



# Land Transport Management (Road Tolling Scheme for Tauranga–Mt Maunganui Harbour Link) Order 2005

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 8th day of August 2005

Present:

Her Excellency the Governor-General in Council

Pursuant to section 46(1) of the Land Transport Management Act 2003, Her 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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## Order

### 1 Title

This order is the Land Transport Management (Road Tolling Scheme for Tauranga–Mt Maunganui Harbour Link) Order 2005.

### 2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

### 3 Interpretation

In this order, unless the context otherwise requires,—

**Act** means the Land Transport Management Act 2003

**Harbour Link** means the continuous 4-lane expressway, linking Takitimu Drive, Tauranga, with Hewletts Road, Mt Maunganui, which is located within the area described in Part 1 of Schedule 1 and referred to in Schedule 2 and that is formed by—

- (a) the modification of existing roads (including the existing Tauranga Harbour Bridge) and intersections; and
- (b) the construction of new roads and intersections, including the following:
  - (i) a 4-lane overland viaduct (approximately 720 m in length) to bypass the Chapel Street, Marsh Street, and Mirrielees Road commercial and industrial area, including on-ramps and off-ramps; and
  - (ii) a 2-lane harbour bridge (approximately 500 m in length) adjacent to the existing Tauranga Harbour Bridge, including a pedestrian and cycle way and an on-ramp; and

- (iii) a 2-lane carriageway widening (approximately 1.5 km in length) from the eastern end of the new Tauranga Harbour Bridge to Tasman Quay, including a new 2-lane bridge adjacent to the existing Whareroa /Aerodrome Bridge; and
- (iv) a 2-lane carriageway widening (approximately 1.5 km in length) from Tasman Quay to Jean Batten Drive; and
- (c) all necessary approaches, erections, structures, and other works

**heavy motor vehicle** means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross laden weight exceeding 3 500 kg

**road tolling scheme** means the road tolling scheme established by this order to provide funds for the new roads in Harbour Link

**toll roads** means the new and existing roads (approximately 1.164 km in length) between the western abutments of the new and existing Tauranga Harbour bridges and the exit to the Tauranga Bridge Marina that are located within the area of Harbour Link described in Part 2 of Schedule 1 and referred to in Schedule 2

**toll system project** means a project that aims to establish—

- (a) standards for free-flow electronic roadside tolling for future toll roads throughout New Zealand; and
- (b) a toll management system for billing, enforcement, and customer liaison

**Transit** means Transit New Zealand.

#### **4 Road tolling scheme for Harbour Link**

- (1) This order establishes the road tolling scheme for Harbour Link.
- (2) Transit is the public road controlling authority, the toll operator, and the enforcement authority for the road tolling scheme.
- (3) The toll roads are the roads that may be tolled.
- (4) The toll revenue may be applied only for the purposes of—

- (a) 1 or more of the following activities, namely, the planning, design, supervision, construction, maintenance, or operation of new roads within Harbour Link:
- (b) meeting any conditions or requirements set out in this order.

### *Prerequisites for tolling*

#### **5 Conditions to be met**

- (1) Tolling must not start until the time specified for the purpose by the Minister in a notice under section 47(1) of the Act that is published in the *Gazette* and that states that he or she is satisfied—
  - (a) that the conditions set out in subclauses (2) and (3) have been met; and
  - (b) with the report required by subclause (4).
- (2) No later than 8 weeks after the date on which Land Transport New Zealand approves 50% or more of the construction funding for the toll system project or by a later date allowed by the Minister,—
  - (a) Transit must send to the Minister a single report or separate reports, as to—
    - (i) the long-term financial viability of the road tolling scheme; and
    - (ii) the suitability of the road tolling scheme for both casual and regular users; and
  - (b) the Minister must be satisfied on reasonable grounds that the road tolling scheme is—
    - (i) financially viable in the long-term; and
    - (ii) suitable for both casual and regular users.
- (3) Before deciding under subclause (2)(b)(i) whether he or she is satisfied as to the long-term financial viability of the road tolling scheme, the Minister must consult the Minister of Finance about the matter.
- (4) At least 6 months before tolling of Harbour Link is anticipated to start, Transit must send to the Minister a report setting out the details of the proposal for the road tolling scheme that includes the following details:
  - (a) the service standard obligation to users of Harbour Link:

- (b) the method of publicising the toll in advance of the opening of Harbour Link:
- (c) the signage and other information that will be used to inform drivers approaching Harbour Link of the toll and the options for paying the toll:
- (d) a brief technical description of the proposed components of the toll collection system and key performance indicators, inclusive of error rates, revenue levels, and health and safety issues of the toll collection system:
- (e) the structure of the administration fees for all payment methods:
- (f) the feasible, un-tolled, alternative route that will be available to road users.

