

**QLDC Council**  
**16 December 2021**

**Report for Agenda Item | Rīpoata moto e Rāraki take : 9**

**Department: Property & Infrastructure**

**Title | Taitara** Delegate Council's Authority to the Traffic and Parking Subcommittee to make decisions on Public Transport Infrastructure (Bus Shelters)

**PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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The purpose of this report is to ask Council to delegate its powers to the Traffic and Parking Subcommittee to make decisions on Public Transport Infrastructure (Bus Shelters).

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That Council:

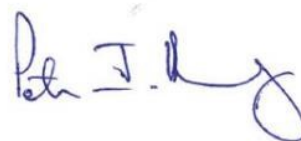
1. **Note** the contents of this report; and
2. **Delegate** to the Traffic and Parking Subcommittee its power to hear and make decisions on objections to the location of new public transport infrastructure under section 339 of the Local Government Act 1974; and
3. **Authorise** Council officers to make the necessary amendments to the QLDC Delegations Register.

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2/12/2021

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## CONTEXT | HOROPAKI

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- 1 New bus stops are required to support a growing public transport network across the Whakatipu Basin. This requires new routes and bus stops to be formed. Whilst the bus stops can be created in road reserves, adding bus shelters triggers a requirement for formal consultation under section 339 of the Local Government Act 1974.
- 2 At the 3 May 2018 Council meeting an agenda item sought Council approval to delegate its powers to a hearing panel of four Councillors to make decisions on Public Transport Infrastructure.
- 3 With the ongoing need for governance input so as to be in accordance with Council's obligations under the Local Government Act 1974 Section 339, it is proposed that the Council delegate its powers to the Traffic and Parking Subcommittee. Doing so will enable a more efficient decision-making framework for bus stop proposals.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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### Legislation

- 4 The relevant legislation requirement is summarised as:  
  
Local Government Act 1974 Section 339 (transport shelters) requires:
  - a. Council must give notice in writing to occupier and owner of affected land frontage
  - b. Owner / occupier has 14 days to object.
  - c. Council shall hear objections no sooner than 7 days after the date the objection is received.
- 5 Council can delegate its power to hear and make decisions on objections to a hearing panel to avoid the need to bring each of these matters as they arise back to full Council. As there will continue to be a roll out of bus shelter proposals through several tranches in this long-term plan, officers recommend that Council's authority is delegated to the Traffic and Parking Subcommittee which already makes decisions on changes to parking. This is logical and efficient as such decisions are often made in conjunction with consideration of changes to parking.

### Forward Works

- 6 As part of the Whakatipu Public Transport Mode Shift Minor Improvements Programme and various other Council delivery programmes, the Otago Regional Council (ORC) continues to work with Council officers to plan for delivery of a number of new bus stops needed to support an evolving and improving Whakatipu public transport service, along with the re-use of or modification to several existing sites. Notwithstanding Council officers' best efforts to prioritise planning of improvements so as to mitigate the effects to adjacent properties, unavoidably there will be some proposed stops where servicing of

the catchment demands requires bus stops adjacent to private property and Council is required to consult formally under the above legislation to add bus shelters.

- 7 Consultation (in accordance with QLDC Bus Stop Policy and Standards 2008 and requirements under the Local Government Act 2002) is carried out by officers for the siting of these new stops. Following that consultation, Council officers are sometimes able to resolve objections by mitigating any concerns or effects of a bus stop or shelter (for example, by tree planting). If officers are not able to resolve concerns about a proposed bus shelter, these objections must be resolved by the hearing panel.
- 8 Sites for bus stops and shelters have been delivered under previous tranches of work and further sites for bus stops / shelters are also being continuously investigated and planned for in future tranches of work to be added to further support the Public Transport Service.
- 9 Additionally, ongoing reviews of the existing facilities is being undertaken to identify any upgrades required.
- 10 New bus stops will include a bus shelter which will comprise an enclosed frame structure with roof, side walls and glass windows. It will have mobility compliant access, seating, bike racks and ski racks and timetable signage as standard. Investigations will also identify whether lighting and waste bins can be added. Sections of footpath may need to be improved or provided to service each location.

