

**Reprint
as at 11 June 2009**



**Land Transport Management
(Regional Fuel Tax
Scheme—Auckland Region)
Order 2008**

(SR 2008/368)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 6th day of October 2008

Present:

His Excellency the Governor-General in Council

Land Transport Management (Regional Fuel Tax Scheme—Auckland Region) Order 2008: revoked, on 11 June 2009, by clause 3 of the Land Transport Management (Regional Fuel Tax Scheme—Auckland Region) Order Revocation Order 2009 (SR 2009/125).

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order is administered by the Ministry of Transport.

Pursuant to section 65O 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 Finance and the Minister of Transport, makes the following order.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Scheme approved	3
5 Rates of regional fuel tax and their dates of application	3
6 Allocation of net revenue between capital projects and additional capital projects	3
Schedule	4
Regional fuel tax scheme: Auckland region	

Order

- 1 Title**
This order is the Land Transport Management (Regional Fuel Tax Scheme—Auckland Region) Order 2008.
- 2 Commencement**
This order comes into force on 17 November 2008.
- 3 Interpretation**
In this order, unless the context otherwise requires,—
Act means the Land Transport Management Act 2003
additional capital project means a project included in the scheme by the responsible Ministers
capital project means a project included in the scheme by the Auckland Regional Council
net regional fuel tax revenue means the amount of regional fuel tax revenue available after accounting for the matters specified in section 65Z(2)(b) and (c) of the Act

scheme means the regional fuel tax scheme for the Auckland region set out in the Schedule.

4 Scheme approved

The scheme, which begins on 1 July 2009 and ends on 30 June 2039, is approved.

5 Rates of regional fuel tax and their dates of application

The total rate of the regional fuel tax for funding the capital projects and the additional capital projects in the scheme is—

- (a) 2 cents per litre of fuel from 1 July 2009 to 30 June 2010:
- (b) 5 cents per litre of fuel from 1 July 2010 to 30 June 2011:
- (c) 9.5 cents per litre of fuel from 1 July 2011 to 30 June 2039.

6 Allocation of net revenue between capital projects and additional capital projects

The allocation of net regional fuel tax revenue received under the scheme is as follows:

- (a) from 1 July 2009 to 30 June 2010—
 - (i) the capital projects will receive net regional fuel tax revenue from 1 cent per litre of regional fuel tax; and
 - (ii) the additional capital projects will receive net regional fuel tax revenue from 1 cent per litre of regional fuel tax:
- (b) from 1 July 2010 to 30 June 2011—
 - (i) the capital projects will receive net regional fuel tax revenue from 3 cents per litre of regional fuel tax; and
 - (ii) the additional capital projects will receive net regional fuel tax revenue from 2 cents per litre of regional fuel tax:
- (c) from 1 July 2011 to 30 June 2039—
 - (i) the capital projects will receive net regional fuel tax revenue from 5 cents per litre of regional fuel tax; and

- (ii) the additional capital projects will receive net regional fuel tax revenue from 4.5 cents per litre of regional fuel tax.
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Schedule cl 3
Regional fuel tax scheme: Auckland region
Part 1
Preliminary provisions

1 Overview

- (1) The provisions set out in Parts 2 and 3 constitute the regional fuel tax scheme for the Auckland region.
- (2) Part 2 sets out the regional fuel tax scheme that the Auckland Regional Council—
 - (a) proposed for the Auckland region; and
 - (b) lodged with the responsible Ministers under section 65K of the Act for the purpose of obtaining approval for the proposed scheme under section 65O of the Act.
- (3) Part 3 sets out the amendments to the proposed scheme that the responsible Ministers made under section 65M of the Act.

2 Application of scheme

The scheme, which begins on 1 July 2009 and ends on 30 June 2039, only applies to the Auckland region (as defined in section 65D of the Act).

3 Scheme may be reviewed, varied, or replaced

The scheme may be reviewed, varied, or replaced in accordance with sections 65Q to 65S of the Act.

Part 2
**Capital projects (Auckland Regional
Council)**

4 Organisation responsible for capital projects included in scheme

The Auckland Regional Council is the organisation responsible for the capital projects included in the scheme, and its contact details are as follows:

- (a) street address: 21 Pitt Street, Auckland:
- (b) mail address: Private Bag 92012, Auckland 1142:
- (c) phone: (09) 366 2000 or 0800 80 60 40:
- (d) fax: (09) 366 2155:
- (e) Internet site: www.arc.govt.nz.

