

**Reprint
as at 1 August 2015**



**Tauranga District Council (Route K Toll) Empowering
Act 2000**

Local Act 2000 No 1
Date of assent 12 December 2000
Commencement see section 2

Tauranga District Council (Route K Toll) Empowering Act 2000: repealed, on 1 August 2015, by section 71(2) of the Land Transport Management Amendment Act 2013 (2013 No 35).

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Note

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.

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1 Title

This Act is the Tauranga District Council (Route K Toll) Empowering Act 2000.

2 Commencement

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

Council means the Tauranga District Council

PJK Junction means the junction that—

- (a) is shown on the plan in Schedule 1; and
- (b) is the junction between Route K, the Waikareao Expressway (Route P), and Route J; and
- (c) is to be constructed on a piece of land containing 49.9236 hectares, more or less, situated in the Tauranga Survey District, and being part of Allotment 523, Te Papa Parish (which Allotment is shown on SO Plan 1826A)

Route K means the road (approximately 4.5 kilometres in length) between State Highway 29 and the beginning of the PJK Junction to be constructed on the land described in Schedule 2; and includes all necessary approaches, links, buildings, erections, structures, and other works

special consultative procedure means, in relation to a proposal, the procedure prescribed by section 716A of the Local Government Act 1974

working day means any day of the week other than—

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and

- (ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (b) a day in the period commencing with 25 December in any year and ending with 15 January in the following year.

Section 3 **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

4 Levying and collection of tolls

- (1) The Council may, in accordance with this Act, levy and collect tolls in respect of the use of Route K by vehicles.
- (2) Tolls may be levied and collected in respect of one or both directions of travel.

5 Application of tolls payable under this Act

The Council may use the tolls levied and collected under this Act only for the purposes of paying costs, charges, and expenses incurred by the Council—

- (a) in constructing and maintaining Route K, the interchange between Route K and State Highway 29, and the PJK Junction; and
- (b) in constructing and maintaining toll barriers, toll houses, and other works on Route K; and
- (c) in operating toll facilities that are located on Route K and relate to the levying and collection of the tolls.

6 Annual estimates concerning tolls

- (1) The Council must, in accordance with the special consultative procedure, prepare and adopt, for the financial year beginning on 1 July 2001 and for each subsequent financial year, a report setting out a set of estimates in relation to the tolls to be collected and applied under this Act.
- (2) The report prepared and adopted under subsection (1) (which must be prepared and adopted by the Council at the same time as it prepares and adopts its annual plan under section 223D of the Local Government Act 1974) must be separate from that annual plan.
- (3) The estimates to be set out in the report required by subsection (1) are the Council's estimates of—
 - (a) the total amount that, in the financial year to which the report relates, the Council expects to receive by way of tolls levied and collected under this Act; and
 - (b) the date on which tolls in respect of the use of Route K will cease to be levied and collected and the use of Route K will become toll-free to the public.
- (4) The Council must, not later than 5 working days after giving public notice under section 716A(1)(b) of the Local Government Act 1974 of a proposal to

- adopt a report under subsection (1) of this section, send a copy of the proposal to the Secretary (within the meaning of the Land Transport Act 1998).
- (5) A report under subsection (1) must be adopted, before the end of the third month of the financial year to which the report relates, at a meeting of the Council.
- (6) Where the Council adopts a report under this section, it—
- (a) must make that report available for public inspection at its offices and libraries; and
 - (b) must, as soon as practicable after its adoption, publish the report in at least 2 daily newspapers circulating in the City of Tauranga; and
 - (c) must make copies of the report available to the public—
 - (i) free of charge; or
 - (ii) at a reasonable charge; and
 - (d) must, within 20 working days after its adoption, send copies of that report to—
 - (i) the Secretary (within the meaning of the Land Transport Act 1998); and
 - (ii) the Controller and Auditor-General; and
 - (iii) the Parliamentary Library.
- (7) Nothing in this section—
- (a) limits the Council's obligations in respect of its annual plan; or
 - (b) prevents the Council including the estimates referred to in subsection (3) both in its annual plan and in the separate report required by subsection (1).

