected. We would like to register our objection to this on the basis that it will obstruct our proposed entry/exit.

As our property is on the corner of The Boulevard (Number 93) and Forstera Way (Number 1), we have a corner site with two possible entry's and exits. When we purchased this property we were informed by the developer that we could choose where

our driveway would be. Our plan is to utilise both road frontages. Placing a bus shelter on this road will hinder our ability to access our property from The Boulevard. As per the document "no such shelter may be erected so as to unreasonably prevent access to any land having a frontage to the road".

I have attached current google maps which shows the site.



Note that we are out of town owners. Please arrange hearing to have access via zoom or the like.

Regards

Kayleen Rowe and Dean Rand

On Mar 1, 2023, at 9:52 AM, Paula Simmonds <Paula.Simmonds@tauranga.govt.nz> wrote:

Good morning Kayleen and Dean

Many thanks for your response to the proposed bus shelter. I will forward your comments and concerns to our traffic team and be in touch with a response.

Kind regards

Paula

Wed 15/03/2023 7:34 PM

CAUTION: External Email.

Good morning

We are following up on the below. We haven't heard from you and it's been brought to our attention that the bus stop is not only a bus stop but a start and end of route right across where we planned to put our driveway. Our property is the only property not

built, there are many opportunities within 150m of our site to place the bus stop between two driveways where no one is impacted.

Please get back to us

Thanks  
Kayleen and Dean

On Apr 26, 2023, at 9:29 AM, Paula Simmonds <[Paula.Simmonds@tauranga.govt.nz](mailto:Paula.Simmonds@tauranga.govt.nz)> wrote:

Good morning Kayleen and Dean

After our phone conversation I have been in touch further with the transport department regarding the proposed bus shelter outside 93 The Boulevard. You are correct, this is effectively the start and end of the bus route. It is a very well utilised stop, and there doesn't appear to be anywhere immediately nearby that would be more suitable (such as a park).

This initiative is to improve the infrastructure at existing bus stops to make bus use a more attractive alternative transport option in the region. There are many new shelters being installed around the city and are not only targeting high use areas, but those routes that also have the potential to grow.

The shelter itself sits on a concrete pad with room around it for ease of general maintenance. I have attached an image of the proposed location which is close to the corner and therefore an unlikely position for a driveway.

In regard to damage, advice from Council maintenance staff is that while litter, graffiti and vandalism can occur, it is more common where shelters are situated adjacent to parks or reserves than with those adjacent to residential areas. Council offers a free graffiti removal service for residential and small business property owners which is aimed at delivering a 'zero tolerance' approach to graffiti. With the recent increase in shelter numbers, there is funding to maintain the shelters appropriately and a system for regular checks. Instances of graffiti or other vandalism can be reported to council by ringing 07 577 7000, and will be promptly addressed. This help line is available 24/7. Further information on the graffiti service can be found here:  
<https://www.tauranga.govt.nz/council/services/graffiti>

If you have any further questions please do reach out. Otherwise, we will let you know the next steps for objection and a possible public hearing date.

Kind regards  
Paula

Fri 2/06/2023 10:03 AM

CAUTION: External Email.

Hi Paula

We are still waiting for this meeting date. As per our previous conversation (in which we have expressed our concern about this bus stop/shelter over our driveway multiple times) we have no progress. We will require adequate notice as we would like to consult with our lawyer to see if they would like to be present. I feel as though our concerns and legal rights to property access are not being heard.

Thanks  
Kayleen Rowe

Tue 6/06/2023 9:52 AM

Good morning Kayleen

We have not yet scheduled a public hearing date for the bus shelter objections. You will be informed of the next stage with your objection when all responses by owners near proposed bus shelters have been received.

Many thanks for your patience  
Paula

Tue 6/06/2023 10:28 AM

CAUTION: External Email.

Hi Paula.

Thanks. I cannot fathom for a minute why this is even necessary. The bus stop simply has to move. Moreover, why would you require a bus shelter for the start or end of the route? That makes little sense as you are not waiting for anything to arrive. The bus is already parked waiting for you to arrive at the start of the route. There is no need for a waiting point at the start or end of the route.

