

**Version
as at 1 September 2022**



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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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 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) An instrument made under this clause setting tolls is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

(3A) 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.

(4) 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

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.

Legislation Act 2019 requirements for secondary legislation made under this clause

Publication The maker must publish it on a website maintained by, or on behalf of, the Agency LA19 ss 73, 74(1)(a), Sch 1 cl 14

Presentation 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 cl 32(1)(a)

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116

This note is not part of the secondary legislation.

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).

Clause 9(3): replaced, on 28 October 2021, by regulation 128 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 9(3A): inserted, on 28 October 2021, by regulation 128 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 9(4) **CPI**: amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

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) 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.

Legislation Act 2019 requirements for secondary legislation made under this clause

Publication The maker must publish it on a website maintained by, or LA19 ss 73, 74(1)(a),
on behalf of, the Agency Sch 1 cl 14

Presentation It is not required to be presented to the House of LA19 s 114, Sch 1
Representatives because a transitional exemption applies cl 32(1)(a)
under Schedule 1 of the Legislation Act 2019

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116

This note is not part of the secondary legislation.

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).

Clause 10(3): replaced, on 28 October 2021, by regulation 129 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 10(4): inserted, on 28 October 2021, by regulation 129 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 10(5): inserted, on 28 October 2021, by regulation 129 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 10(6): inserted, on 28 October 2021, by regulation 129 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

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 reference (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

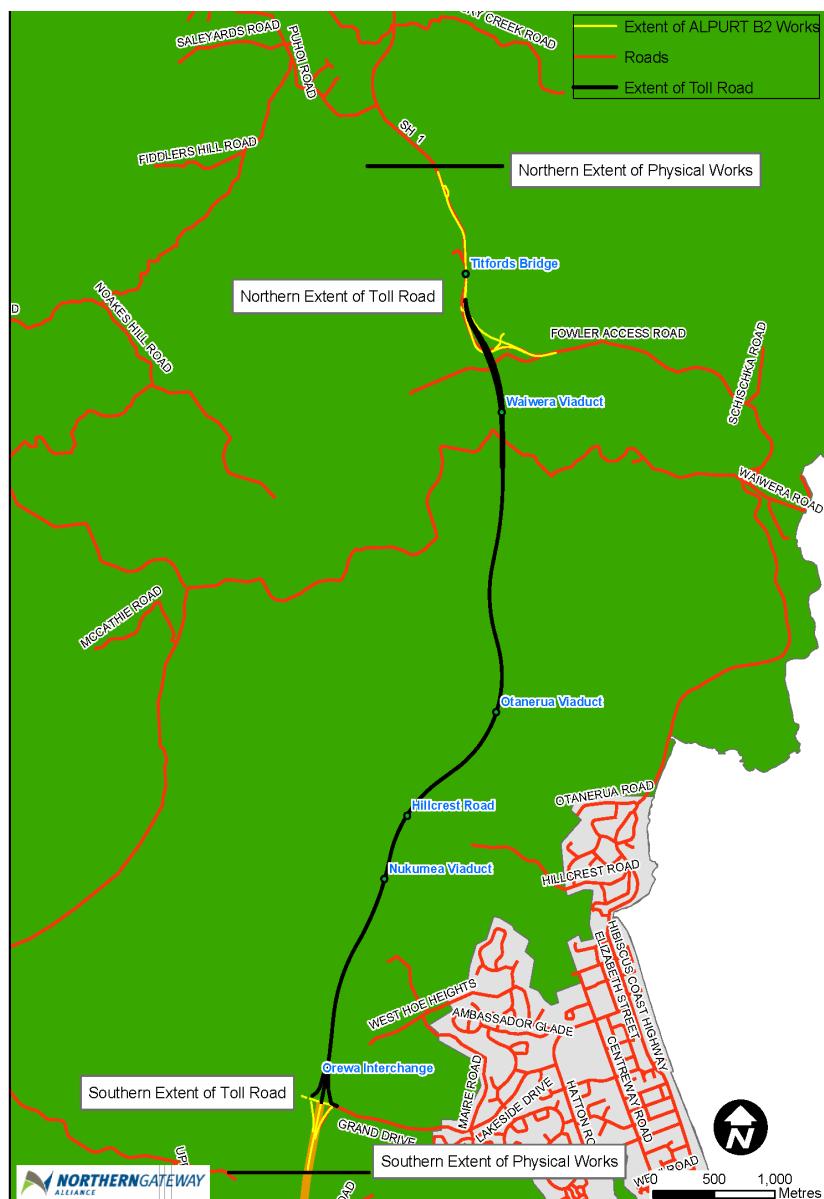
Reference on plan	Legal description	CT or other title reference (if any)	Owner
16b	Lot 2 DP 96268	52A/1048	Her Majesty the Queen (compensation certificate)
16e	Part Lot 1 DP 55676	20C/488	Her Majesty the Queen (compensation certificate)
17a	Section 71 Block III Waiwera Survey District (SO 44907)	55B/1020	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 (ALPURB 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 2019.
Date of notification in *Gazette*: 14 April 2005.

Notes**1 General**

This is a consolidation of the Land Transport Management (Road Tolling Scheme for Northern Gateway) Order 2005 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 128, 129

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)