7 Annual report about tolls

- (1) The Council must prepare and adopt in respect of the financial year beginning on 1 July 2001 and in respect of each subsequent year a report containing, for the financial year to which the report relates, the following audited financial statements:
- (a) a statement setting out the rates of the tolls payable under this Act at any time in that financial year:
 - (b) a statement of the total amount collected by way of tolls under this Act in that financial year, which statement must include the total amount collected in that financial year in respect of each type of vehicle in respect of which a toll was payable:
 - (c) a statement of the total amount of any money (other than tolls) paid to the Council under this Act in that financial year:

- (d) a statement of the way in which the total amount collected by way of tolls under this Act in that financial year has been applied, which statement must specify, in relation to that financial year,—
 - (i) the amount used in meeting costs, charges, and expenses of constructing Route K:
 - (ii) the amount used in meeting costs, charges, and expenses of maintaining Route K:
 - (iii) the amount used in meeting costs, charges, and expenses of constructing the interchange between Route K and State Highway 29:
 - (iv) the amount used in meeting costs, charges, and expenses of maintaining the interchange between Route K and State Highway 29:
 - (v) the amount used in meeting costs, charges, and expenses of constructing the PJK Junction:
 - (vi) the amount used in meeting costs, charges, and expenses of maintaining the PJK Junction:
 - (vii) the amount used in meeting costs, charges, and expenses of constructing toll barriers, toll houses, and other works on Route K:
 - (viii) the amount used in meeting costs, charges, and expenses of maintaining toll barriers, toll houses, and other works on Route K:
 - (ix) the amount used in meeting costs, charges, and expenses of operating toll facilities that are located on Route K and relate to the levying and collection of the tolls:
 - (x) particulars of the manner in which the balance of that total amount has been applied, which particulars must include, where any part of that balance has been paid into an account, the name of that account and the amount paid into it in that financial year:
 - (xi) any amounts, being tolls collected under this Act in earlier financial years or amounts derived from tolls collected under this Act in earlier financial years, that have been used in that financial year to meet costs, charges, and expenses of the kind listed in subparagraphs (i) to (ix).
- (2) The report prepared and adopted under subsection (1) of this section (which must be prepared and adopted by the Council at the same time as it prepares and adopts its annual report under section 223E of the Local Government Act 1974) must be separate from that annual report.
- (3) The report adopted under subsection (1) must be adopted before the end of the fifth month after the close of the financial year to which the report relates.
- (4) Where the Council adopts a report under this section, it—
 - (a) must make that report available for public inspection at its offices and libraries; and

- (b) must, as soon as practicable after its adoption, publish the report in at least 2 daily newspapers circulating in the City of Tauranga; and
 - (c) must make copies of the report available to the public—
 - (i) free of charge; or
 - (ii) at a reasonable charge; and
 - (d) must, within 20 working days after its adoption, send copies of that report to—
 - (i) the Secretary (within the meaning of the Land Transport Act 1998); and
 - (ii) the Controller and Auditor-General; and
 - (iii) the Parliamentary Library.
- (5) Nothing in this section—
- (a) limits the Council's obligations in respect of its annual report; or
 - (b) prevents the Council including the audited statements referred to in subsection (1) both in its annual report and in the separate report required by that subsection.

8 Rates of tolls

- (1) The tolls payable under this Act (which are to be payable only in respect of vehicles that use Route K) are to be payable at such rate or rates as are prescribed by bylaws made under this Act.
- (2) Different provision may be made in the bylaws—
 - (a) for different types of vehicle or different types of toll, or for particular vehicles or particular tolls; or
 - (b) for different times of the day or for different days or for different days of the year.

9 Publication of rates of tolls

- (1) The Council must publish in at least 2 daily newspapers circulating in the City of Tauranga every bylaw prescribing or amending the rate of any toll payable under this Act.
- (2) Publication under subsection (1) must take place at least 28 days before the toll or the amended toll, as the case may require, becomes payable.

10 Display of rates of tolls

The rates of tolls for the time being in force under this Act must be clearly displayed in a conspicuous place on Route K at or near the place at which the tolls are payable.

11 Facilities for collection of tolls

For the purpose of collecting tolls payable under this Act, the Council may construct on Route K such toll barriers, toll houses, and other works as the Council considers necessary.

12 Liability for payment of tolls

- (1) Subject to subsections (2) and (3), 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 that toll.
- (2) If the person registered under Part 17 of the Land Transport Act 1998 in respect of a vehicle has paid, or has undertaken to pay, to the Council the amount of any toll payable under this Act in respect of that vehicle, any other person in charge or control of that vehicle who, in accordance with section 13(c), delivers to an authorised officer at the toll barrier a voucher to that effect is not liable for the payment of the toll.
- (3) If the person registered under Part 17 of the Land Transport Act 1998 in respect of a vehicle has, under section 18, entered into a contract with the Council for the payment of any toll payable under this Act in respect of that vehicle, that person is liable for the payment of the toll.

