

Reprint
as at 1 August 2015



Land Transport Management (Road Tolling Scheme for Northern Gateway) Order 2005 (SR 2005/92)

Order name: amended, on 1 August 2015, by clause 4(2) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 11th day of April 2005

Present:

The Right Hon Helen Clark presiding 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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Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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 Northern Gateway) Order 2005.

Clause 1: amended, on 1 August 2015, by clause 4(2) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

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

Northern Gateway toll road—

- (a) means the road (approximately 7.5 km in length) between the Orewa interchange on State Highway 1A and the connection with State Highway 1 at Titford's Bridge that is to be constructed on the land described in Schedule 1 and is shown on the plan in Schedule 2; and
- (b) includes all necessary toll-related infrastructure, approaches, erections, structures, and other works

road tolling scheme means the road tolling scheme for the Northern Gateway toll road established by this order.

Clause 3 **ALPURT B2**: revoked, on 1 August 2015, by clause 5(1)(a) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Clause 3 **heavy motor vehicle**: revoked, on 1 August 2015, by clause 5(2) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Clause 3 **Northern Gateway toll road**: inserted, on 1 August 2015, by clause 5(1)(a) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Clause 3 **Northern Gateway toll road** paragraph (b): amended, on 1 August 2015, by clause 5(1)(b) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Clause 3 **road tolling scheme**: amended, on 1 August 2015, by clause 5(3) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Clause 3 **toll system project**: revoked, on 1 August 2015, by clause 5(4) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Clause 3 **Transit**: revoked, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

4 Road tolling scheme for Northern Gateway established

- (1) This order establishes the road tolling scheme for the Northern Gateway toll road.
- (2) The New Zealand Transport Agency is the public road controlling authority, the toll operator, and the enforcement authority for the road tolling scheme.
- (3) The Northern Gateway toll road is the road 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 the Northern Gateway toll road:

(b) meeting any conditions or requirements set out in this order.

Clause 4 heading: amended, on 1 August 2015, by clause 6(1) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Clause 4(1): amended, on 1 August 2015, by clause 6(2) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Clause 4(2): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 4(3): amended, on 1 August 2015, by clause 6(3) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Clause 4(4)(a): amended, on 1 August 2015, by clause 6(2) of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Prerequisites for tolling

[Revoked]

Heading: revoked, on 1 August 2015, by clause 7 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

5 Conditions to be met

[Revoked]

Clause 5: revoked, on 1 August 2015, by clause 7 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Process for confirming relevant conditions have been met

[Revoked]

Heading: revoked, on 1 August 2015, by clause 7 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

6 New Zealand Transport Agency to report to Minister

[Revoked]

Clause 6: revoked, on 1 August 2015, by clause 7 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

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

[Revoked]

Clause 7: revoked, on 1 August 2015, by clause 7 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

8 Process if Minister is satisfied that relevant conditions have been met

[Revoked]

Clause 8: revoked, on 1 August 2015, by clause 7 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Setting, publication, and collection of tolls

Heading: replaced, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

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.

Clause 9: replaced, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

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.

Clause 10: replaced, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

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.

Clause 11: replaced, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Information disclosure

Heading: inserted, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

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.

Clause 12: replaced, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

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.

Clause 13: replaced, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Information disclosure

[Revoked]

Heading: revoked, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

14 New Zealand Transport Agency to provide forecasts to Minister

[Revoked]

Clause 14: revoked, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

15 Disclosure to Minister at 6-monthly intervals

[Revoked]

Clause 15: revoked, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

16 Disclosure to Minister at 12-monthly intervals

[Revoked]

Clause 16: revoked, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

17 Disclosure to public*[Revoked]*

Clause 17: revoked, on 1 August 2015, by clause 8 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

Schedule 1

Legal description of land within Northern Gateway toll road designation

cl 3

Schedule 1 heading: amended, on 1 August 2015, by clause 9 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).