As a Tauranga rate payer, with the right to access my property, it appears to be a complete waste of time, money and resources to continue on with this. This should have a common sense approach. As discussed we can give you the time needed to relocate it. While there may not be a park in the immediate vicinity, there is a large amount of road frontage between driveways that should be utilised instead.

Thanks  
Kayleen and Dean

**Public hearing for proposed bus shelter near your property at 93 The Boulevard**

Mon 9/10/2023 12:55 PM



Dear resident/property owner

In accordance with section 339 of the Local Government Act 1974, we have consulted with you as the adjacent owner (and/or tenant) to seek consent for the installation of a bus shelter outside your property. The details of section 339 have been attached at the end of this email for your reference.

We have received and noted your objection to the establishment of a bus shelter and will now proceed to a hearing to consider your objection.

*Public hearing details*

This is to notify you of the details of the public hearing for your objection. You or your representative are invited to attend and present your objections on:

**26 October 2023 between 9:30am-12 pm**, 306 Cameron Road, Tauranga, ground floor room 1

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Please note, there is no right of appeal against the Panel's decision.

*For further information*

Please feel free to contact us with any questions or concerns. You can contact our community engagement representative, Paula Simmonds at [paula.simmonds@tauranga.govt.nz](mailto:paula.simmonds@tauranga.govt.nz) or contact Tauranga City Council on 07 577 7000 or at <https://www.tauranga.govt.nz/council/contact-us>. We welcome an opportunity to provide more information on the position and design of the shelter or discuss any aspects of the bus shelter in advance of the hearing.

Yours sincerely,

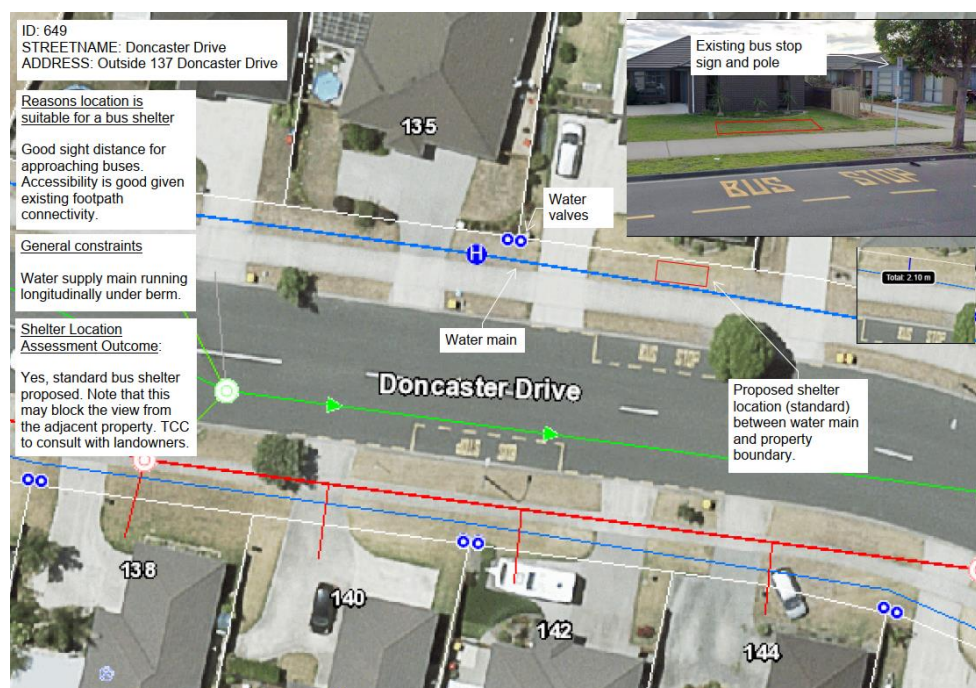


Kurt Graham  
Project Manager  
Transportation, Infrastructure  
Tauranga City Council

**Section 339 Local Government Act 1974:**

**339 Transport shelters**

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**137 DONCASTER DRIVE****OBJECTION SUMMARY**

- Loitering, smoking, litter concerns with nearby secondary school
- Not much space in front of property for a shelter
- Feel shelter is only required across the road for bus travelling the other direction as that takes passengers to the Papamoa Plaza etc

**EMAIL TRAIL**

Tue 25/04/2023 9:28 PM

CAUTION:External Email.