Section 12(2): amended, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

Section 12(3): amended, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

13 Payment of toll

A toll must be paid—

- (a) by the payment to an authorised officer at the toll barrier of the amount of the toll; or
- (b) by the placement in the coin receptacle of an automatic toll collecting machine of 1 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 a form approved by the Council) that indicates that the person registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle has paid to the Council, or has undertaken to pay to the Council, the amount of the toll; or
- (d) by account, pursuant to a contract with the Council under this Act; or
- (e) by any form of stored value card.

Section 13(c): amended, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

14 Powers in respect of non-payment

If any toll payable under this Act remains unpaid after it has become due for payment, the Council may—

- (a) refuse to allow the vehicle in respect of which the toll is payable 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.

15 Exemption from payment of tolls

- (1) No toll under this Act is payable in respect of any vehicle engaged in carrying any of the following persons:
 - (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;
 - (c) every constable on duty, and every prisoner in the custody of a constable;
 - (d) any Minister of the Crown or any employee of the Crown or any employee or member of the New Zealand Transport Agency whilst engaged on business connected with Route K or with the administration of this Act;
 - (e) such other persons or vehicles or classes of persons or vehicles as may be prescribed in bylaws made under this Act.
- (2) Tolls are not payable in respect of fire engines and vehicles used for extinguishing fires, or in respect of ambulances.
- (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 Public Transport Management Act 2008.

Section 15(1)(d): amended, on 1 August 2008, pursuant to clause 28 of Schedule 2 of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 15(3): amended, on 1 January 2009, pursuant to section 63(1) of the Public Transport Management Act 2008 (2008 No 87).

16 Bylaws

The Council may make such bylaws not inconsistent with this Act or with any other Act as it thinks fit for all or any of the following purposes:

- (a) levying and collecting tolls under this Act, and prescribing the rates of those tolls;
- (b) exempting any persons or vehicles or classes of persons or vehicles from payment of tolls levied under this Act;
- (c) providing for the issue, upon payment of a fee, of vouchers or stored value cards for the payment of tolls levied under this Act.

17 Special consultative procedure and bylaws

- (1) The Council must adopt the special consultative procedure in relation to any proposal to make bylaws under this Act.
- (2) Subsection (1)—
 - (a) does not apply in respect of the confirmation of a resolution to make bylaws under this Act; or
 - (b) limit the provisions of sections 681 and 716B of the Local Government Act 1974 that relate to the confirmation of a special order making bylaws.

18 Power of Council to enter into contracts for payment of tolls

The Council may enter into a contract with the person registered under Part 17 of the Land Transport Act 1998 in respect of any vehicle for the purpose of providing for the payment by that person of any tolls payable under this Act in respect of that vehicle.

Section 18: amended, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

19 Offences

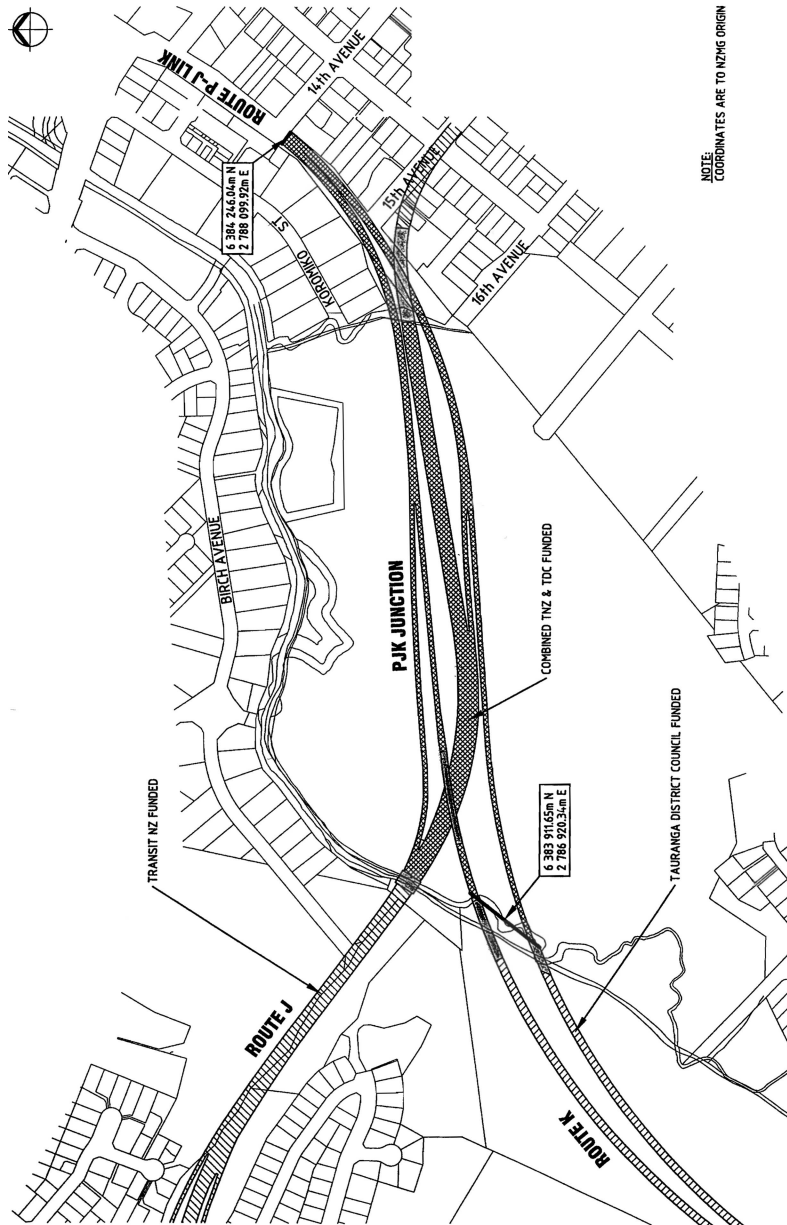
A person commits an offence and is liable on conviction to a fine not exceeding \$500 who—