*Process for confirming relevant conditions have been met*

**6 Process if Minister is not satisfied that relevant conditions have been met**

- (1) This clause applies if the Minister, after receiving a report under clause 5, is not satisfied as to any matter required to be in the report.
- (2) If this clause applies, the Minister must—
  - (a) notify Transit accordingly, with reasons; and
  - (b) give Transit a reasonable opportunity to submit an amended report.

**7 Process if Minister is satisfied that relevant conditions have been met**

If, after reviewing the report or amended report (as the case may be) under clause 5, the Minister is satisfied as to the matters stated in clause 5(2) and (4), the Minister must—

- (a) notify Transit accordingly; and
- (b) publish the notice referred to in clause 5(1).

*Setting, publication, and collection of tolls*

**8 Setting of tolls**

- (1) Transit may from time to time set tolls that do not exceed the base toll.
- (2) The base toll—

- (a) for heavy motor vehicles is \$4.00 including goods and services tax (1 January 2005 dollars), as adjusted in accordance with subclause (3):
  - (b) for all other motor vehicles is \$2.00 including goods and services tax (1 January 2005 dollars), as adjusted in accordance with subclause (3).
- (3) The adjustment is determined by taking the relevant 1 January 2005 dollar amount and increasing it by the percentage amount by which the Consumer Price Index (as published by the Government Statistician) has increased in the period starting on 1 January 2005 and ending with the close of the quarter ending before the toll is set or altered.
- (4) Transit may, within the limits determined under subclauses (2) and (3), set different tolls on the basis of—
  - (a) different classes of person or motor vehicles:
  - (b) different times or days:
  - (c) different directions of travel:
  - (d) different methods of payment:
  - (e) any combination of the above.
- (5) To avoid doubt, the power to set a toll under this clause includes the power to alter an existing toll.
- (6) The relevant toll applies every time a vehicle passes a toll payment point.

## **9 Publication of tolls**

- (1) Transit must publish, in at least 1 daily newspaper circulating in the western Bay of Plenty region,—
  - (a) the maximum tolls that are set, including the maximum differential tolls that are set; and
  - (b) every increase of a maximum toll, including an increase in a maximum differential toll that is set.
- (2) Publication of the tolls must take place at least once in each of the 4 weeks before the maximum toll or increase of the maximum toll takes effect.
- (3) Transit must publish all tolls that are set, and every alteration to a toll, on its website.
- (4) To avoid doubt, Transit is not required to publish any differential tolls that are set in terms of clause 8(4) on each occasion when they apply.

## **10 Display of tolls**

The tolls for the time being in force under this order must be clearly displayed in conspicuous places on the approaches to Harbour Link so that drivers approaching the toll payment point have an opportunity to use the un-tolled alternative route.

## **11 Collection of tolls**

- (1) For the purposes of this order, tolls may only be collected until the earlier of the following:
  - (a) the period necessary to repay the debt associated with the new roads constructed in Harbour Link as described in this order; or
  - (b) a period of 35 years from the date of commencement of this order.
- (2) The toll collection methods that Transit may use include collecting the toll from—
  - (a) the driver of a motor vehicle at the toll payment point, by a payment method offered by Transit;
  - (b) the registered owner of a motor vehicle in accordance with a payment method that has been agreed between the registered owner and Transit (for example, by invoicing the registered owner or by debiting the registered owner's toll account with Transit or by means of another debit or credit facility agreed by the registered owner).

## **12 Conditions during collection of tolls**

During the period that tolls are collected,—

- (a) a feasible, un-tolled, alternative route must be available to road users; and
- (b) at least 1 method of paying tolls that does not record personal information in relation to the person who pays the toll must be available.

