

Version  
as at 1 September 2022



# Land Transport Management (Road Tolling Scheme for Tauranga Eastern Link) Order 2015

(LI 2015/43)

Jerry Mateparae, Governor-General

## Order in Council

At Wellington this 2nd day of March 2015

Present:

His Excellency the Governor-General in Council

Pursuant to section 46(1) 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 made in accordance with section 48 of that Act, 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 Tauranga Eastern Link) Order 2015.

### 2 Commencement

This order comes into force on 9 April 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 TEL

**TEL**—

(a) means the Tauranga Eastern Link Toll Road, which is the road (approximately 15.5 km in length) that—

(i) runs from the junction of Domain Road and State Highway 2 near Papamoa to the junction of State Highway 2 and State Highway 33 near Paengaroa; and

- (ii) is described in Schedule 1 and shown between points 4 and 9, and passing through points 5 to 8, on the plan set out in Schedule 2; and
  - (b) includes all necessary toll-related infrastructure, approaches, erections, structures, and other works.
- (2) Unless the context otherwise requires, a term or 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 TEL established**

- (1) This order establishes the road tolling scheme for the TEL.
- (2) The Agency is the public road controlling authority, the toll operator, and the enforcement authority for the road tolling scheme.
- (3) The TEL is the road that may be tolled.
- (4) The toll revenue inflow may be applied only for the purposes of—
  - (a) the planning, design, supervision, construction, maintenance, and operation of the TEL, including reimbursement of the costs related to those activities; and
  - (b) meeting any conditions or requirements set out in this order.
- (5) In this clause, **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.

**5 Duration of road tolling scheme**

The Agency may toll the TEL during the period—

- (a) beginning, in accordance with section 47 of the Act,—
  - (i) from the time, or on and from the date, specified for the purpose in the notice referred to in clause 7(1)(b); or
  - (ii) if the notice does not specify a time, from the time the notice is published; and
- (b) ending on the earlier of—
  - (i) the date on which the Agency has repaid the amount (including principal and interest) borrowed by the Agency from the Crown for the purposes specified in clause 4(4)(a); and
  - (ii) 30 June 2050.

*Prerequisites for tolling***6 Conditions to be met**

- (1) Tolling must not start until the Minister is satisfied with the details of the road tolling scheme.
- (2) The Agency must report to the Minister on the details of the road tolling scheme at least 10 weeks before tolling of the TEL is anticipated to start.
- (3) The report must include the following details:
  - (a) the service standard obligation to users of the TEL:
  - (b) the method of publicising the toll in advance of the opening of the TEL:
  - (c) the signage and any other methods that will be used to inform drivers approaching the TEL of the toll:
  - (d) the methods of informing drivers approaching or using the TEL of the options for paying a toll:
  - (e) a technical description of the proposed components of the toll collection system and key performance indicators, including (but not limited to) error rates, revenue levels, and health and safety issues of the toll collection system:
  - (f) the structure of the administration fees for all payment methods, including any administrative fees for the recovery of unpaid tolls:
  - (g) the feasible, untolled, alternative route that will be available to road users.

**7 Process for confirming that conditions have been met**

- (1) If the Minister is satisfied with the details of the road tolling scheme, as reported by the Agency under clause 6, the Minister must—
  - (a) notify the Agency that the Minister is satisfied with the details of the road tolling scheme; and
  - (b) publish a notice under section 47 of the Act stating that the Minister is satisfied that the Agency has met the conditions that must be met before the Agency may begin tolling.
- (2) If the Minister is not satisfied with the details of the road tolling scheme, the Minister must—
  - (a) notify the Agency of the reasons the Minister is not satisfied; and
  - (b) give the Agency a reasonable opportunity to submit an amended report under clause 6.

*Setting, publication, and collection of tolls*

**8 Setting of tolls**

- (1) The following tolls apply on the first day of the road tolling scheme and until the Agency sets a different toll under subclause (2):
  - (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.
- (2) The Agency—
  - (a) may set a toll that applies each time a vehicle uses the TEL; 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 an amount set by subclause (1)—
    - (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.
- (3) Within the constraint imposed by subclause (2)(c), the Agency must not set a toll that would increase an existing toll by a greater percentage than the relative percentage increase in the CPI (if any), unless the Minister has approved the increase in writing.
- (4) An instrument made under this clause setting tolls is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (4A) 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.
- (5) 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

**relative percentage increase in the CPI**, in relation to increasing an existing toll, means the percentage rise in the CPI as measured between—

- (a) the CPI for the quarter that ended most recently before the existing toll was first applied; and
- (b) the most recent CPI

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

- (a) the CPI for the June 2008 quarter; and
- (b) the most recent CPI.