Hi Paula,

In connection with your letter it is stated that my family is not happy with the proposal to erect a bus shelter in front of our home I.e. 137 Doncaster Drive, Papamoa. Our home is close to

Papamoa college and my family is already in trouble due to this proximity. College students roam there. Some of them do smoking, vaping and leave there their litter and cigarette butts. Sometimes they knock at the door only for the sake of fun only. Once our power supply was disrupted as they removed the electricity meter's screws and turned it off. The college authorities are already in touch with us in this connection. So Bus stand should be in collage premises.

[REDACTED] know English language whereas my three children are of age [REDACTED] Bus Shelter in front of our home would increase the woes of my family as it would provide permanent spot to bad guys as well as other unwanted elements to stay there. The following neighbours second what I am saying:-

Eugene Hindle  
142 Doncaster Dr, Papamoa  
[REDACTED]

Candice McNaught  
135 Doncaster Dr, Papamoa  
[REDACTED]

Moreover, the design of my home is of such a type that gap between the home and the footpath is not much that makes that place unsuitable for the proposed bus shelter.

There are two other options for the bus shelter:-

1- It can be installed in front of the college boundary that starts about 200 meters away from us;

2- it should be on the other side of the road because about 90 percent of bus passengers board busses from other side of the road. People got heaps reason to wait for buses to get papamoa plaza, banks, fashion island , palm n save , library , doctors , Bayfair Shopping Centre and whole entire city . And front on our house just a drop off. By doing only other side it would be better utilisation of tax payers money.

I hope you will take appropriate decision by not installing proposed bus shelter in front of our home keeping in mind security and safety concerns of my family.

Thanking you

Sincerely yours  
NAVJOT PAL SINGH CHEEMA

On 26/04/2023, at 11:47, Paula Simmonds <Paula.Simmonds@tauranga.govt.nz> wrote:  
Good morning Navjot,

Thank you for taking the time to respond and express your observations from living in the area. We appreciate your comments and have registered your objection to a bus shelter near your property at 137 Doncaster Drive.

In response to your comments, this initiative is to improve the infrastructure at existing bus stops to make bus use a more attractive alternative transport option in the region. The new shelters are therefore not only targeting high use areas, but those routes that also have the potential to grow. This shelter is currently recorded to be receiving 261

passengers per month as supplied by BOP Regional Council, which illustrates it is quite an active stop.

There is also a shelter planned for the bus stop across from you and at the school bus stops around the corner. With this in mind, there will be a number of shelters available for the public to use within the area and will therefore reduce the chance of this one being a target.

In regard to damage, advice from Council maintenance staff is that while litter, graffiti and vandalism can occur, it is more common where shelters are situated adjacent to parks or reserves than with those adjacent to residential areas. Council offers a free graffiti removal service for residential and small business property owners which is aimed at delivering a 'zero tolerance' approach to graffiti. With the recent increase in shelter numbers, there is funding to maintain the shelters appropriately and a system for regular checks. Instances of graffiti or other vandalism can be reported to council by ringing 07 577 7000, and will be promptly addressed. This help line is available 24/7. Further information on the graffiti service can be found here: <https://www.tauranga.govt.nz/council/services/graffiti>

If you have any further questions please do reach out. Otherwise, we will let you know the next steps for objection and a possible public hearing date.

Kind regards  
Paula

Sun 7/05/2023 9:41 PM

CAUTION: External Email.

Hi Paula

Thank for replying back.

Since I got letter for proposed bus shelter letter, we watched very closely, literally seen no one been waiting for buses.

Yes except few children from college. But my concern is neighbours residents not need this bus stop. If kids got walk in rain to get shelter front on my house why not do better design in front on college, but I think city council like forcing their decision not want cooperating, and helping the traffic issue in our area.

You can check the comments on your ads on Facebook to improve traffic tga.

Please consider why you need

Bus stop one close to other one.

It's slow the traffic which is main problem in our region.

Last year few aged ladies ask to me to request for bus to Te Puke use Doncaster drive rather than Tara road. But then answer was more people covered on tara road than doncaster drive. I never understood where this statistic TCC gained.

Whoever I like to catch up with someone at the scene 137 Doncaster drive, please arrange time for meeting. It will be great.