## **13 Exemptions from paying tolls**

- (1) Transit may, for promotional or sponsorship or traffic management purposes, grant exemptions from the obligation to pay tolls for motor vehicles generally or any class of motor vehicle—

- (a) using Harbour Link during the times on the day or days specified in the exemption:
  - (b) using Harbour Link on the day or days specified in the exemption:
  - (c) travelling on Harbour Link in the direction, during the times or on the days, specified in the exemption.
- (2) An exemption may be amended or revoked in the same manner.
- (3) An exemption has effect according to its tenor.
- (4) Transit must publish every exemption, variation, and revocation under this clause, and Transit's reasons for granting, varying, or revoking it,—
  - (a) in at least 1 daily newspaper circulating in the western Bay of Plenty region; and
  - (b) on its website.
- (5) Unless it is impracticable to do so, Transit must publish every exemption, variation, and revocation at least 28 days before it takes effect.

### *Information disclosure*

#### **14 Transit to provide forecasts to Minister**

Transit must prepare a forecast of the traffic volumes and toll revenues for Harbour Link for each financial year, and must provide a report of its forecast to the Minister as soon as practicable after the start of the relevant financial year.

#### **15 Disclosure to Minister at 6-monthly intervals**

For every 6-monthly period after the date on which tolling starts, Transit must, as soon as practicable, provide to the Minister the following details:

- (a) actual traffic volumes for each class of motor vehicle that uses Harbour Link compared to forecast traffic volumes:
- (b) actual toll revenue for Harbour Link compared to forecast toll revenue.

#### **16 Disclosure to Minister at 12-monthly intervals**

In addition to the requirements of clauses 14 and 15, for every 12-monthly period after the date on which tolling starts,

Transit must, as soon as practicable, provide to the Minister the following details:

- (a) confirmation that a feasible, un-tolled, alternative route remains available to road users:
- (b) confirmation that Transit continues to offer at least 1 method of paying tolls that does not record personal information in relation to the person who pays the toll:
- (c) a network utilisation performance report that includes—
  - (i) an analysis of the response of traffic to tolling; and
  - (ii) the traffic management method (if any) used to manage that response:
- (d) if there has been a significant change to the methods of payment since Transit's last annual report was provided to the Minister, a description of the new method.

## **17 Disclosure to public**

Transit must make a summary of the information specified in clauses 14 to 16 available to the public by—

- (a) including the information in its annual report; and
  - (b) publishing the information on its website.
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## **Schedule 1**

### **Description of area of Harbour Link and toll roads**

#### **Part 1**

##### **Area of Harbour Link**

Harbour Link comprises all that area bounded as follows:

##### *Footbridge on Takitimu Drive to Chapel Street*

Commencing on Takitimu Drive between Elizabeth and Chapel Streets at the northwestern end of the footbridge approximately 700 m south of Chapel Street, then continuing around the edge of the existing causeway before diverging, at the causeway's northern end, in a straight line across the Waikareao Estuary (to allow for the Chapel Street east-bound off-ramp), then joining the land again at the boundary of the Mobil Service Station property, then continuing along that boundary to a point on Chapel Street approximately 70 m north of the intersection of Chapel and Marsh Streets, then turning north and continuing along the western boundary of Chapel Street and the edge of the reclamation of the Waikareao Estuary to a point approximately 420 m north of the intersection of Chapel and Marsh Streets, then crossing Chapel Street, then turning south and continuing down the eastern boundary of Chapel Street to a point approximately 130 m north of the intersection of Chapel and Marsh Streets, then turning to the east:

##### *Chapel Street to western abutment of Tauranga Harbour Bridge*

Continuing in a north-east direction for approximately 260 m (including approximately 120 m across railway land), then turning north-west and continuing in that direction for approximately 20 m, then east and continuing in that direction to a point on Mirrielees Road approximately 80 m north of the intersection of Mirrielees Road and Dive Crescent, then turning north and continuing up the western boundary of Mirrielees Road to the Cross Street intersection, then crossing Mirrielees Road, then turning south, and continuing down the eastern boundary of Mirrielees Road to a point approximately 80 m north of the intersection with Dive Crescent, then turning east and heading in a generally south-east direction for approximately 160 m to the western abutment on the northern side of the new Tauranga Harbour Bridge:

Part 1—*continued*

*Western abutment of Tauranga Harbour Bridge to northern  
abutment of Aerodrome Bridge*

