

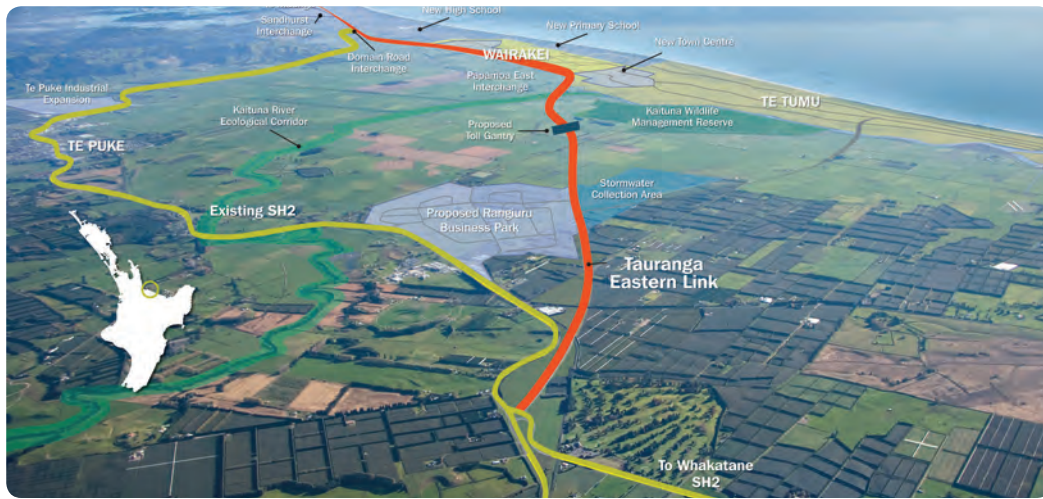
Tauranga Eastern Link

Consultation report



NZ TRANSPORT AGENCY
WAKA KOTAHI

New Zealand Government



NZ TRANSPORT AGENCY
WAKA KOTAHI

Tauranga Eastern Link: Consultation report December 2009

NZ Transport Agency
Published December 2009

ISSN 978-0-478-35255-9 (print)
ISSN 978-0-478-35254-2 (online)
Copyright: December 2009 NZ Transport Agency

National Office
Victoria Arcade
44 Victoria Street
Private Bag 6995
Wellington 6141
New Zealand

T 64 4 894 5400
F 64 4 894 6100

Table of Contents

1	Executive Summary and Overview	1
1.1	Executive Summary.....	1
2	Consultation Requirements	4
2.1	Introduction.....	4
3	Consultation Process	8
3.1	Information Mail Outs	8
3.2	Public Advertising	10
3.3	Information Displays	15
3.4	Stakeholder Presentations	16
3.5	Tangata Whenua/Maori.....	18
4	Summary of Submissions	19
4.1	Number of Submissions Received	19
4.2	Number of Submitters Wishing to be Heard.....	19
4.3	Support and Non-Support for TEL as a Toll Road	20
5	Hearing of Submissions	23
5.1	Hearing Dates.....	23
5.2	Submissions Hearing Panel	23
5.3	Hearing Panel's Agenda.....	24
5.4	Hearing Panel's Report	24
5.5	Summary on the Outcome of Public Consultation to Tolling TEL	24
5.6	Summary of Equity Issues.....	25
6	Legislative Requirements for Toll Consultation	27

List of Tables

Table 1 - Brochure Mail Out

Table 2 - Schedule of Advertisements

Table 3 - TEL Website Statistics

Table 4 - Stakeholder Presentations

Table 5 - Affected Regional Council and Affected Territorial Authority Presentations

