

Version
as at 1 September 2022



**Land Transport Management (Road Tolling Scheme for
Takitimu Drive (Route K)) Order 2015**
(LI 2015/160)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 29th day of June 2015

Present:

His Excellency the Governor-General in Council

Pursuant to section 48A of the Land Transport Management Act 2003, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Transport, makes the following order.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered by the Ministry of Transport.

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Order

1 Title

This order is the Land Transport Management (Road Tolling Scheme for Takitimu Drive (Route K)) Order 2015.

2 Commencement

This order comes into force on 31 July 2015.

3 Interpretation

(1) In this order, unless the context otherwise requires,—

Act means the Land Transport Management Act 2003

road tolling scheme means the road tolling scheme established by this order for the Takitimu Drive toll road

Takitimu Drive toll road has the same meaning as Route K, as defined in section 5(1) of the Act

toll revenue inflow means toll revenue—

- (a) that is collected in respect of the road tolling scheme; and
- (b) that the Minister approves under section 10(2)(ba)(i) of the Act as an inflow of the national land transport fund.

(2) Unless the context otherwise requires, a term or an expression that is defined in the Act and used, but not defined, in this order has the same meaning as in the Act.

Road tolling scheme established

4 Road tolling scheme for Takitimu Drive established

- (1) This order establishes the road tolling scheme for Takitimu Drive.
- (2) The Agency is the public road controlling authority, the toll operator, and the enforcement authority for the road tolling scheme.
- (3) The Takitimu Drive toll road is the road that may be tolled.
- (4) The toll revenue inflow may be applied only for the purposes of—
 - (a) the planning, design, and construction of the Takitimu Drive toll road (including reimbursement of related costs); and
 - (b) meeting any conditions or requirements set out in this order (including reimbursement of related costs, to the extent that they relate to the Takitimu Drive toll road).

5 Duration of road tolling scheme

The Agency may toll the Takitimu Drive toll road during the period—

- (a) beginning on 1 August 2015; and
- (b) ending on the date on which the toll revenue inflow fully reimburses the national land transport fund for payments made from the fund to the Agency or the Tauranga City Council for the activities specified in clause 4(4)(a).

No prerequisites for tolling

6 No conditions to be met before tolling begins

For the purpose of section 46(2)(b)(i) of the Act, the Agency is not required to meet any conditions before it begins tolling the Takitimu Drive toll road.

Setting, publication, and collection of tolls

7 Setting of tolls

- (1) The Agency—
 - (a) may set a toll that applies each time a vehicle uses the Takitimu Drive toll road; and
 - (b) may set different levels of tolls for different classes of persons or motor vehicles, different times or days, different directions of travel, different methods of payment, or any combination of those factors; but
 - (c) must not set a toll that exceeds a base amount specified in subclause (2)—
 - (i) as adjusted to increase it by the same percentage as the total percentage increase in the CPI (if any); and

- (ii) as rounded to the nearest 10 cents.
- (2) The base amounts are,—
- (a) for a motor vehicle with a gross vehicle mass of more than 3 500 kilograms, \$5.00 including goods and services tax; and
- (b) for any other motor vehicle, \$2.00 including goods and services tax.
- (3) An instrument made under this clause setting tolls is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (3A) The instrument takes effect on the date specified in it, which must be at least 28 days after it is published under the Legislation Act 2019.
- (4) In this clause,—

CPI means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

total percentage increase in the CPI means the percentage rise in the CPI as measured between—

- (a) the CPI for the June 2014 quarter; and
- (b) the most recent CPI.

Legislation Act 2019 requirements for secondary legislation made under this clause

Publication The maker must publish it on a website maintained by, or on behalf of, the Agency LA19 ss 73, 74(1)(a), Sch 1 cl 14

Presentation It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019 LA19 s 114, Sch 1 cl 32(1)(a)

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116

This note is not part of the secondary legislation.