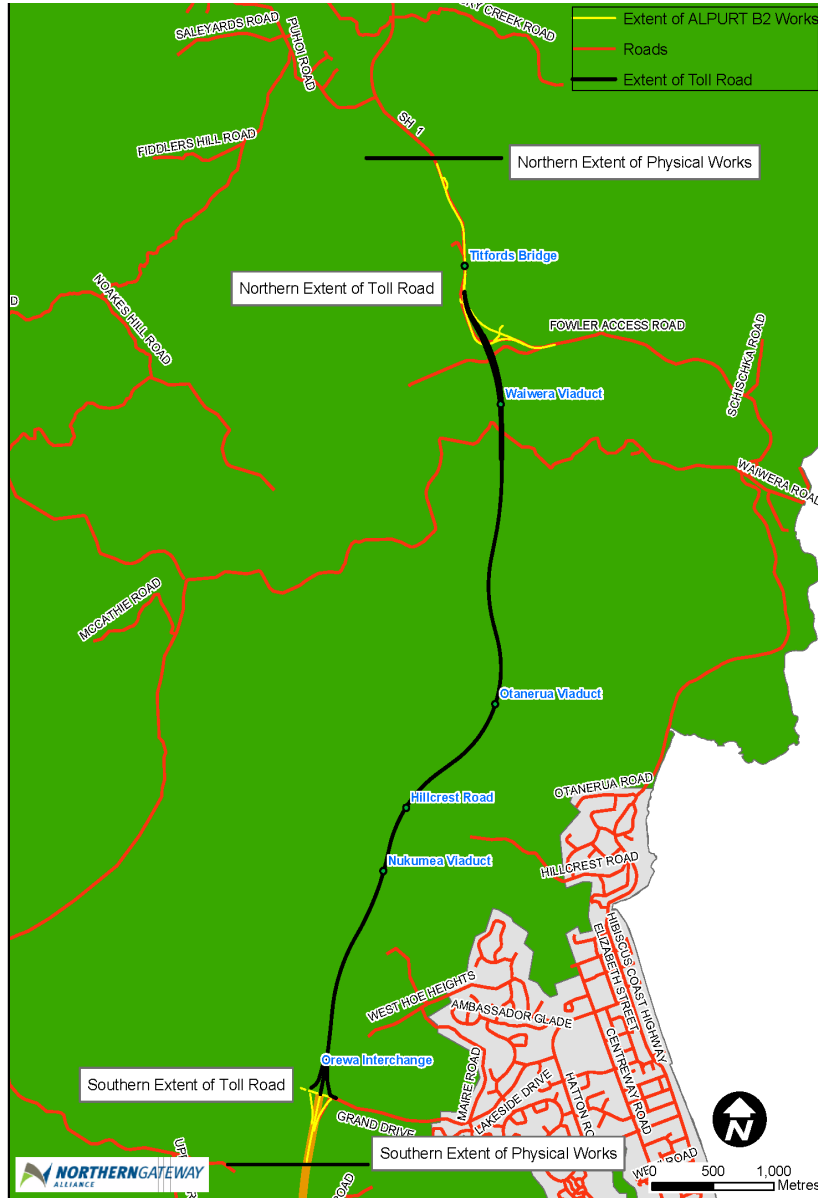
Reference on plan	Legal description	CT or other title refer- ence (if any)	Owner
1a	Lot 4 DP 310813	42576	Her Majesty the Queen
1g	Lot 9 DP 310813	56953	Her Majesty the Queen
1i	Lot 8 DP 310813	56953	Her Majesty the Queen
1j	Lot 7 DP 310813	56953	Her Majesty the Queen
1k	Lot 5 DP 310813	56953	Her Majesty the Queen
2a	Section 1 SO 69952	No reference	Her Majesty the Queen
3a	Lot 4 DP 203050	131D/39	Her Majesty the Queen
3b	Section 1 SO 314445	88277	Her Majesty the Queen
4b	Allotment E229 Parish of Waiwera (SO 1095)	37D/1078	Her Majesty the Queen (compensation certificate)
5b	Allotment W229 Parish of Waiwera (SO 6663)	382/159	Her Majesty the Queen (compensation certificate)
6a	Part Allotment 227 Parish of Waiwera (SO 1095)	<i>Gazette</i> Notice 1998 p 4706 Road purposes	Her Majesty the Queen
8b	Allotment 280 Parish of Waiwera (SO 6450)	97B/405	Her Majesty the Queen
9b	Part Allotment 11 Parish of Waiwera (SO 893)	No reference	Colin James Wech
10a	Lot 1 DP 76513	77277	Her Majesty the Queen
11a	Lot 7 DP 61445	GNC641986.3	Her Majesty the Queen
12a	Lot 2 DP 167491	101C/610	Her Majesty the Queen
13a	Lot 6 DP 61445	<i>Gazette</i> Notice 2001 p 1956 Road purposes	Her Majesty the Queen
15a	Part Section 1 Block III Waiwera Survey District (SO 984/A)	88C/695	Her Majesty the Queen
15b	Section 20 Block III Waiwera Survey District (SO 28311)	88C/695	Her Majesty the Queen

Reference on plan	Legal description	CT or other title reference (if any)	Owner
16b	Lot 2 DP 96268	52A/1048	Her Majesty the Queen (compensation certificate)
16e	Part Lot 1 DP 55676	20C/488	Her Majesty the Queen (compensation certificate)
17a	Section 71 Block III Waiwera Survey District (SO 44907)	55B/1020	Her Majesty the Queen
17b	Section 72 Block III Waiwera Survey District (SO 44907)	55B/1020	Her Majesty the Queen
17c	Part Lot 3 DP 55676	20D/1470: cancelled <i>Gazette</i> 1998 p 1117	Her Majesty the Queen
27	Section 54 Block III Waiwera Survey District (SO 32831)	<i>Gazette</i> 1998 p 2207	Her Majesty the Queen
28	Reclamation Deposited Plan DP 55676	No reference	Her Majesty the Queen
33	No description	No reference	Her Majesty the Queen
35	Part Okahu (shown on SO 44907)	No reference	Her Majesty the Queen
36	State Highway 1	No reference	Her Majesty the Queen
37	Road reserve	No reference	Rodney District Council local road
38	Coastal marine area	No reference	Her Majesty the Queen

Schedule 2 Plan of Northern Gateway toll road

cl 3

Schedule 2 heading: amended, on 1 August 2015, by clause 10 of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161).



SH1 NORTHERN MOTORWAY EXTENSION (ALPURT B2)
SUMMARY PLAN

Map is for planning purposes and not to survey

GISPLAN046

Diane Morcom,

Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 14 April 2005.

Reprints notes

1 *General*

This is a reprint of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Order 2005 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Land Transport Management (Road Tolling Scheme for Northern Gateway) Amendment Order 2015 (LI 2015/161)

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(2)