Table 6 - Meetings/Presentations held with Tangata Whenua/Maori

Table 7 - Submission Summary

Table 8 - Legislative Requirements for Toll Consultation

Appendices

Appendix A - Tauranga Eastern Link Consultation Strategy

Appendix B - Consultation Documents

Appendix C - Consultation Letters

Appendix D - Consultation Media Releases, Advertisements & Displays

Appendix E - Newspaper Articles

Appendix F - Website Statistics

Appendix G - Enquiries logged during the Consultation Period

Appendix H - Stakeholder Meetings/Presentations - Minutes/Questions & Answers

**Appendix I - Tangata Whenua/Maori Meetings/Presentation -
Minutes/Questions & Answers**

Appendix J - List of Submitters who appeared

Appendix K - Tauranga Eastern Link Process and Submissions Report

Appendix L - Hearings Agenda

Appendix M - Minutes of Hearing Panel's Considerations

Appendix N - Hearing Panel Report

Appendix O - Rationale for Identifying the "Affected Community"

**Appendix P - Workshop Minutes & the Traffic Modelling Analysis Memo and
Email**

1 Executive Summary and Overview

1.1 Executive Summary

The Tauranga Eastern Link (TEL) is a key component of the Tauranga Eastern Corridor which is the key growth node for the sub-region with a future projected additional 40,000 people. Within the corridor there are a range of transport improvements and new roads. Either the developers or Tauranga City and Western Bay of Plenty District Councils are responsible for all the local roading improvements and/or new roads.

The NZ Transport Agency (NZTA) component of the total transportation package is known as the TEL which includes upgrading the existing SH2 between Te Maunga junction and Domain Road and the Te Puke Bypass from Domain Road to Paengaroa.

The TEL is a Road of National Significance (RoNS) providing a bypass of State Highway 2 through Te Puke. It is a key piece of infrastructure that will improve connections between the Bay of Plenty, Tauranga and its port. It will reduce transport costs and help improve New Zealand's economy. If progressed solely as an NLTF funded project, construction on TEL would most likely commence in five to ten years. With tolling, it is possible to bring construction forward to commence with enabling works in 2010 delivering the benefits of the road earlier than would be possible using traditional funding sources.

TEL is comprised of two sections. The section from Te Maunga to Domain Road will be an upgrade of the existing two-lane road to a four-lane motorway and will not be tolled. The completely new section from Domain Road to Paengaroa will be a four-lane motorway with a median barrier. This is the section that is proposed to be tolled. A single toll gantry is proposed between the proposed Papamoa East interchange and the future Rangiuru Business Park.

TEL has been identified as having the potential to support around \$100m of construction costs through borrowing, to be repaid by revenues from tolling. An outline business case was submitted to the Ministry of Transport and the Treasury in July 2009 and approved by the Ministers of Transport and Finance to enable consultation on a toll proposal to proceed.

In order to construct the TEL as a toll road, the Land Transport Management Act 2003 (LTMA) requires that an Order in Council be obtained. In considering an Order in Council, pursuant to section 48(1)(c)(v) the Minister of Transport must take into account the outcome of consultation, which has been undertaken in accordance with the requirements of section 49(1) of the LTMA.

To provide the Ministry of Transport with the appropriate information to give due consideration to request an Order in Council, the NZTA undertook the following:

- i. Extensive public consultation programme and associated hearings of submissions to determine the public opinion which this report sets out.
- ii. Independent detailed opinion survey. This survey was undertaken at the end of the consultation period and before the hearings. Refer to the separate Tauranga Eastern Link Survey Research Report.

This report outlines the consultation undertaken by the NZTA in order to meet the first requirement.

1.1.1 The Proposal

The NZTA (referred to as the applicant) following a request from the Bay of Plenty Regional Transport Committee (RTC) is proposing to construct the TEL project as a toll road.

The LTMA has given effect to the policies signalled in the New Zealand Transport Strategy. It has made provision for the tolling of new roads subject to obtaining approval by an Order in Council. The applicant is applying to the Minister of Transport for an Order in Council to establish a toll road.

Section 49(1) of the LTMA states that where a public road controlling authority seeks funding by way of a road-tolling scheme consultation in accordance with sections 18, 18A and 18G of the LTMA must be undertaken.

