



*Tauranga City*

# **MINUTES**

**Regulatory Hearings Panel meeting  
Monday, 22 April 2024**

**Order of Business**

|          |  |          |
|----------|--|----------|
| <b>1</b> | <b>Opening karakia</b> .....   | <b>3</b> |
| <b>2</b> | <b>Apologies</b> .....   | <b>3</b> |
| <b>3</b> | <b>Confirmation of minutes</b> .....   | <b>3</b> |
| 4.1      | Minutes of the Regulatory Hearings Panel meeting held on 12 July 2023 .....                    | 3        |
| 4.2      | Minutes of the Regulatory Hearings Panel meeting held on 13 July 2023 .....                    | 3        |
| 4.3      | Minutes of the Regulatory Hearings Panel meeting held on 26 October 2023 .....                 | 4        |
| <b>4</b> | <b>Declaration of conflicts of interest</b> .....  | <b>4</b> |
| <b>5</b> | <b>Business</b> .....  | <b>4</b> |
| 5.1      | Bus Shelter Hearings Report.....   | 4        |
| <b>6</b> | <b>Public excluded session</b> .....   | <b>7</b> |
| 6.1      | Public Excluded minutes of the Regulatory Hearings Panel meeting held on 26 October 2023 ..... | 8        |
| 6.2      | Public Excluded minutes of the Regulatory Hearings Panel meeting held on 13 July 2023.....     | 8        |
| 6.3      | Public Excluded minutes of the Regulatory Hearings Panel meeting held on 12 July 2023.....     | 8        |
| 6.4      | Bus shelter objections deliberations .....   | 8        |
| <b>7</b> | <b>Business (continued) – decisions released into open</b> .....                               | <b>9</b> |
| 5.1      | Bus Shelter Hearings Report (continued).....   | 9        |
| (1)      | Louise Taylor, 553 Grenada Street.....   | 9        |
| (2)      | Charlie Scott and Rachel Johnston, 555 Grenada Street .....                                    | 9        |
| <b>8</b> | <b>Closing karakia</b> .....   | <b>9</b> |

**MINUTES OF TAURANGA CITY COUNCIL  
REGULATORY HEARINGS PANEL MEETING  
HELD AT THE TAURANGA CITY COUNCIL, GROUND FLOOR MEETING ROOMS 1 & 1B, 306  
CAMERON ROAD, TAURANGA  
ON MONDAY, 22 APRIL 2024 AT 1PM**

**PRESENT:** Mrs Mary Dillon (Chairperson), Mr Puhirake Ihaka, Mr Terry Molloy, Mr Alan Tate

**IN ATTENDANCE:** Kurt Graham (Project Manager), Rhulani Mothelesi (Senior Traffic & Safety Engineer), Anahera Dinsdale (Acting Team Leader: Governance Services), Caroline Irvine (Governance Advisor), Aimee Aranas (Governance Advisor)

## **1 OPENING KARAKIA**

Mr Puhirake Ihaka opened the meeting with a karakia.

## **2 APOLOGIES**

Nil

## **3 CONFIRMATION OF MINUTES**

### **4.1 Minutes of the Regulatory Hearings Panel meeting held on 12 July 2023**

#### **COMMITTEE RESOLUTION RHP1/24/1**

Moved: Mr Alan Tate  
Seconded: Mr Puhirake Ihaka

That the minutes of the Regulatory Hearings Panel meeting held on 12 July 2023 be confirmed as a true and correct record.

**CARRIED**

### **4.2 Minutes of the Regulatory Hearings Panel meeting held on 13 July 2023**

#### **COMMITTEE RESOLUTION RHP1/24/2**

Moved: Mrs Mary Dillon  
Seconded: Mr Terry Molloy

That the minutes of the Regulatory Hearings Panel meeting held on 13 July 2023 be confirmed as a true and correct record.

**CARRIED**

### 4.3 Minutes of the Regulatory Hearings Panel meeting held on 26 October 2023

#### COMMITTEE RESOLUTION RHP1/24/3

Moved: Mr Puhirake Ihaka

Seconded: Mr Alan Tate

That the minutes of the Regulatory Hearings Panel meeting held on 26 October 2023 be confirmed as a true and correct record.

**CARRIED**

## 4 DECLARATION OF CONFLICTS OF INTEREST

Nil

## 5 BUSINESS

### 5.1 Bus Shelter Hearings Report

**Staff** Kurt Graham, Project Manager: Transport  
Rhulani Mothelesi, Senior Traffic and Safety Engineer

#### Key points

- Staff believed that option one (1) was the most viable option as it had least impact on visibility.
- Upon staff visiting the site, they suggested that the removal of the tree outside 555 Grenada could be possible and have the bus shelter straddle both properties.