- (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.

Section 19: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 1 PJK Junction

s 3



Schedule 2
Land on which Route K is to be constructed

s 3

All those pieces of land situated in the City of Tauranga and being—

Lot No	Plan No	Description	Area
Lot 32	DPS 71310	Block XIII, Tauranga Survey District, NZMS 261 series, Sheet U14 No 3.3	58 232 m ²
Lot 2	DP 24262	Part Allotment 528, Te Papa Parish, City of Tauranga	8 801 m ²
Lot 3	DPS 60348	Block XIII, Tauranga Survey District, NZMS 261 series, Sheet U14 No 3.3	16 875 m ²
Lot 5	DPS 47965	Block XIII, Tauranga Survey District, NZMS 261 series, Sheet U14 No 3.3	22 105 m ²
Lot 6	DPS 47965	Block XIII, Tauranga Survey District, NZMS 261 series, Sheet U14 No 3.3	18 782 m ²
Lot 2	DPS 81539	Block XIII, Tauranga Survey District	76 568 m ²
Area A on SO 60907, being part Lot 4	DPS 13011	Block XIII, Tauranga Survey District, NZMS 261 series, Sheet U14 No 3.3	4 391 m ²
Area A on SO 60865, being part Lot 7	DPS 53732	Blocks XIII and XIV, Tauranga Survey District, NZMS 261 series, Sheet U14 Nos 3.3 and 4.3	15 169 m ²
Part Lot 16	DPS 53732	Blocks XIII and XIV, Tauranga Survey District, NZMS 261 series, Sheet U14 Nos 3.3 and 4.3	58 397 m ²
Lot 32	DPS 58592	Block XIII, Tauranga Survey District, NZMS 261 series, Sheet U14 Nos 3.3 and 4.3	10 703 m ²
Lot 33	DPS 58592	Block XIII, Tauranga Survey District, NZMS 261 series, Sheet U14 Nos 3.3 and 4.3	13 467 m ²
Lot 2	DPS 80270	Blocks IX, X, XIII, and XIV, Tauranga Survey District	120 040 m ²
Lot 1	DPS 30422	Blocks IX, X, XIII, and XIV, Tauranga Survey District	37 697 m ²
Part Allotment 524, Te Papa Parish	SO 1826	Tauranga Survey District	44 231 m ²
Part Lot 2	DPS 100	Blocks IX, X, and XIV, Tauranga Survey District	2 812 m ²
Lot 1	DP 15388	Allotment 525, Te Papa Parish, City of Tauranga	186 708 m ²

Reprints notes

1 *General*

This is a reprint of the Tauranga District Council (Route K Toll) Empowering Act 2000 that incorporates all the amendments to that Act 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 Amendment Act 2013 (2013 No 35): section 71(2)

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Criminal Procedure Act 2011 (2011 No 81): section 413

Land Transport Amendment Act 2009 (2009 No 17): section 35(4)

Public Transport Management Act 2008 (2008 No 87): section 63(1)

Land Transport Management Amendment Act 2008 (2008 No 47): clause 28 of Schedule 2