Regards  
Nav

Good afternoon

Yes, Kurt is very happy to meet you on site. He is available this Friday or next Wednesday. Please indicate which day and potential time of the day would best suit you and I will organise this with Kurt.

Regards  
Paula

**Public hearing for proposed bus shelter near your property at 137 Doncaster Drive**

Mon 9/10/2023 12:55 PM

Dear resident/property owner

In accordance with section 339 of the Local Government Act 1974, we have consulted with you as the adjacent owner (and/or tenant) to seek consent for the installation of a bus shelter outside your property. The details of section 339 have been attached at the end of this email for your reference.

We have received and noted your objection to the establishment of a bus shelter and will now proceed to a hearing to consider your objection.

*Public hearing details*

This is to notify you of the details of the public hearing for your objection. You or your representative are invited to attend and present your objections on:

**26 October 2023 between 9:30am-12 pm**, 306 Cameron Road, Tauranga, ground floor room 1

or, if you prefer not to attend in person, you may submit an objection statement by **19 October 2023** that will be read at the hearing.

Please indicate if you or a representative will be present for your objection to be heard by emailing [HearingSubmittersSchedule@tauranga.govt.nz](mailto:HearingSubmittersSchedule@tauranga.govt.nz). An appointment time will be issued to you by Governance Services.

Tauranga City Council's Regulatory Hearings Panel, which is made up of four independent Panel members, will consider the objections and submission at the hearing, as well as any staff advice received; and will decide to either dismiss the objection, modify the proposal or not to proceed with the bus shelter. The Panel will make its decision in deliberations closed to the public. You will be advised of the Panel's decision in writing following the hearing.

Please note, there is no right of appeal against the Panel's decision.

*For further information*

Please feel free to contact us with any questions or concerns. You can contact our community engagement representative, Paula Simmonds at [paula.simmonds@tauranga.govt.nz](mailto:paula.simmonds@tauranga.govt.nz) or contact Tauranga City Council on 07 577 7000 or at <https://www.tauranga.govt.nz/council/contact-us>. We welcome an opportunity to provide more information on the position and design of the shelter or discuss any aspects of the bus shelter in advance of the hearing.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kurt Graham', with a long, sweeping horizontal stroke extending to the right.

Kurt Graham  
**Project Manager**  
**Transportation, Infrastructure**  
**Tauranga City Council**

**Section 339 Local Government Act 1974:**



**339 Transport shelters**

- (1) The council may erect on the footpath of any road a shelter for use by intending public-transport passengers or small passenger service vehicle passengers:  
provided that no such shelter may be erected so as to unreasonably prevent access to any land having a frontage to the road.
- (2) The council shall give notice in writing of its proposal to erect any shelter under this section to the occupier and, if he is not also the owner, to the owner of any land the frontage of which is likely to be injuriously affected by the erection of the shelter, and shall not proceed with the erection of the shelter until after the expiration of the time for objecting against the proposal or, in the event of an objection, until after the objection has been determined.
- (3) Within 14 days after the service of the notice, the occupier or owner, as the case may be, may object in writing to the council against the proposal.
- (4) Where any person objects to the proposal in accordance with subsection (3), the council shall appoint a day for considering the objection and shall give notice to the objector of the time when and place where the objection is to be heard. Any such time shall be not earlier than 7 days after the date on which the notice of objection was received at the office of the council.
- (5) The council shall, at the time and place stated in the notice referred to in subsection (4), consider the objection, and after hearing any submissions made by or on behalf of the objector, may either dismiss the objection or decide not to proceed with the proposal or make such modifications to the proposal to which the objection relates as it thinks fit. The hearing of any such objection may be adjourned from time to time and from place to place.
- (6) Where there are more objectors than 1, the council shall, as far as practicable, hear all objections together and give each objector an opportunity of considering and being heard in respect of all other objections.
- (7) No resolution under this section shall be passed until the council has considered all the objections of which notice has been given in accordance with this section.
- (8) In this section the term **road** does not include an access way.

**Resolution to exclude the public**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
?? – Bus shelter objections deliberations	To enable the Panel to deliberate in private on the objections heard.	s48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in any proceedings before a Council where the Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.

**5 CLOSING KARAKIA**