1.1.2 Defining Tauranga Eastern Link

The following list of primary elements of the TEL project is a guide to the scope of the project referred to in this report as TEL.

- 23 km of motorway, four lanes wide
- Eight bridges
- 150 metre long Kaituna River Bridge
- Major drainage and stormwater management including 130 small culverts and 6 major culverts
- Three million+ cubic metres of earthworks including 2 million cubic metres of imported fill
- Starts at existing Te Maunga Roundabouts and finishes at a new roundabout near Paengaroa connecting SH33 and SH2
- Approximately 550,000m² of new pavement
- Major landscaping including approximately 300,000 native plants to be planted
- Travel time savings of up to 12 minutes each way between Paengaroa and Te Maunga, depending on time of day
- Three to four seasons of earthworks will be required to finish the project
- Grade separated interchanges at Sandhurst and Domain Road
- Provision for future interchanges at Papamoa East and Rangiuru Business Park

1.1.3 Consultation Process

Consultation with the public officially started on 7 August 2009 and ended on 11 September 2009. The statutory notices were inserted in newspapers around the country on 7 August 2009. These included the Bay of Plenty Times, the NZ Herald, the Dominion Post and the Gisborne Herald. The second statutory notice was on Saturday 8 August 2009.

The purpose of the consultation is:

- To meet the consultation requirements of the NZTA as a public road controlling authority under section 49(1) of the LTMA;
- To ensure the public are fully informed and encourage them to lodge a submission on the proposal; and
- To identify and understand community views, opinions, issues and concerns in relation to Eastern Link Tolling.

During consultation the public were asked the following question:

- Do you support the Tauranga Eastern Link being a toll road so construction can start next year? (as set out in the consultation material – Refer **Appendix B**)

The consultation process was carried out through six main types of engagement with various groupings of the public:

1. Public and targeted consultation group notification through mail out of information in the form of booklets and brochures;
2. Public consultation through advertising in local and national papers and radio advertising;
3. Public information days (manned displays at five locations for fifteen days);
4. Public unmanned information displays at eight locations for four weeks;
5. Stakeholder presentations to key interested groups; and
6. Meetings with Tangata Whenua representative committees at Rotorua, Whakatane, Tauranga and Western Bay of Plenty councils.

1.1.4 Submission Process

There was a five week submission period enabling submitters to provide their comments by mail, electronically online, hand delivered to the NZTA Tauranga office, and email. On receipt of the submission a letter was issued providing written acknowledgment of the submission and advised how the submission had been recorded under a category topic. A total of 3539 submissions were received.

1.1.5 Hearing Process and Hearing Panel Report

The Hearings Panel was presented with copies of all submissions received. It also received a report, prepared by staff, of the submissions process and a summary of submissions by category.

Hearings were held over a three day period by a Hearing Panel appointed by the NZTA.

The Hearings Panel report to the NZTA provides:

- A summary of the key opinions and issues received through submissions with advisory comments; and
- Advice to the NZTA board on matters which the Hearings Panel considers need further assessment and/or decision.

1.1.6 The Purpose of the Report

The purpose of this report is to summarise the methodology and outcomes of the consultation undertaken pursuant to section 49(1) of the LTMA.

The report describes the consultation methodology and summarises the submissions that have been received. The Hearing Panel report is summarised in **Section 5.4** and included in full in **Appendix N**.

2 Consultation Requirements

2.1 Introduction

2.1.1 The Tolling Proposal

The NZTA is the public road controlling authority responsible for state highways. The Bay of Plenty Regional Transport Committee (RTC) recommended the Regional Land Transport Programme upon which it had consulted with the public, to facilitate advancement of the design and construction of the Tauranga Eastern Link (TEL) by the implementation of tolls to meet a portion of the costs on the 12 June 2009 and the Regional Council adopted the RLTP on 24 June 2009.

