

# HAMILTON CITY COUNCIL SUBMISSION

## Land Transport Management (Regulation of Public Transport) Amendment Bill

Parliament's Transport and Infrastructure Committee



2 May 2023



**Hamilton  
City Council**  
Te kaunihera o Kirikiriroa

# Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this submission is aligned to the priority '**A green city**'.

## Council Approval and Reference

This submission was approved by the Chair of Hamilton City Council's Infrastructure and Transport Committee on 2 May 2023.

Hamilton City Council Reference D-4689832 - Submission # 734.

## Key Messages

1. Hamilton City Council supports the overall intent and provisions outlined in the **Land Transport Management (Regulation of Public Transport) Amendment Bill**.
2. The provision of effective and efficient public transport is central to the outcomes in **Access Hamilton** (the city's Transport Strategy), as well as the intent of the Hamilton - Waikato Metro Spatial Plan, which covers the broader Tier 1 sub-regional urban area.
3. It should be noted that both Hamilton City Council and the Waikato Regional Council have a strong interest in ensuring legislative changes in the public transport area support our strategic direction.
4. Our view is that the Bill's provisions will facilitate improvements to public transport and remove restrictions that currently exist within existing legislation. We therefore support the intent and provisions outlined in the Bill.
5. We support greater flexibility in asset ownership arrangements, particularly the approach for the large public transport asset ownership, but note that this should not extend to the provision of public transport infrastructure within the road corridor.
6. We are strongly supportive of enabling regional councils to operate Public Transport services. Hamilton has been strongly supportive of improvements to accelerating the decarbonisation of the bus fleet and employee conditions and ensuring that living wages were provided as a minimum for bus drivers in the Waikato Region.
7. Hamilton City Council strongly supports the Bill's proposed expansion of the definition of public transport to include unscheduled (on-demand) public transport services and shuttle services.
8. In particular, we support the proposed direction of the Bill's **Explanatory Note - General Policy Statement**, as outlined under the following key headings:
  - Sustainable Public Transport Framework.
  - New Objectives for Planning, Procurement, and Delivery of Services.
  - Enabling Regional Councils to Operate Public Transport Services.
  - Enabling Different Asset Ownership Arrangements.
  - Supporting Benchmarking of Different Service Delivery Models.
  - Encouraging Greater Collaboration Between Regional Councils and Territorial Authorities.
  - Improving Framework for Exempt Services.
  - Clarifying Treatment of On-Demand Public Transport Services.
9. We also specifically endorse Clauses 13 and 15 in the Bill.

## Introduction

10. Hamilton City Council welcomes the opportunity to make a submission to the **Land Transport Management (Regulation of Public Transport) Amendment Bill** (referred to as the Bill).
11. The provision of effective and efficient public transport is central to the outcomes in **Access Hamilton** (the city's Transport Strategy - [refer here](#)), as well as the intent of the **Hamilton - Waikato Metro Spatial Plan** ([refer here](#)), which covers the broader Tier 1 sub-regional urban area.
12. The vision for the future of transport in Hamilton as outlined in Access Hamilton is:
  - *Everyone is safe and feels safe while using our streets and public spaces.*

- *A low-emission transport system that is resilient against climate change.*
  - *Hamilton Kirikiriroa is a great place to live for everyone.*
  - *A healthy te awa o Waikato (Waikato River) and natural sites which sustain abundant life and prosperous communities for all generations.*
  - *More people choose to travel on foot, by bike, by bus, or using micromobility devices such as scooters.*
  - *Hamilton Kirikiriroa is accessible for all because it has a city culture and heritage that is shared, protected, and celebrated.*
  - *Hamilton Kirikiriroa is a great place for everyone to work and do business.*
  - *An adaptable, future-ready transport system that supports quality and compact urban form.*
- 13.** It should be noted that both Hamilton City Council and the Waikato Regional Council have a strong interest in ensuring that legislative changes in the public transport area support our strategic direction as set out in the current Waikato Regional Public Transport Plan.
- 14.** Our view is that the Bill's provisions will facilitate improvements to public transport. We therefore support the intent and provisions outlined in the Bill.

## Explanatory Note - General Policy Statement

- 15.** In particular, Hamilton City Council supports the following proposed direction, as outlined in the Bill's **Explanatory Note - General Policy Statement**.
- 16. Sustainable Public Transport Framework**
- 17.** *The Bill establishes the Sustainable Public Transport Framework (SPTF), which will replace the Public Transport Operating Model. The SPTF is a new framework for the planning, procurement, and delivery of public transport services, which addresses systemic issues affecting the sector. Legislative changes are also necessary to remove barriers to decarbonisation, and to clarify and improve the regulation and administration of some public transport services.*
- 18. New Objectives for Planning, Procurement, and Delivery of Services**
- 19.** *The SPTF is underpinned by new objectives prioritising mode-shift, fair and equitable treatment of employees, and improved environment and health outcomes. The Bill embeds these objectives in the regulation of public transport, and in the performance of relevant functions by Waka Kotahi New Zealand Transport Agency (the Agency) and by regional councils. (Regional council in this context includes Auckland Transport, unitary authorities (other than Auckland Council), and territorial authorities that have the public transport function.)*
- 20. Enabling Regional Councils to Operate Public Transport Services**
- 21.** *The Bill enables regional councils to operate public transport services in-house or to continue to outsource the operation of services. This will provide increased flexibility in how regional councils deliver services and give effect to the SPTF objectives. This proposed change acknowledges that outsourcing of services to private operators may not always align with wider objectives for public transport services, for example, improving the terms and conditions of employees or accelerating the decarbonisation of the bus fleet.*
- 22.** Hamilton City Council has been strongly supportive of improvements to employee conditions and ensuring that living wages were provided as a minimum for bus drivers in the Waikato Region. The future needs for drivers in the public transport system (whether buses, ferries etc) will only increase in the future and having improved terms and conditions will be crucial to ensuring that we have enough of this resource available to deliver the planned expansion of public transport services throughout the country.