5 Capital projects included in scheme

The capital projects included in the scheme are—

- (a) the above-track rail electrification project, which includes—
 - (i) 35 four-car electric multiple units; and
 - (ii) the development of a long-term stabling and maintenance depot; and
 - (iii) additional infrastructure and rolling stock as required; and
 - (iv) contingency and project management costs; and
- (b) the non-electric rolling stock project, which includes—
 - (i) rebuilt carriage trains; and
 - (ii) rolling stock capital renewals; and
 - (iii) overrun protection on train equipment; and
 - (iv) contingency and project management costs; and
- (c) the rail system upgrade project, which includes—
 - (i) reconstruction of the Newmarket railway station; and
 - (ii) refurbishment of the Newmarket heritage station; and
 - (iii) a Manukau rail link station and above-track works; and
 - (iv) new and upgraded stations, including Parnell and New Lynn; and

Part 2—*continued*

- (v) stations and above-track works on the Onehunga line; and
- (vi) station works at Kingsland and Morningside; and
- (vii) temporary platforms and permanent stations at Helensville, Waimauku, and Huapai; and
- (viii) a real-time passenger information system for rail; and
- (ix) contingency and project management costs; and
- (d) the bus, ferry, and multimodal infrastructure project, which includes—
 - (i) upgrades to ferry terminals at Bayswater, Beach Haven, Downtown Auckland, Half Moon Bay, Hobsonville, Birkenhead, Stanley Bay, and West Harbour; and
 - (ii) upgrade to access at Gulf Harbour ferry terminal; and
 - (iii) smart card integrated ticketing; and
 - (iv) a real-time passenger information system for bus and ferry services; and
 - (v) contingency and project management costs.

6 Expected contribution of capital projects included in scheme to outcomes identified in region's regional land transport strategy

The Auckland Regional Council expects the capital projects included in the scheme to contribute to the outcomes identified in the Auckland regional land transport strategy by—

- (a) reducing car journeys each morning and afternoon peak period by approximately 18 000 journeys; and
- (b) reducing congestion costs to road users by approximately \$200 million per annum; and
- (c) reducing the need to provide additional roading to meet extra demand, estimated at around 130 kilometres of arterial and motorway lanes, costing approximately \$3.8 billion; and
- (d) providing health benefits and a better quality of life for Auckland residents by—

Part 2—*continued*

- (i) reducing greenhouse emissions by 175 000 tonnes per annum; and
- (ii) reducing fatal road crashes by 7%; and
- (e) reducing fuel consumption by an estimated 52 million litres of fuel each year.

7 Anticipated timing and costs of capital projects included in scheme

The anticipated timing and costs of the capital projects included in the scheme are as follows:

- (a) the above-track rail electrification project—
 - (i) is expected to commence in 2008 and to be completed by 2015; and
 - (ii) is forecast to cost \$496 million:
- (b) the non-electric rolling stock project—
 - (i) is expected to commence in 2008 and to be completed by 2018; and
 - (ii) is forecast to cost \$149 million:
- (c) the rail system upgrade project—
 - (i) is expected to commence in 2008 and to be completed by 2013; and
 - (ii) is forecast to cost \$99 million:
- (d) the bus, ferry, and multimodal infrastructure project—
 - (i) is expected to commence in 2008 and to be completed by 2015; and
 - (ii) is forecast to cost \$111 million.

8 Anticipated funding of capital projects included in scheme

The Auckland Regional Council anticipates that the capital projects included in the scheme will be funded as follows:

- (a) the above-track rail electrification project is anticipated to be funded 100% from regional fuel tax:
- (b) the non-electric rolling stock project is anticipated to be funded—
 - (i) 67% from regional fuel tax; and
 - (ii) 33% from Auckland Regional Holdings:

Part 2—*continued*

- (c) the rail system upgrade project is anticipated to be funded—
 - (i) 79% from regional fuel tax; and
 - (ii) 19% from Auckland Regional Holdings; and
 - (iii) 2% from the New Zealand Transport Agency;
- (d) the bus, ferry, and multimodal infrastructure project is anticipated to be funded—
 - (i) 37% from regional fuel tax; and
 - (ii) 10% from Auckland Regional Holdings; and
 - (iii) 53% from the New Zealand Transport Agency.

9 Rates of regional fuel tax and their dates of application

- (1) The period for the regional fuel tax funding the capital projects included in the scheme is to begin on 1 July 2009 and to end on 30 June 2039.
- (2) The rate for the regional fuel tax funding the capital projects included in the scheme is to be—
 - (a) 1 cent per litre of fuel from 1 July 2009 to 30 June 2010; and
 - (b) 3 cents per litre of fuel from 1 July 2010 to 30 June 2011; and
 - (c) 5 cents per litre of fuel from 1 July 2011 to 30 June 2039.