This project is a key infrastructural component of the region's economic development and supports the SmartGrowth strategy for managing population growth in the Bay of Plenty region.

The TEL will provide an improved transport link between Whakatane, Rotorua, the central forestry plateau and the Port of Tauranga. It is also critical to serve the predicted growth in the sub region's SmartGrowth Eastern Corridor. This growth strategy includes:

- Papamoa East residential;
- Business Park at Rangiuuru;
- Residential and employment growth in Te Puke;
- And to relieve the towns of Te Puke and Waitangi of state highway traffic and associated high traffic flows and congestion.

TEL is a bypass of part of State Highway 2 near Te Puke. Under the Land Transport Management Act 2003, any proposal to toll a state highway requires the NZTA to lodge an application to the Minister of Transport for an Order in Council to toll the highway.

The NZTA is the public road controlling authority and is the project owner, and is being supported with this proposal to advance the construction of TEL through toll funding by its SmartGrowth partners Tauranga City Council, Western Bay of Plenty District Council and Environment BOP. The partnership's aim is to provide an efficient regional transport corridor and appropriate infrastructure to manage growth and significantly improve the level of safety for road users.

The NZTA's intent is to develop and lodge an application to the Minister for an Order in Council to toll the TEL project to meet the proposed funding package. This requires community consultation as provided in the LTMA.

In order to construct TEL as a toll road, the Land Transport Management Act requires that an Order in Council be obtained. In considering an Order in Council, pursuant to section 48(1)(c)(v) the Minister of Transport must take into account the outcome of consultation, which has been undertaken in accordance with the requirements of section 49(1) of the Act.

The TEL is listed by the Government as one of the seven Roads of National Significance (RoNS). The following list of primary elements of the Tauranga Eastern Link project is a guide to the scope of the project:

- 23 km of motorway, four lanes wide
- Eight bridges
- 150 metre long Kaituna River Bridge
- Major drainage and stormwater management including 130 small culverts and six major culverts
- Three million+ cubic metres of earthworks including two million cubic metres of imported fill
- Starts at existing Te Maunga Roundabouts and finishes at a new roundabout near Paengaroa connecting SH33 and SH2
- Approximately 550,000m² of new pavement
- Major landscaping including approximately 300,000 native plants to be planted
- Travel time savings of up to 12 minutes each way between Paengaroa and Te Maunga, depending on time of day
- Three to four seasons of earthworks will be required to finish the project
- Grade separated interchanges at Sandhurst and Domain Road
- Provision for future interchanges at Papamoa East and Rangiuru Business Park

2.1.2 Consultation Requirements under the LTMA

Section 48 (1)(c)(v) states that the Minister must not recommend the making of an Order in Council under section 46 (1) unless he or she has taken into account the outcome on consultation undertaken by the public road controlling authority.

Section 48 1 (d) states that the Minister is only to make a recommendation for an Order In Council for a tolling scheme if either the activity is included in the current National Land Transport Programme (NLTP) or the Minister is satisfied that there is a high degree of support from affected communities.

Section 49 (1) of the LTMA states “A public road controlling authority that seeks funding by way of a road tolling scheme must consult in accordance with sections 18, 18A, and 18G as if the public road controlling authority were seeking funding from [the Agency], and those sections apply with the necessary modifications”.

The NZTA must consult in accordance with sections 18, 18A and 18G of the LTMA.

Section 18 lists the parties that must be consulted.

Section 18 A(1)(a) requires the public road controlling authorities to carry out consultation in accordance with the Consultation Principles outlined in Part 1 of Schedule 2.

Section 18 A(1)(b) requires the public road controlling authority to use the Special Consultative Procedure outlined in Part 2 of Schedule 2.

Section 18 G sets out requirements for consultation with Maori.

2.1.3 Planning the Consultation Process and Coverage

The Tauranga Eastern Link Toll Consultation Strategy (Refer **Appendix A**) provided the context of the project and details the strategic approach in which the consultation team ensured information was provided to the community in accordance with the relevant legislation. It also details how the consultation was to be managed through the public submission period.