**Legislation Act 2019 requirements for secondary legislation made under this clause**

|                     |  |                                      |
|---------------------|--|--------------------------------------|
| <b>Publication</b>  | The maker must publish it on a website maintained by, or on behalf of, the Agency  | LA19 ss 73, 74(1)(a),<br>Sch 1 cl 14 |
| <b>Presentation</b> | 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<br>cl 32(1)(a)     |
| <b>Disallowance</b> | It may be disallowed by the House of Representatives   | LA19 ss 115, 116                     |

*This note is not part of the secondary legislation.*

Clause 8(4): replaced, on 28 October 2021, by regulation 134 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 8(4A): inserted, on 28 October 2021, by regulation 134 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 8(5) **CPI**: amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

**9 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 TEL.
- (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 TEL—
    - (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.

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**Legislation Act 2019 requirements for secondary legislation made under this clause**

|                     |  |                                      |
|---------------------|--|--------------------------------------|
| <b>Publication</b>  | The maker must publish it on a website maintained by, or on behalf of, the Agency  | LA19 ss 73, 74(1)(a),<br>Sch 1 cl 14 |
| <b>Presentation</b> | 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<br>cl 32(1)(a)     |
| <b>Disallowance</b> | It may be disallowed by the House of Representatives   | LA19 ss 115, 116                     |

*This note is not part of the secondary legislation.*

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Clause 9(3): replaced, on 28 October 2021, by regulation 135 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 9(4): inserted, on 28 October 2021, by regulation 135 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 9(5): inserted, on 28 October 2021, by regulation 135 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 9(6): inserted, on 28 October 2021, by regulation 135 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

## **10 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 TEL 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 TEL to pay a toll in advance of, or within 5 working days after, using the TEL.
- (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*

## **11 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 any other information required to—
  - (i) inform drivers approaching the TEL of the standard tolls that apply; and
  - (ii) inform drivers approaching or using the TEL of the options for paying a toll; and
  - (iii) enable drivers approaching the TEL to choose to use the untolled alternative route.

*Information disclosure***12 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 TEL, compared with forecast traffic volumes; and
    - (ii) actual toll revenue from the TEL 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 Agency's debt and other financial obligations relating to the TEL; 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.

**13 Disclosure to public**

As soon as practicable after providing information to the Minister under clause 12, the Agency must publish a summary of the information on an Internet site maintained by or on behalf of the Agency.

## **Schedule 1**

### **Description of Tauranga Eastern Link Toll Road**

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The Tauranga Eastern Link Toll Road runs from the Domain Road intersection with State Highway 2 near Papamoa. It then leaves the current State highway route and crosses rural land parallel to Tara Road, and carries on across Parton Road and along the sandhills to the Kaituna River at the end of Bell Road. At this point the highway crosses the river and carries on past the Kaituna Wildlife Management Reserve. It heads south-east across dairy farms and orchard lots before rising up over the railway line to join the existing junction of State Highways 2 and 33 near Paengaroa.

Schedule 2  
Plan of Tauranga Eastern Link Toll Road

c| 3



- 1. Te Maunga
- 2. Mangatawa interchange
- 3. Kairua Road (left in/left out only)
- 4. Domain Road interchange: tolled section start/finish
- 5. Parton Road overbridge
- 6. Kaituna River bridge
- 7. Maketu Road bridge
- 8. East Coast Main Trunk rail bridge
- 9. Paengaroa roundabout: tolled section start/finish
- 10. Free alternative route via Te Puke

Version as at  
1 September 2022

**Land Transport Management (Road Tolling Scheme for  
Tauranga Eastern Link) Order 2015**

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Schedule 2

Michael Webster,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 5 March 2015.

## Notes

### **1** *General*

This is a consolidation of the Land Transport Management (Road Tolling Scheme for Tauranga Eastern Link) 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): regulations 134, 135