Continuing around the designation line of the new Tauranga Harbour Bridge to the eastern abutment on the northern side of the new Tauranga Harbour Bridge, then turning north and continuing along the western boundary of the land reclaimed for the Tauranga Bridge Marina car parking area to a point approximately 180 m south of the southern abutment of Aerodrome Bridge, then turning east and continuing in that direction for approximately 35 m before turning north again to follow the legal boundary of the original land reclaimed for Tauranga Harbour Bridge and continuing on this line to the northern abutment on the western side of Aerodrome Bridge:

*Northern abutment of Aerodrome Bridge to intersection of  
Hewletts Road and Totara Street*

Continuing generally north and extending into Tauranga Harbour by approximately 50 m (to allow for reclamation of the harbour in this area) to a point approximately 132 m north of the northern abutment on the western side of Aerodrome Bridge, then turning north east to join the designated road boundary on the northern side of Hewletts Road and continuing in an easterly direction to the intersection of Hewletts Road and Tasman Quay, then turning north up the western boundary of Tasman Quay for approximately 180 m, then crossing Tasman Quay, then turning south and continuing down the eastern side of Tasman Quay to join Hewletts Road, then turning east to follow the designated road boundary on the northern side of Hewletts Road and continuing in that direction to Totara Street, then turning north up the western side of Totara Street for approximately 200 m, then crossing Totara Street, then turning south and continuing down the eastern boundary of Totara Street to Hewletts Road:

Part 1—*continued*

*Intersection of Hewletts Road and Totara Street to 60 metres east  
of intersection of Hewletts Road and Jean Batten Drive*

Turning east to continue along the designated road boundary on the northern side of Hewletts Road to Waimarie Street, then turning north up the western side of Waimarie Street for approximately 100 m, then crossing Waimarie Street, then turning south and continuing down the eastern side of Waimarie Street to Hewletts Road, then turning east to continue along the northern boundary of Hewletts Road to Hocking Street, then turning north up the western side of Hocking Street for approximately 50 m, then crossing Hocking Street, then turning south and continuing down the eastern side of Hocking Street to Hewletts Road, then turning east to continue along the northern boundary of Hewletts Road to Maru Street, then turning north up the western side of Maru Street for approximately 60 m, then crossing Maru Street, then turning south and continuing down the eastern side of Maru Street to Hewletts Road, then turning east to continue along the northern boundary of Hewletts Road until a point approximately 60 m to the east of the intersection with Jean Batten Drive and Maru Street:

*Sixty metres east of intersection of Hewletts Road and Jean Batten  
Drive to intersection of Hewletts Road and Totara Street*

Crossing Hewletts Road, then turning west and continuing in that direction to the intersection with Jean Batten Drive, then turning south down the eastern side of Jean Batten Drive for approximately 60 m, then crossing Jean Batten Drive, then turning north and continuing up the western side of Jean Batten Drive to the southern boundary of Hewletts Road, then turning west and continuing in that direction to a point that is approximately 340 m from the intersection with Totara Street, then turning south for approximately 80 m, then turning west for approximately 60 m, then turning north for approximately 80 m to rejoin the southern boundary of Hewletts Road, then turning west and continuing in that direction to the intersection with Totara Street:

Part 1—*continued*

*Intersection of Hewletts Road and Totara Street to northern  
abutment of Aerodrome Bridge*

Turning south and continuing down the eastern boundary of Totara Street for approximately 100 m, then crossing Totara Street for approximately 20 m, then turning north and continuing up the western boundary of Totara Street to Hewletts Road, then turning west to continue along the southern boundary of Hewletts Road to the intersection with Tasman Quay, then turning south and continuing down the eastern side of Tasman Quay for approximately 100 m, then crossing to the west for approximately 30 m, then turning north and continuing up the western side of Tasman Quay to Hewletts Road, then turning west, then curving in a southerly direction along the designation boundary until reaching the northern abutment on the eastern side of Aerodrome Bridge:

*Northern abutment of Aerodrome Bridge to western abutment of  
Tauranga Harbour Bridge*

Continuing south following the eastern boundary of the reclamation causeway, then swinging from a southerly to a westerly direction until reaching the eastern abutment on the southern side of the existing Tauranga Harbour Bridge, then generally following the shape of the existing Tauranga Harbour Bridge to the western abutment on the southern side of the existing Tauranga Harbour Bridge:

