

Tauranga District Council (Route K Toll) Empowering Bill

Local Bill

Explanatory note

General policy statement

The Tauranga District Council (Route K Toll) Empowering Bill will enable the Tauranga District Council to finance the building and maintenance of the road known as Route K. Route K will join State Highway 29 and the PJK junction in central Tauranga, and is the final stage in the link between State Highway 29, central Tauranga, the Tauranga Harbour Bridge and the Port of Tauranga. Route K is also part of Tauranga's strategic roading network agreed to in a first ever protocol between the Tauranga District Council, the Western Bay of Plenty District Council and Transit New Zealand.

The Tauranga district has experienced widespread and accelerated growth in recent years. It is both the site of a rapidly expanding urban area, and the focus of considerable economic activity. The increased growth has led to increased pressures on the existing roading and transport network. The resolution of those pressures through maintenance and ongoing improvements to the roading network is necessary in order to provide safe and effective access roads, and is fundamental to the ongoing viability of the region.

The Port of Tauranga is a major economic driver in the region and is by volume the largest export port in New Zealand. Cargo through the port has increased from 4 million tonnes in 1989 to over 8 million tonnes in 1998. The past two years have seen an increase of approximately 20 percent annually in container volumes at the port and this is expected to rise a further 40 percent in the year ending June 2000. Approximately 650,000 tonnes annually of export cargo is transported to the port from the Waikato and a further 405,000

tonnes annually of import cargo is transported across the Kaimai Ranges. The vitality of the port and the contribution it can make to the efficient transportation of goods is dependent on the effectiveness of its access routes.

Many of the growing number of trucks transporting export produce to the port collect their cargo from primary production centres in the greater Waikato region. These areas often do not have rail facilities nearby. There are approximately 30 export production sites in the central North Island from where export produce is transported to the port. The variable timing and quantities of the goods collected makes the development of rail facilities in the area unfeasible.

At present, the access routes to and from the port and the harbour bridge involve passing through a large residential area in Tauranga. This area contains a number of schools and hospitals as well as people's homes. Traffic congestion is a major problem. While the Waikareao Expressway has gone some way toward relieving this congestion, it does not extend far enough to encourage traffic coming to and from the Waikato, including heavy traffic travelling to and from the port, out of the residential area.

Route K will address this problem. It will provide an alternative arterial link through the city, reducing congestion and delays, and further delaying the need to upgrade State Highway 29. Route K will reduce the environmental impacts of traffic congestion in Tauranga's residential areas. Route K means less noise, less car fumes, reduced danger to pedestrians and cyclists, and better property access for those residents living on the current main north/south link through the city.

Route K is a major and necessary undertaking for the Tauranga District Council. The levying of tolls for use of the road is seen as an innovative way to pay for the building and maintenance of Route K, the interchange between Route K and State Highway 29, and the PJK junction. The Bill will enable this to happen. It will also enable Tauranga District Council to anticipate its strategic roading infrastructure needs in advance of more serious problems developing.

Details of the Bill are set out in the following clause by clause analysis.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 defines terms used in the Bill.

Clause 4 empowers the Council to levy and collect tolls for the use of Route K for the purpose of paying for Route K, the interchange between Route K and State Highway 29 and the PJK Junction.

Clause 5 provides for the Council to set the rate of tolls payable in respect of vehicles by way of bylaw. The current rates of tolls must be clearly displayed.

Clause 6 allows the Council to construct toll barriers, toll houses and other works for the collection of tolls on Route K and on the connections to Route K.

Clause 7 places liability for the payment of a toll incurred by a vehicle for the use of Route K with the person who is in charge or control of that vehicle.

Clause 8 sets out the possible ways in which a toll must be paid. These are:

- By payment of money to a person at the toll barrier;
- By payment of money into an automatic toll collecting machine;
- By voucher from the Council;
- By monthly account, pursuant to a contract with the Council;
- By stored value card; or
- By such other method as may from time to time be prescribed by bylaws under the Act.

Where a toll is not paid by the person liable for payment of the toll by one of the methods prescribed above, the Council can refuse to let the person proceed along Route K, or may recover the amount owing as a debt, together with all expenses.

Clause 9 governs the application of toll revenue. The toll revenue collected for Route K must be used solely for the construction and maintenance of Route K, of the interchange between Route K and State Highway 29, and of the PJK Junction, as the Council sees fit.