10 Allocation of net regional fuel tax revenue among capital projects included in scheme

The allocation of the net regional fuel tax revenue among the capital projects included in the scheme is to be as follows:

- (a) the above-track rail electrification project is to receive 68.3% of the net regional fuel tax revenue; and
- (b) the non-electric rolling stock project is to receive 13.8% of the net regional fuel tax revenue; and
- (c) the rail system upgrade project is to receive 11.8% of the net regional fuel tax revenue; and
- (d) the bus, ferry, and multimodal infrastructure project is to receive 6.1% of the net regional fuel tax revenue.

Part 3

Additional capital projects (responsible Ministers)

11 Organisations responsible for additional capital projects included in scheme

- (1) ONTRACK is the organisation responsible for the below-track rail electrification project included in the scheme, and its contact details are as follows:
 - (a) street address: Wellington Railway Station, 2 Bunny Street, Wellington:
 - (b) mail address: PO Box 593, Wellington 6140:
 - (c) phone: 0800 697 2677:
 - (d) fax: (04) 495 9045:
 - (e) Internet site: www.ontrack.govt.nz.
- (2) The New Zealand Transport Agency is the organisation responsible for the Penlink project included in the scheme, and its contact details are as follows:
 - (a) street address: 44 Victoria Street, Wellington 6011:
 - (b) mail address: Private Bag 6995, Wellington 6141:
 - (c) phone: (04) 894 5400:
 - (d) fax: (04) 894 6100:
 - (e) Internet site: www.nzta.govt.nz.

12 Additional capital projects included in scheme

The additional capital projects included in the scheme are—

- (a) the below-track rail electrification project, which includes—
 - (i) the construction of an overhead catenary system and provision of the required power supply; and
 - (ii) signalling immunisation works; and
 - (iii) bridge and clearance modifications; and
 - (iv) contingency and project management costs; and
- (b) the Penlink project, which includes—
 - (i) a 2-lane road between the Whangaparaoa Peninsula and State Highway 1 at Redvale, including a crossing of the Weiti River; and
 - (ii) a new motorway interchange at Redvale connecting the Weiti crossing to State Highway 1; and

Part 3—*continued*

- (iii) realignment and widening of East Coast Road at the new intersection with the Weiti crossing; and
- (iv) widening Whangaparaoa Road between Brightside Road and Arklow Lane, including the intersection with Weiti crossing; and
- (v) contingency and project management costs.

13 Anticipated timing and costs of additional capital projects included in scheme

The anticipated timing and costs of the additional capital projects included in the scheme are as follows:

- (a) the below-track rail electrification project—
 - (i) is expected to commence by 2009 and be completed by 2015; and
 - (ii) is forecast to cost \$500 million:
- (b) the Penlink project—
 - (i) is expected to commence by 2011 and be completed by 2013; and
 - (ii) is forecast to cost \$182 million.

14 Anticipated funding of additional capital projects included in scheme

The additional capital projects included in the scheme are anticipated to be funded as follows:

- (a) the below-track rail electrification project is anticipated to be funded from—
 - (i) funds sourced from the Crown; and
 - (ii) regional fuel tax revenue:
- (b) the Penlink project is anticipated to be funded from—
 - (i) regional fuel tax revenue; and
 - (ii) funds sourced from Rodney District Council.

15 Rates of regional fuel tax and their dates of application

- (1) The period for the regional fuel tax funding the additional capital projects included in the scheme is to begin on 1 July 2009 and to end on 30 June 2039.

Part 3—*continued*

- (2) The rate for the regional fuel tax funding the additional capital projects included in the scheme is to be—
- (a) 1 cent per litre of fuel from 1 July 2009 to 30 June 2010; and
 - (b) 2 cents per litre of fuel from 1 July 2010 to 30 June 2011; and
 - (c) 4.5 cents per litre of fuel from 1 July 2011 to 30 June 2039.

16 Allocation of net regional fuel tax revenue among additional capital projects included in scheme

The allocation of the net regional fuel tax revenue among the additional capital projects included in the scheme is to be as follows:

- (a) the below-track rail electrification project is to receive net revenue from—
 - (i) 1 cent per litre of regional fuel tax from 1 July 2009 to 30 June 2010; and
 - (ii) 2 cents per litre of regional fuel tax from 1 July 2010 to 30 June 2011; and
 - (iii) 3.5 cents per litre of regional fuel tax from 1 July 2011 to 30 June 2039; and
- (b) the Penlink project is to receive net revenue from 1 cent per litre of regional fuel tax from 1 July 2011 to 30 June 2039.

Rebecca Kitteridge,
Clerk of the Executive Council.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Land Transport Management (Regional Fuel Tax Scheme—Auckland Region) Order 2008. The reprint incorporates all the amendments to the order as at 11 June 2009, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Land Transport Management (Regional Fuel Tax Scheme—Auckland Region)
Order Revocation Order 2009 (SR 2009/125)