## Options

- 11 **Option 1 Approve** delegating Council's power to the Traffic and Parking Subcommittee to hear and make decisions on objections to the location of new public transport infrastructure, without further recourse to Council.

### *Advantages:*

- 12 This will be the most efficient use of officers' and Council's time.
- 13 Individual submitters / objectors will not be disadvantaged.
- 14 Decisions on public transport will be conducted so as to be in accordance with Council's obligations under the LGA 1974 S.339
- 15 Enables efficient improvements in Council's Public Transport level of service.

### *Disadvantages:*

- 16 Will require some additional resourcing and consideration to be made by the Traffic & Parking Subcommittee
- 17 **Option 2 Decline** delegation of Council's power to the Traffic and Parking Subcommittee to hear and make decisions on objections to the location of new public transport infrastructure, without further recourse to Council.

### *Advantages:*

18 Does not require additional resourcing and consideration to be made by the Traffic and Parking Subcommittee

*Disadvantages:*

19 This will be the least efficient use of officers' and Council's time. Instead of hearings being resourced through the Traffic and Parking Subcommittee they will be heard by the full Council.

20 Option 3 **Approve** delegating Council's power to some other committee or group of Councillors.

*Advantages:*

21 Does not require additional resourcing and consideration to be made by the Traffic and Parking Subcommittee or Council.

*Disadvantages:*

22 If delegated to a named group of Councillors, this step will have to be repeated whenever there is a change in the Councillor group.

23 Decisions on objections on bus stops are within the subject matter that the Traffic and Parking Subcommittee routinely considers.

24 This report recommends **Option 1** for addressing the matter because of the operational efficiency it will achieve when undertaking proposal for improved public transport infrastructure and without disadvantage to those who may be affected by the proposal.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

25 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the decision aligns with existing policies, strategies and previous Council resolutions.

26 The following Council policies, strategies and bylaws and previous Council resolutions were considered:

- a. Queenstown Town Centre Transport Strategy
- b. Queenstown Integrated Transport Strategy
- c. Queenstown Town Centre Master Plan
- d. QLDC Bus Stop Policy
- e. QLDC accessibility policy

- f. 3 May 2018 Agenda Item 8 – Public Transport Infrastructure Full Council Resolution and 14 June 2018 Minutes.
- 27 The recommended option is consistent with the principles set out in the named policy/policies.
- a. This matter is included in the 10-Year Plan/Annual Plan under:
  - b. Core Infrastructure and Services
  - c. Effective and efficient infrastructure that meets the needs of growth.
- 28 The persons who are affected by or interested in this matter are property owners and public transport users.
- 29 Those directly affected by proposals for new bus shelters will be consulted with objections to be heard by a hearing panel so as to be in accordance with the LGA 194 S.339 obligations.
- 30 The level of significance determines the level of compliance necessary with the decision making requirements in sections 76-78 of the Local Government Act 2002. A higher level of compliance must be achieved for a significant decision.
- 31 This matter relates to the operational risks
- a. RISK00012 Core infrastructure is Insufficient- Poor infrastructure planning and
  - b. RISK00019 Ineffective planning for climate change affects and
  - c. RISK00031 Ineffective management and governance over legislative compliance
- 32 As documented in the Council’s risk register. The risk is classed as low. This matter relates to this risk because potentially affected parties are consulted so the risk is mitigated.

### **RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA**

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- 33 The operational risks with ongoing work programmes for public transport infrastructure are that the proposals are being conducted so as to be in accordance with Council’s obligations.
- 34 Without a clear governance framework for decision making, the work programme may stall or become operational inefficient to deliver.
- 35 The adoption of the proposed policy will support the Council by allowing us to implement additional controls for this risk.

### **FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA**

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- 36 No material impact on finance as the costs of the projects are within existing annual plan and ten year plant budgets.

## LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

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37 Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The recommendation promotes efficient governance over infrastructure delivery with consistent and inclusive process for consultation and hearings. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

38 The recommended option:

- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.