Clause 10 lists a number of exemptions from the payment of tolls along Route K. No toll is payable in respect of any vehicle carrying any of the following persons:

- The Governor-General;
- Members of the armed forces on duty, or going to and from duty;
- Constables on duty and prisoners in their custody;
- Ministers of the Crown engaged on business connected with Route K.

Fire engines, vehicles used for extinguishing fires, ambulances and licensed public passenger service vehicles on defined and scheduled runs are also exempt.

Clause 11 empowers the Council to make bylaws for fixing the amounts of, and levying and collecting tolls in respect of Route K. Any bylaw fixing the rate of toll must be published in at least 2 daily newspapers in Tauranga, at least 14 days before the toll is payable.

Clause 12 gives the Council the power to enter into arrangements for the payment of tolls. Specifically, the Council may enter into private contracts with the owner of any vehicle, or may issue vouchers, for the payment of tolls on Route K.

Clause 13 states that it is an offence to act in contravention of, or fail to comply in any respect, with the Act or any bylaws in force under the Act without lawful excuse. Anyone who commits an offence is liable on summary conviction to a fine not exceeding \$500. Without limiting the scope of the clause, three specific offences are set out, namely:

- Evading the payment of any toll;
- Restricting or obstructing any authorised officer in the execution of his duty; and
- Falsely claiming exemption from any toll.

Clause 14 provides that fines received under *clause 13* must be paid into the Crown Bank Account, except that the Council may retain such part of the fine approved by the Minister of Finance as being expenses incidental to the collection of the fine.

Schedule 1 of the Bill specifically defines the road referred to as Route K.

Schedule 2 of the Bill specifically defines the junction referred to as the PJK Junction.

Rt Hon Winston Peters

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Tauranga District Council (Route K Toll) Empowering Act **2000**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Interpretation**
In this Act, unless the context otherwise requires,—
- Authorised officer** means a person authorised by the Council to collect tolls 10
- Council** means the Tauranga District Council
- Route K** means the road and adjacent land described in Schedule 1 and includes all necessary approaches, links, buildings, erections, structures, and other works connected with the road 15

PJK Junction means the junction between Route K, the Waikareao Expressway (Route P) and Route J as described in Schedule 2.

- 4 Power to levy tolls** 5
 For the purpose of paying costs, charges, and expenses incurred by the Council in the construction and maintenance of Route K, the interchange between Route K and State Highway 29, and the PJK Junction, the Council may levy and collect tolls for the use of Route K in accordance with the provisions of this Act. 10
- 5 Rates of tolls**
- (1) The tolls payable under this Act are at such rate or rates and are payable in respect of such vehicles as may from time to time be prescribed by bylaws under this Act.
- (2) Different provision may be made in the bylaws for different types of vehicle or different types of toll, or for particular vehicles or particular tolls. 15
- (3) The rates of tolls for the time being in force must be clearly displayed at the place on or near where the toll is payable.
- 6 Facilities for collection of tolls** 20
 For the purpose of collecting tolls on Route K, the Council may construct such toll barriers, toll houses and other works on Route K and on the connections to Route K as the Council considers necessary.
- 7 Person in charge or control of motor vehicle to pay toll** 25
 The person who is in charge or control of any vehicle in respect of which a toll is payable under this Act is liable for the payment of the toll.
- 8 Manner of payment of toll**
- (1) A toll must be paid— 30
- (a) by the payment to an authorised officer at the toll barrier of a sum of money equivalent to the amount of the toll;
 or

- (b) by the placement in the coin receptacle of an automatic toll collecting machine at the toll barrier of one or more coins totalling the amount of the toll; or
 - (c) by the delivery to an authorised officer at the toll barrier of a voucher (in or to the effect of the form approved by the Council) that indicates that the owner of the vehicle has paid to the Council, or has undertaken to pay to the Council, an amount equivalent to the amount of the toll; or 5
 - (d) by monthly account, pursuant to a contract with the Council under this Act; or 10
 - (e) by any form of stored value card, whether magnetic, digital or otherwise; or
 - (f) by such other method as may from time to time be prescribed by bylaws under this Act. 15
- (2) Where any toll incurred under this Act remains unpaid after it has become due for payment, the Council may—
- (a) refuse to allow the person liable to pay the toll to proceed along Route K; or
 - (b) recover as a debt from the person liable to pay the toll the amount of the toll together with all expenses involved in the collection of the toll. 20

9 Application of toll revenue

The toll revenue collected for Route K must be used solely for the construction and maintenance of Route K, of the interchange between Route K and State Highway 29, and of the PJK Junction, as the Council sees fit. 25