Clause 7(3): replaced, on 28 October 2021, by regulation 131 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 7(3A): inserted, on 28 October 2021, by regulation 131 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 7(4) **CPI**: amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

8 Exemptions from paying tolls

- (1) The Agency may, for emergency, traffic management, or promotional purposes, grant exemptions from the obligation to pay tolls for the use of the Takitimu Drive toll road.
- (2) An exemption must specify—
- (a) whether it applies to motor vehicles generally or to 1 or more classes of motor vehicles; and
- (b) whether it applies to the use of the Takitimu Drive toll road—
- (i) at a specified time; or

- (ii) on a specified day or days; or
 - (iii) in a specified direction; or
 - (iv) in any combination of the circumstances referred to in subparagraphs (i) to (iii).
- (3) An exemption granted under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (4) The purpose of an exemption must be published with it.
- (5) An exemption takes effect on the date specified in it, which must be at least 28 days after it is published under the Legislation Act 2019.
- (6) However, if it is impracticable to publish the exemption at least 28 days before the specified date, the exemption—
- (a) must be published as soon as practicable after it is made; and
 - (b) takes effect on the date specified in it even if it is not yet published.

Legislation Act 2019 requirements for secondary legislation made under this clause

Publication	The maker must publish it on a website maintained by, or on behalf of, the Agency	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

Clause 8(3): replaced, on 28 October 2021, by regulation 132 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 8(4): inserted, on 28 October 2021, by regulation 132 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 8(5): inserted, on 28 October 2021, by regulation 132 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 8(6): inserted, on 28 October 2021, by regulation 132 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

9 Collection of tolls

- (1) The Agency must establish an electronic system for collecting tolls that—
- (a) does not hinder the free flow of traffic; and
 - (b) enables a regular user of the Takitimu Drive toll road to pay a toll automatically (for example, by automatic deduction from a toll account held by the Agency); and
 - (c) enables a user of the Takitimu Drive toll road to pay a toll in advance of, or within 5 working days after, using the road.
- (2) The Agency must ensure that the details of the tolls that are payable, and the payment methods offered by the Agency, are published on an Internet site maintained by or on behalf of the Agency for the duration of the road tolling scheme.

*Availability of untolled alternative route***10 Agency must ensure that feasible, untolled, alternative route is available**

The Agency must, for the duration of the road tolling scheme,—

- (a) ensure that a feasible, untolled, alternative route is available to road users; and
- (b) erect and maintain the signage and other information required to—
 - (i) inform drivers approaching the Takitimu Drive toll road of the standard tolls that apply; and
 - (ii) inform drivers approaching or using the Takitimu Drive toll road of the options for paying a toll; and
 - (iii) enable drivers approaching the Takitimu Drive toll road to choose to use the untolled alternative route.

*Information disclosure***11 Disclosure to Minister**

- (1) As soon as practicable after the end of every financial year, the Agency must provide to the Minister—
 - (a) details of the operation of the road tolling scheme, including—
 - (i) actual traffic volumes for the year, for each class of motor vehicle that uses the Takitimu Drive toll road, compared with forecast traffic volumes; and
 - (ii) actual toll revenue from the Takitimu Drive toll road for the year, compared with forecast toll revenue; and
 - (iii) forecast traffic volumes and toll revenues for the forthcoming financial year; and
 - (b) details of financial matters, including—
 - (i) details of the extent to which the toll revenue inflow has reimbursed the national land transport fund for payments made from the fund to the Agency or the Tauranga City Council for the activities specified in clause 4(4)(a); and
 - (ii) financial statements for the Agency's road tolling operations as a whole; and
 - (c) confirmation that a feasible, untolled, alternative route remains available to road users; and
 - (d) any other details that are material to the Agency's operation of the road tolling scheme.
- (2) The Agency may provide the information to the Minister in its annual report or in any other form.

12 Disclosure to public

As soon as practicable after providing information to the Minister under clause 11, the Agency must publish a summary of the information on an Internet site maintained by or on behalf of the Agency.

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 2 July 2015.

Notes

1 *General*

This is a consolidation of the Land Transport Management (Road Tolling Scheme for Takitimu Drive (Route K)) Order 2015 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Data and Statistics Act 2022 (2022 No 39): section 107(1)

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): clauses 131, 132