#### In response to questions

- In response to a query from Madam Chair, it would be difficult to move the bus shelter as there are two roundabouts and a side street.
- Mr Stock questioned if the bus shelter could be relocated outside 549 Grenada street as there are no driveways. Upon viewing a map of Grenada St, the Panel determined that it was too close to an intersection, a roundabout, the road has yellow lines painted, and it is a shallow shoulder for the bus shelter to be placed there.
- Statistics will be looked at to see if there are any complaints against anti-social behaviour.
- In response to a query from Mr Tate, Mr Graham had received data from Bay of Plenty Regional Council showing that 338 people aboard the bus per month at that specific spot.
- In response to a query from Mr Tate, Mr Graham confirmed that two bay of plenty routes as well as school routes go past that bus stop.
- In response to a query from Mr Tate, Mr Graham expects bus usage to grow but does not have any evidence currently to support the statement.
- In response to a query from Mr Tate, Ms Mothelesi said that vehicles are able to pass at the current location whereas at 549 there was no off-road shoulder for the bus to pull in. It was a requirement that buses stop 20 metres from an intersection to avoid obstructing the view of vehicles using side roads.
- In response to a query from Mr Tate, Ms Mothelesi said that the bus shelter would be 1.5 metres back from the roadside which meant that it would pose no risk to obstruction, the bus shelter would be closer to the footpath than the road. Also, that plans were to make sure that the bus shelter was as close to or where the tree currently is which is of near equal distance from either driveway.
- In response to a query from Mr Tate, Mr Graham states that transplanting the tree would be

difficult, as the tree would unlikely survive as it is quite young, per the advice from an arborist and the arborist proposed that two trees get planted on either side of the shelter instead.

- In response to a query from Mr Tate, Mr Graham is unsure of statistics pertaining to complaints and their nature per year from existing bus shelters around the city. Mr Graham acknowledged that he would have to go through past CCM lodgings to find that answer.
- In response to a query from Mr Ihaka, Mr Graham would consider a third option of installing the bus shelter in the proposed space between option 1 and option 2.
- In response to a query from Madam Chair, Ms Mothelesi confirmed that the Grenada street was a collector road.

#### **Discussion points raised**

- Mr Ihaka believed that an alternative option three, where the bus shelter was placed in the centre of both properties, should be a viable option.
- Ms Mothelesi explains that options recommended by Ms Taylor may not be viable because it does not take into account people with mobility issues. For example people that use mobility scooters may not be able to cross the road as quick as others.

The following members of the public spoke to their objection to the proposed installation of bus shelters.

#### **(1) Louise Taylor, 553 Grenada Street**

##### **Key points**

- Ms Taylor noted that there was no mention of the bus shelter when purchasing/building her house.
- Ms Taylor noted that most users at the bus stop were alighting and had referenced TCC guidelines that show that a shelter was not necessary if users were majorly alighting.
- Ms Taylor was concerned about anti-social behaviour and lingering by school students as there were multiple buses that stopped outside her property.
- Ms Taylor occasionally used the vandalised bus shelter on the opposite side of the street as an example to what could potentially happen to the proposed one outside her property. Therefore, Ms Taylor wanted the bus shelter to be moved away from her property.
- Ms Taylor expressed concerns over removing the magnolia tree to erect a bus shelter and uses TCC guidelines around vegetation as reasons why the tree should not be removed.
- Ms Taylor suggested to the Panel that the proposed bus shelter and bus stop be moved down to outside the retirement village where there was more space for the buses.

##### **In response to questions**

- Ms Taylor responded to a question regarding her privacy not already compromised with people already being there to catch the bus, regardless if there was a bus shelter present, with that she responded that she was seeking enhanced privacy by not encouraging gathering and lingering by non-bus users.
- Ms Taylor does agree that her privacy was already compromised by bus users outside her property but states that a bus shelter would encourage gathering and lingering by non-bus users and requested that a bus shelter not be placed outside her property for enhanced privacy and security. Ms Taylor further goes to say that her neighbourhood did not have the option of installing a high fence along her boundary. Ms Taylor continues to say that her gardens are already established to her liking and does not want to alter the state of her home just to increase privacy, if it can be avoided.
- In response to a query from Mr Ihaka, Ms Taylor did not believe that option one should be an option because according to TCC recommended guidelines it did not meet the requirements of correct placement as the bus shelter should not be at the rear of a stopped bus. Ms Taylor also did not believe option two was viable as she believed that

there was nothing wrong with using the tree as a shelter.

### **Discussion points raised**

- Ms Taylor noted to the Panel that there was already an established bus shelter on the opposite side of the street and questioned if it was necessary to have another one.
- Ms Taylor queried if another gathering spot necessary for anti-social behaviour.
- Ms Taylor queried whether safety was a priority for the initial implementation of the bus stop and submitted a photo taken over the Easter break displaying backed up buses and a car being forced to cross the centre line to overtake the stopped buses.
- Ms Taylor agreed with Mr Stock that 549 Grenada Street was a better solution for the proposed bus shelter.