10 Exemption from payment of tolls

- (1) Tolls are not payable in respect of any vehicle engaged in carrying any of the following persons: 30
- (a) the Governor-General and every person in attendance on the Governor-General:
 - (b) every member of any of the armed forces of Her Majesty when on duty or going to or returning from duty and in the uniform of that member's corps: 35
 - (c) every constable on duty, and every prisoner in the custody of a constable:

- (d) any Minister of the Crown whilst engaged on business connected with Route K or with the administration of this Act.
- (2) Tolls are not payable in respect of fire engines and vehicles used for extinguishing fires, or in respect of ambulances. 5
- (3) Tolls are not payable in respect of licensed public passenger service vehicles on defined and scheduled runs, not being small passenger service vehicles as defined by the Transport Services Licensing Act 1989.
- 11 Bylaws** 10
- (1) The Council may from time to time make such bylaws not inconsistent with this Act or with any other Act as it thinks fit fixing the amounts of, and levying and collecting, tolls in respect of the use of Route K in respect of one or both directions of travel. 15
- (2) Any bylaw fixing the rate of any toll is to be published in at least 2 daily newspapers circulating in the City of Tauranga at least 14 days before the toll becomes payable.
- 12 Power for Council to enter into arrangements for payment of tolls** 20
- (1) The Council may enter into private contracts with the owner of any vehicle for the purpose of the payment of tolls incurred for the use of Route K.
- (2) The Council may, upon payment of a fee as prescribed from time to time by bylaws under this Act, issue vouchers or stored value cards, whether magnetic, digital or otherwise, for the payment of tolls on Route K. 25
- 13 Offences**
- (1) Every person commits an offence against this Act and is liable on summary conviction to a fine not exceeding \$500 who without lawful excuse acts in contravention of or fails to comply in any respect with any provision of this Act or any bylaws for the time being in force under this Act. 30
- (2) In order to be clear, and without limiting the scope of paragraph (1) of this section, every person commits an offence against this Act who— 35

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- (a) evades the payment of any toll payable by that person;
or
 - (b) resists or obstructs any authorised officer in the execution of his or her duty; or
 - (c) falsely claims exemption from any toll. 5

14 Entitlement to fines

All fines received under **section 13** must be paid into the Crown Bank Account, except that the Council may retain such portion of the fine so received as the Minister of Finance from time to time approves as being the expenses incidental to their collection. 10

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Schedule 1 Route K

All that piece of road and adjacent land situated in:

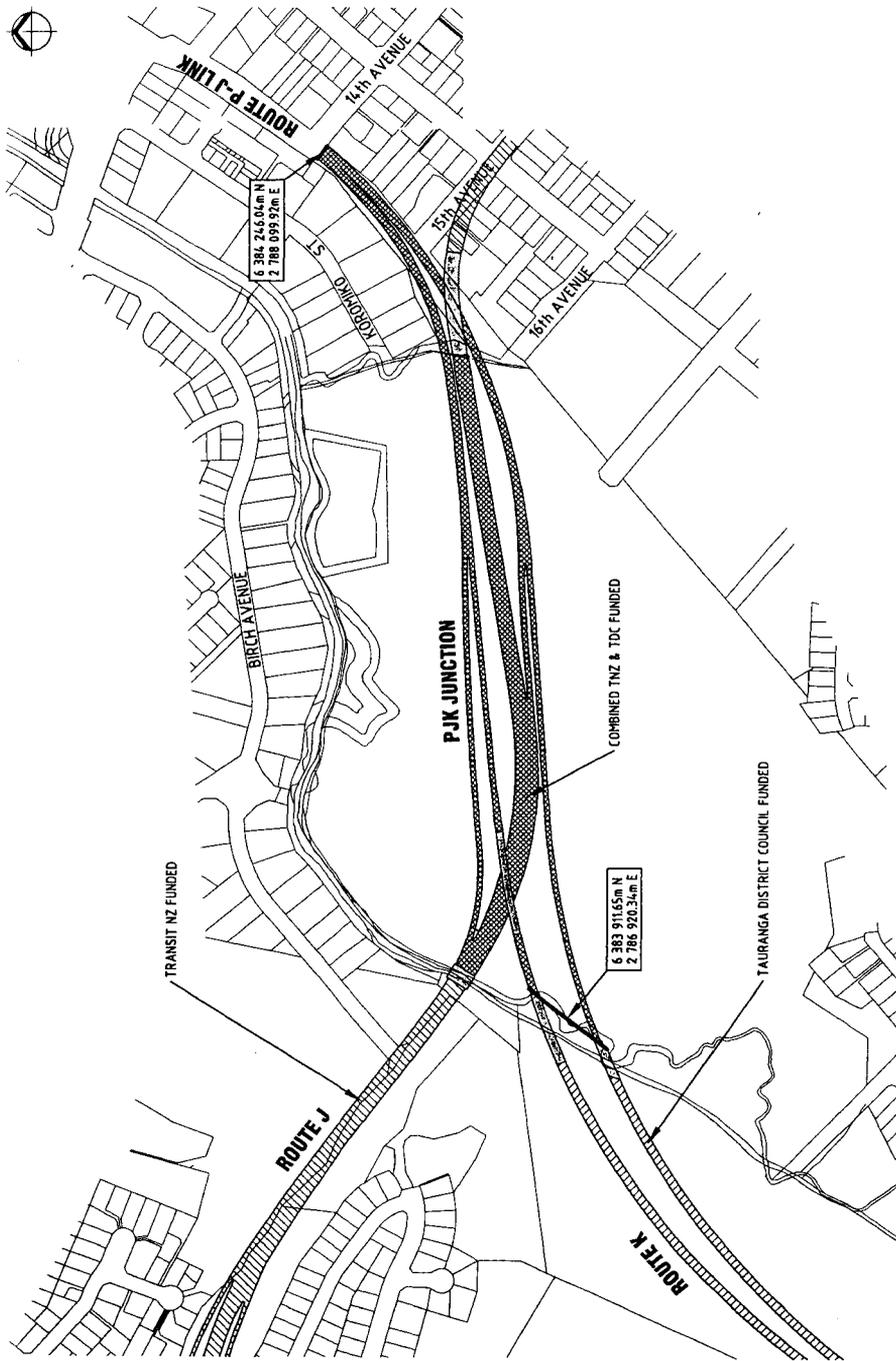
| Lot No | Plan No | Description |
|--------------------------------------|-----------|--|
| Lot 32 | DPS 71310 | Blk XIII Tauranga SD, NZMS 261 series Sht 14 No 3.3 |
| Lot 2 | DP 24262 | Pt Allot 528 Te Papa Parish, City of Tauranga |
| Lot 3 | DPS 60348 | Blk XIII Tauranga SD, NZMS 261 series Sht U14 No 3.3 |
| Lot 5 | DPS 47965 | Blk XIII Tauranga SD, NZMS 261 series Sht U14 No 3.3 |
| Lot 6 | DPS 47965 | Blk XIII Tauranga SD, NZMS 261 series Sht U14 No 3.3 |
| Lot 2 | DPS 81539 | Blk XIII Tauranga SD |
| Area A on SO 60907 being Pt Lot 4 | DPS 13011 | Blk XIII Tauranga SD, NZMS 261 series Sht U14 No 3.3 |
| Area A on SO 60865 being Pt Lot 7 | DPS 53732 | Blk XIII & XIV Tauranga SD, NZMS 261 series Sht U14 No 3.3 & 4.3 |
| Pt Lot 16 | DPS 53732 | Blk XIII & XIV Tauranga SD, NZMS 261 series Sht U14 No 3.3 & 4.3 |
| Lot 32 | DPS 58592 | Blk XIII Tauranga SD, NZMS 261 series Sht U14 No 3.3 & 4.3 |
| Lot 33 | DPS 58592 | Blk XIII Tauranga SD, NZMS 261 series Sht U14 No 3.3 & 4.3 |
| Lot 2 | DPS 80270 | Blk IX, X, XIII, & XIV Tauranga SD |
| Lot 1 | DPS 30422 | Blk IX, X, XIII, & XIV Tauranga SD |
| Pt Allot 524 Te Papa Parish | SO 1826 | Tauranga SD |
| Pt Lot 2 | DPS 100 | Blk IX, X, & XIV Tauranga SD |
| Lot 1 | DP 15388 | Allotment 525 Te Papa Parish, City of Tauranga |
| Lot 1 | DP 15388 | Allotment 525 Te Papa Parish, City of Tauranga |

**Schedule 2
PJK Junction**

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All that piece of road described as PJK Junction in the attached plan and situated in:

| Lot No | Plan No | Description |
|--------------------------------|----------------|--------------------|
| Pt Allot 523 Te Papa Parish | SO 1826A | Tauranga SD |



NOTE: COORDINATES ARE TO NZMG ORIGIN

PJK JUNCTION DEFINITION