



## Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015

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 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 46(5) of the Act, makes the following order.

### Contents

	Page
1 Title	2
2 Commencement	2
3 Principal order	2
4 Name of principal order changed	2
5 Clause 3 amended (Interpretation)	2
6 Clause 4 amended (Road tolling scheme for ALPURT B2 established)	3
7 Clauses 5 to 8 and cross-headings revoked	3
8 Clauses 9 to 17 replaced	3
<i>Setting, publication, and collection of tolls</i>	
9 Setting of tolls	3
10 Exemptions from paying tolls	4
11 Collection of tolls	4

<i>Information disclosure</i>			
	12	Disclosure to Minister	4
	13	Disclosure to public	5
9		Schedule 1 amended	5
10		Schedule 2 amended	5

## Order

### 1 Title

This order is the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015.

### 2 Commencement

This order comes into force on 1 August 2015.

### 3 Principal order

This order amends the Land Transport Management (Road Tolling Scheme for ALPURT B2) Order 2005 (the **principal order**).

### 4 Name of principal order changed

- (1) From the commencement of this clause,—
  - (a) the principal order is called the Land Transport Management (Road Tolling Scheme for Northern Gateway) Order 2005; and
  - (b) every reference in any enactment and in any document to the Land Transport Management (Road Tolling Scheme for ALPURT B2) Order 2005 must, unless the context otherwise provides, be read as a reference to the Land Transport Management (Road Tolling Scheme for Northern Gateway) Order 2005.
- (2) In clause 1, replace “ALPURT B2” with “Northern Gateway”.

### 5 Clause 3 amended (Interpretation)

- (1) In clause 3, definition of **ALPURT B2**,—
  - (a) replace “**ALPURT B2**” with “**Northern Gateway toll road**”; and
  - (b) in paragraph (b), delete “toll booths and”.
- (2) In clause 3, revoke the definition of **heavy motor vehicle**.
- (3) In clause 3, definition of **road tolling scheme**, replace “ALPURT B2” with “the Northern Gateway toll road”.
- (4) In clause 3, revoke the definition of **toll system project**.

**6 Clause 4 amended (Road tolling scheme for ALPURT B2 established)**

- (1) In the heading to clause 4, replace “ALPURT B2” with “Northern Gateway”.
- (2) In clause 4(1) and (4)(a), replace “ALPURT B2” with “the Northern Gateway toll road”.
- (3) In clause 4(3), replace “ALPURT B2” with “The Northern Gateway toll road”.

**7 Clauses 5 to 8 and cross-headings revoked**

Revoke clauses 5 to 8 and the cross-headings above clauses 5 and 6.

**8 Clauses 9 to 17 replaced**

Replace clauses 9 to 17 and the cross-headings above clauses 9 and 14 with:

*Setting, publication, and collection of tolls*

**9 Setting of tolls**

- (1) The Agency—
  - (a) may set a toll that applies each time a vehicle uses the Northern Gateway 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, \$3.60 including goods and services tax; and
  - (b) for any other motor vehicle, \$1.80 including goods and services tax.
- (3) At least 28 days before a toll takes effect, the Agency must publish the details of the toll on an Internet site maintained by or on behalf of the Agency.
- (4) In this clause,—
 

**CPI** means the New Zealand Consumers Price Index (All Groups) published by Statistics New Zealand

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

  - (a) the CPI for the June 2004 quarter; and
  - (b) the most recent CPI.

**10 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 Northern Gateway 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 Northern Gateway 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) The Agency must publish the details of an exemption, and its purpose, on an Internet site maintained by or on behalf of the Agency—
  - (a) at least 28 days before the exemption takes effect; or
  - (b) if it is impracticable for the Agency to comply with paragraph (a), as soon as practicable after granting the exemption.

**11 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 Northern Gateway 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 Northern Gateway 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.

*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 Northern Gateway toll road, compared with forecast traffic volumes; and
  - (ii) actual toll revenue from the Northern Gateway 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) the Agency’s actual performance against any covenants or other guidelines in relation to the debt or other financing associated with the Northern Gateway toll road; 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.

### **9 Schedule 1 amended**

In the Schedule 1 heading, replace “ALPURT B2” with “Northern Gateway toll road”.

### **10 Schedule 2 amended**

In the Schedule 2 heading, replace “ALPURT B2” with “Northern Gateway toll road”.

Michael Webster,  
Clerk of the Executive Council.

## 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 1 August 2015, amends the Land Transport Management (Road Tolling Scheme for ALPURT B2) Order 2005 (the **principal order**). The principal order establishes a road tolling scheme for ALPURT B2, which is a 7.5 km northern motorway extension between Albany and Puhoi that was completed in 2009. ALPURT B2 is more commonly known as the Northern Gateway, and the name of the order is changed to reflect this.

Clauses 5 to 8 of the principal order are revoked because they are spent (they relate to prerequisites for commencing tolling).

Clauses 9 to 17 of the principal order deal with the setting, publication, and collection of tolls, and information disclosure about the road tolling scheme. These clauses are replaced in order to align the road tolling scheme for the Northern Gateway with the road tolling schemes for the Tauranga Eastern Link and Takitimu Drive (Route K), which are established under the following instruments:

- Land Transport Management (Road Tolling Scheme for Tauranga Eastern Link) Order 2015:
- Land Transport Management (Road Tolling Scheme for Takitimu Drive (Route K)) Order 2015.

The main differences between the new clauses and old clauses 9 to 17 relate to—

- the method of rounding that the New Zealand Transport Agency (the **Agency**) must use when calculating the maximum tolls that it may set:
- the method the Agency must use to publicise information about the tolling scheme:
- the information about the road tolling scheme that the Agency must disclose to the Minister of Transport and the public.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 2 July 2015.  
This order is administered by the Ministry of Transport.