## **(2) Charlie Stock and Rachel Johnston, 555 Grenada Street**

### **Key points**

- Mr Stock noted that he was most concerned about a bus shelter being outside his property because of safety reasons. He noticed while people were considerate of the property, some anti-social behaviour such as graffiti, littering, and the breaking of tree branches has been observed at the bus stop area.
- Mr Stock made the Panel aware of privacy reasons of why the bus shelter should not be outside his property because he noticed that bus users have entered their property. Furthermore, Mr Stock stated that the regulated low fence offers no privacy, and that the proposed bus shelter would be directly outside a child's bedroom and visible from the front door.
- Mr Stock made the Panel aware that there was no turning circle on the property's driveway and that he had to reverse onto the street and the proposed bus stop area.
- Mr Stock noted that although the bus shelter would obstruct the view leaving the driveway and expressed concerns about being able to clearly view oncoming traffic and cyclist passing by.
- Mr Stock noted that if the bus shelter was implemented the bus stop would remove the only available off-street parking for five houses.
- Mr Stock questioned whether another bus shelter was necessary as the bus stop was used for outbound users only. He observed that users tend to quickly disperse from the bus stop and thus questioned if a shelter was necessary.
- Mr Stock also proposed moving the bus shelter outside 549 Grenada Street.

### **In response to questions**

- In response to a question asked to Ms Taylor, Mr Stock added his input that most bus users tend to walk away from the bus stop once they have disembarked whereas with a bus shelter he noticed that people tend to stay longer at bus shelters and observe their surrounds. Which he believed impacts onto his privacy.
- Ms Johnston also responds to the same question that bus users to utilise the tree as shelter which also moves those people away from outside their child's bedroom window but where the bus shelter was proposed to go it directs people back to in front of the bedroom window.
- Mr Stock responded to the Panel when asked about the tree planted in front of their child's bedroom on their property, he argued that the tree was too small currently to provide any privacy.
- Ms Johnston responded to a query from Madam Chair that graffiti on their property had occurred twice over the last couple months.
- In response to a query from Mr Tate, Mr Stock preferred option one. However, acknowledges that it would not be fair towards Ms Taylor.
- In response to a query from Madam Chair, Mr Stock explained that it was not necessary for his property to have a turning bay despite being located on a collector road.

**Discussion points raised**

- Mr Stock noted that the proposed bus shelter would mean the removal of the only established magnolia tree on their street and he is reluctant to lose it.
- Ms Johnston shared her experience of witnessing people vandalising her property from within her home and felt scared for her and her child's safety. Mr Stock acknowledges that the Council does quickly deal with the graffiti.

**6 PUBLIC EXCLUDED SESSION**

UNCONFIRMED

**COMMITTEE RESOLUTION RHP1/24/4**

Moved: Mr Puhirake Ihaka

Seconded: Mr Alan Tate

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  |
|---|--|--|
| <b>6.1 - Public Excluded minutes of the Regulatory Hearings Panel meeting held on 26 October 2023</b> | s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons | s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7  |
| <b>6.2 - Public Excluded minutes of the Regulatory Hearings Panel meeting held on 13 July 2023</b>    | s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons | s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7  |
| <b>6.3 - Public Excluded minutes of the Regulatory Hearings Panel meeting held on 12 July 2023</b>    | s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons | s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7  |
| <b>6.4 - Bus shelter objections deliberations</b>   | To enable the Panel to deliberate in private on the objections heard.  | s48(1)(d)<br>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. |

**CARRIED**



## **7 BUSINESS (continued) – decisions released into open**

### **5.1 Bus Shelter Hearings Report (continued)**

#### **(1) Louise Taylor, 553 Grenada Street**

#### **RECOMMENDATIONS**

That the Regulatory Hearings Panel:

- (a) Request that the officer explore the options of moving the bus shelter closer to the tree if possible.
- (b) Request that the officer explore making the bus shelter a slim line and closer to the footpath if possible.
- (c) Request that the officer explores the option of moving the bus shelter as close to the centre of both properties as possible.
- (d) Request that the officer explores the option of the back of the bus shelter having frosted glass to aid with privacy issues.

#### **(2) Charlie Scott and Rachel Johnston, 555 Grenada Street**

#### **RECOMMENDATIONS**

That the Regulatory Hearings Panel:

- (a) Request that the officer explore the options of moving the bus shelter closer to the tree if possible.
- (b) Request that the officer explore making the bus shelter a slim line and closer to the footpath if possible.
- (c) Request that the officer explores the option of moving the bus shelter as close to the centre of both properties as possible.
- (d) Request that the officer explores the option of the back of the bus shelter having frosted glass to aid with privacy issues.

## **8 CLOSING KARAKIA**

Puhirake Ihake closed the meeting with a Karakia at 2:15

**The minutes of this meeting were confirmed as a true and correct record at the Regulatory Hearings Panel meeting held on 22 April 2024.**

.....  
Mary Dillon  
**CHAIRPERSON**