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**REPORT 1**  
*(1215/11/IM)*

## **ERECTION OF ADSHEL BUS SHELTERS: HEARING OF OBJECTIONS**

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### **1. Purpose of Report**

To seek the Council's agreement for the independent commissioner, who has already been appointed to hear the Council's resource consent application for the erection of an additional 135 adshel bus shelters in the city, to be given approval to jointly hear this application together with any objections that might be received from affected frontage owners/occupiers against the erection of these shelters, as provided for by section 339 of the Local Government Act 1974.

### **2. Recommendations**

It is recommended that the Council:

- 1. Receive the information.*
- 2. Agree to hold a joint hearing of the Council's resource consent application for the erection of 135 adshel bus shelters in the city together with any objections that are received against the Council's proposal from affected frontage owners/occupiers, as provided for by section 339 of the Local Government Act 1974.*
- 3. Agree that Ian Hutchings, who has already been appointed as the independent commissioner to hear the Council's resource consent application in respect of the erection of these bus shelters, be appointed as an "officer" of the Council for the duration of this hearing to enable him to jointly hear the resource consent application together with any objections received from affected frontage owners/occupiers under section 339 of the Local Government Act 1974.*
- 4. Agree that the independent commissioner be delegated the power to hear the objections under section 339 of the Local Government Act 1974 and recommend his findings through to the Council for a final decision.*

Note:

*Because section 339 requires a 'resolution', the actual decision on any objections will have to be made either by a Committee or by the full Council not the Commissioner. Accordingly, the Commissioner is only being delegated the power to hear and recommend.*

### **3. Background**

Only about 30% of bus stops in the city are currently equipped with bus shelters. Through Council's agreement with Adshel, a further 135 suitable bus shelter locations have been identified on key city bus routes.

The provision of additional bus shelters is in line with the Council's stated priorities for transport. That is to give more emphasis to bus priority measures in order to better manage demand for scarce road space.

If these shelters were to be funded by the Council, the cost would be in excess of \$3 million, plus ongoing maintenance. The Adshel contract provides these facilities at no capital cost to the Council and no on-going operational costs associated with maintaining these assets. In addition it provides the Council with on going revenue derived from the advertising income.

Before these bus shelters can be erected the Council is required to obtain resource consent under the Resource Management Act 1991 and to comply with the notification and hearing requirements of section 339 of the Local Government Act 1974.

### **4. Discussion**

The Council has applied for the necessary resource consent to erect the 135 Adshel bus shelters and the hearing is set down for 26-28 February 2007. Because the Council is applying to itself for resource consent the application will be heard by an independent commissioner appointed under the Resource Management Act 1991. Ian Hutchings has been appointed to hear the application.

In addition to the resource consent process, section 339 of the Local Government Act 1974 also requires the Council to notify the owner or occupier of any land, the frontage of which is likely to be injuriously affected by the erection of any bus shelter, of the Council's intentions and to give those people a chance to object to the Council's proposal and to have their objections heard by the Council.

It is recommended that the hearing of these objections be done in a joint hearing by appointing the independent commissioner as an 'officer' of the Council and delegating to that officer the power to hear the objections and for his findings to be reported through to the Council for a final decision. Because there is an overlap between the objectors for the two processes it would be logistically prudent for the independent commissioner to hear objections under the Local Government Act at the same time as objections to the resource consent application so that the objectors don't need to be heard twice.

## **5. Conclusion**

The resource consent hearing is set down for the 26 - 28 February and submitters on the resource consent application have already been notified of these dates. The objectors under s339 of the Local Government Act 1974 have also been notified of this date.

Councillors were advised on 30 January 2007 of the proposed process and were asked to notify Stephen Harte, Manager Network Capacity by 7 February 2007 if they had any objections. No objections to the process as proposed were received.

The Council's formal approval to the joint hearing is now required before the hearing can take place.

Contact Officer: *Ross Bly, Special Projects and Electoral Officer*

## **Supporting Information**

### **1) Strategic Fit / Strategic Outcome**

*The policy supports Council's overall vision of Creative Wellington – Innovation Capital. The policy is in line with the Council's stated priorities for transport. That is to give more emphasis to bus priority measures in order to better manage demand for scarce road space.*

### **2) LTCCP/Annual Plan reference and long term financial impact**

### **3) Treaty of Waitangi considerations**

*There are no Treaty of Waitangi implications.*

### **4) Decision-Making**

*This is not a significant decision.*

### **5) Consultation**

#### **a) General Consultation**

*All affected parties have been identified and have been given the opportunity to object or make submissions on the proposal.*

#### **b) Consultation with Maori**

*Not required.*

### **6) Legal Implications**

*Council's lawyers have been consulted during the development of this report.*

### **7) Consistency with existing policy**

*This report is consistent with existing policy.*