*Western abutment of Tauranga Harbour Bridge to Chapel Street*

Turning south-west for approximately 60 m, then turning generally north-west until meeting the intersection of the Tauranga Harbour Bridge causeway, Mirrielees Road, and Marsh Street, then continuing in a generally south-west direction along the southern boundary of Marsh Street to the overbridge with Dive Crescent, then turning generally south and continuing down the eastern side of Dive Crescent for approximately 100 m, then crossing Dive Crescent, then turning generally north and continuing along the western side of Dive Crescent to the overbridge, then turning west and continuing along the southern boundary of Marsh Street around to the south-eastern side of the intersection with Chapel Street:

## Part 1—*continued*

### *Chapel Street to footbridge on Takitimu Drive*

Turning south and continuing down Chapel Street to the intersection with Mission Street, then turning east and continuing along the northern side of Mission Street for a distance of approximately 20 m, then crossing Mission Street, then turning west and continuing in that direction until meeting the western boundary of Chapel Street, then turning north up Chapel Street for a length of approximately 150 m to the intersection with Marsh Street, then turning south-west and continuing along the southern side of Takitimu Drive to the southern end of the footbridge between Elizabeth and Chapel Streets, then crossing the road to the position of commencement:

### *Cross Road, Entrance to New Zealand Railways Land*

Commencing on the southern side of Cross Road at a point approximately 190 m east of the intersection of Cross Road and Mirrielees Road, then heading in a south-westerly direction for approximately 80 m, then turning west and continuing in that direction for approximately 20 m, then turning north-east and continuing in that direction for approximately 90 m until meeting Cross Road, then turning south-east and continuing in that direction for approximately 20 m to the position of commencement.

## Part 2

### Area of toll roads

The toll roads comprise all that area bounded by a line commencing at the western abutment on the northern side of the new Tauranga Harbour Bridge and continuing along the designation line of the new Tauranga Harbour Bridge to the eastern abutment on the northern side of the new Tauranga Harbour Bridge, then turning north and continuing along the western side of the road designation boundary to a point immediately south of the new exit to the Tauranga Bridge Marina (approximately 40 m before the southern abutment of the Aerodrome Bridge), then crossing to the east, then turning south and continuing in that direction following the eastern boundary of the reclamation causeway, then continuing along that boundary in a westerly direction to the eastern abutment on the southern side of the existing Tauranga Harbour Bridge, then generally following the shape of the existing Tauranga Harbour Bridge along its southern boundary to the western abutment on the southern side of the

**Part 2**—*continued*

existing Tauranga Harbour Bridge, then crossing both bridges to the position of commencement.

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## Schedule 2

### Plan of Harbour Link and toll roads

Harbour Link and the toll roads are shown on the Transit New Zealand plans numbered 9303006-CK237 to 9303006-CK 242, a true and accurate copy of each of which is signed by the chief executive of Transit New Zealand and deposited at the office of Transit New Zealand, Wellington.

Diane Morcom,  
Clerk of the Executive Council.

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#### Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on the 28th day after the date of its notification in the *Gazette*, establishes a road tolling scheme for the new and existing roads (approximately 1.164 km in length) between the western abutments of the new and existing Tauranga Harbour bridges and the exit to the Bridge Marina.

The order—

- makes Transit New Zealand (**Transit**) the public road controlling authority, toll operator, and enforcement authority for the road tolling scheme;
- describes the roads that may be tolled and provides that the toll revenue may be applied only for the purposes of this order;
- sets out the conditions that must be met to the satisfaction of the Minister before tolling starts, along with the process by which the Minister will confirm whether he or she is satisfied that those conditions have been met;
- empowers Transit to set tolls within maximum limits based on \$4.00 (including goods and services tax) per vehicle for heavy vehicles and \$2.00 (including goods and services tax) per vehicle for all other motor vehicles. Within those limits, which are subject to inflation adjustment, Transit may set different tolls for different classes of person or motor vehicle, different times or days, or different directions of traffic:

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Explanatory note

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- provides for the publication and display of tolls:
  - states how tolls are to be collected, which will be from the driver or by an agreed payment method:
  - empowers Transit to grant certain exemptions:
  - specifies the information that Transit is required to provide to the Minister and to make available to the public.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 11 August 2005.

This order is administered in the Ministry of Transport.

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