**23. Enabling Different Asset Ownership Arrangements**

24. *The Bill removes the requirement for a local authority's interests in public transport services to be held in a council-controlled trading organisation. This will provide greater flexibility in relation to asset ownership, allowing regional councils to directly own public transport assets, such as buses, ferries, and depots.*

25. Hamilton City Council supports this approach for the large public transport assets but notes that it should not extend to the provision of public transport infrastructure within the road corridor.

**26. Supporting Benchmarking of Different Service Delivery Models**

27. *The Bill establishes a new requirement for public transport services to be planned, procured, and operated in an open and transparent manner. The Bill requires openness and transparency in relation to operating costs, service performance, the vehicles or vessels used to deliver services, aggregate employee terms and conditions, and financial performance of operators. This will support benchmarking and investment decisions for different service delivery models.*

**28. Encouraging Greater Collaboration Between Regional Councils and Territorial Authorities**

29. Hamilton City Council has always had a strong working relationship with the Waikato Regional Council in the preparation of the Regional Public Transport Plan and therefore support the provisions of the Bill establishing a requirement for regional councils and territorial authorities to prepare regional public transport plans (RPTPs) in collaboration. RPTPs will need to identify the infrastructure necessary to support public transport services. This is intended to increase collaboration between regional councils and territorial authorities. It also reinforces the existing requirement that regional councils and territorial authorities collaborate to deliver the regional public transport services and infrastructure necessary to meet the needs of passengers.

30. The collaborative work programmes developed via the RPTPs are crucial for feeding into the subsequent development of Regional Land Transport Plans seeking the funding required to deliver the infrastructure and service changes.

**31. Improving Framework for Exempt Services**

32. *The Bill makes several changes to the framework for exempt services, including -*

- *Increasing the minimum notice period to withdraw exempt services that have been identified as integral in a regional public transport plan - to give regional councils an opportunity to establish a replacement service:*
- *Clarifying that the Agency should undertake the process to inform a decision to add or remove an exemption if the Minister or regional council requests this:*
- *Amending the criteria to add or remove an exemption to better align with the SPTF objectives.*

**33. Clarifying Treatment of On-Demand Public Transport Services**

34. Hamilton City Council strongly support the Bill's proposed expansion of the definition of public transport to include unscheduled (on-demand) public transport services and shuttle services.

35. *This change clarifies the treatment of on-demand public transport services, enabling regional councils to provide any form of passenger transport service through any mode, other than air transport, whether delivered to a timetable or not.*

36. These types of services are really important in the newer subdivisions in the early stages of homes being built where there are insufficient potential passenger numbers to justify a regular/scheduled bus service initially. Without some form of public transport in these areas the residents will be dependent on private cars and will develop habits and make investment decisions e.g., buying a second car, as a result.

37. *The Bill expands the scope of exempt services to include commercial on-demand services and commercial shuttle services. The Bill allows some exempt on-demand services and all exempt shuttle services to be operated without being registered with the regional council. This ensures that a smaller subset of commercially operated passenger transport services are subject to registration requirements - limited to those services more likely to affect public transport services provided by regional councils. This mitigates the potential for increased regulatory burden on operators and the potential for increased administrative burden on regional councils.*
38. *The Bill also ensures that regional councils can procure, contract, and deliver on-demand services separately to timetabled services. This is achieved by amending the definition of unit and removing the requirement for every unit to be contracted on an exclusive basis.*

## Support for Specific Clauses in the Bill

39. In addition to supporting the Bill's **Explanatory Note - General Policy Statement**, Hamilton City Council also specifically endorses Clauses 13 and 15 in the Bill:
40. ***Clause 13** amends section 120 of the Act, which sets out the matters that must be included in a regional public transport plan. Clause 13(1) widens the scope of which integral public transport services must be identified in a regional public transport plan. Clause 13(2) inserts a further requirement: to identify the infrastructure necessary to support the public transport services that are integral to the public transport network that a regional council proposes to provide. Clause 13(3) replaces current section 120(1)(a)(ii) in order to allow both scheduled and unscheduled services to be identified as integral to the public transport network.*
41. ***Clause 15** amends section 125 of the Act, which sets out the consultation requirements a regional council must fulfil when preparing, and before adopting, a regional public transport plan. The consultation requirements when preparing a draft plan are replaced with a new process. A regional council is required to collaborate with the territorial authorities in its region when preparing the draft and also consult the entities listed in new subsection (1)(b).*

## Further Information Hearings

42. Should Parliament's Transport and Infrastructure Committee require clarification of the submission from Hamilton City Council, or additional information, please contact **Glenn Bunting** (Urban Transport Policy and Planning Manager - City Transportation) on **021 962 829**, email [glenn.bunting@hcc.govt.nz](mailto:glenn.bunting@hcc.govt.nz) in the first instance.
43. Hamilton City Council representatives **do wish to speak** at the Transport and Infrastructure Committee's hearings in support of this submission.

Yours faithfully



**Lance Vervoort**  
**CHIEF EXECUTIVE**

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