The strategy was developed with due consideration to the scale of the project; the likely users of the route having regard to traffic modelling analysis (Refer **Appendix O & P**), and the communities of interest now and in the future development of the eastern corridor.

As part of the initial preparation of the Consultation Strategy, the NZTA convened a workshop to discuss the extent of consultation and the interpretation of “affected community” in relation to the TEL project as a tolled facility. The workshop was attended by a representative of the the NZTA’s national office, lawyers from Chapman Tripp, consultants who have been managing the TEL project on behalf of the NZTA, and officers from Tauranga City Council, Western Bay of Plenty District Council and Environment Bay of Plenty.

Consideration was given to the Proposed Activity

Legal advice given at the workshop was that the activity which requires the consideration under the relevant provisions of the LTMA is the construction and operation of the TEL as a tolled road. A working definition of the proposed activity was discussed at the 26 February 2009 workshop and refined to read as follows:

- Construction and operation of the Tauranga Eastern Link as a tolled road between Domain Road and Paengaroa.
- This activity includes structures, including Kaituna River Bridge and any additional bridge structure, off-ramps, on-ramps, additional lanes, interchanges, culverts, tolling equipment, traffic signals and road hardware.

The “activity” encompasses the TEL and the elements of the project that exist only because it is to be tolled.

An aspect of the TEL project as a tolled road is that it creates the potential for the road to be constructed and operational earlier than would otherwise have occurred, and therefore effects associated with the road itself are relevant to the extent that they may occur earlier than anticipated.

Consideration was given to the Affected Regional Councils and Territorial Authorities

The workshop also identified the following Regional Councils which should be consulted as ‘affected regional councils’ under s18 of the LTMA:

- Environment Bay of Plenty
- Environment Waikato
- Gisborne

The group identified the following District Councils to be consulted as affected territorial authorities under s18 of the LTMA as:

- Tauranga City Council
- Western Bay of Plenty District Council
- Opotiki District Council
- Rotorua District Council
- Kawerau District Council
- Gisborne District Council
- Taupo District Council

Consideration was given to the Affected Community and Area of Close Geographical Proximity

The participants at the workshop considered that the potential physical and environmental effects (particularly of any traffic diversion as a result of tolling) would be experienced by communities along the TEL from Domain Road to Paengaroa, and in the vicinity of the SH2 between Paengaroa and Domain Road.

Outcomes of the workshop held on 26 February 2009 and the Traffic Modelling Analysis memo and email dated 4 February 2009 and 25 February 2009 respectively (referred to at the workshop) are included as **Appendix P**.

3 Consultation Process

A public launch of the TEL consultation process was made by the Minister of Transport on 6 August 2009. The formal consultation with the public and the period submission was started on 7 August 2009 and ended on 11 September 2009.

The consultation process was carried out through six main areas of engagement with the public:

1. Public and targeted consultation group notification through mail out of information in the form of booklets and brochures;
2. Public consultation through advertising in local and national papers and radio advertising;
3. Public information days (manned displays at five locations for fifteen days);
4. Public unmanned information displays at eight locations for four weeks;
5. Stakeholder presentations to key interested groups; and
6. Meetings with Tangata Whenua representative committees at Rotorua, Whakatane, Tauranga and Western Bay of Plenty councils.

A comprehensive consultation/communication matrix which lists out the target audience and details the tools used to reach the target audience, is included as Appendix B of the 'TEL Consultation Strategy'. A full mail out list, in accordance with Section 18 of the LTMA is available under Appendix D of the TEL Consultation Strategy.

3.1 Information Mail Outs

Information for the consultation and communications part of this project was sent to all identified stakeholder groups and all the general households in the Bay of Plenty Region, having been identified as living, working, or having an interest in the Bay of Plenty and the proposed project. Access to information and submission forms were also promoted widely, including Gisborne and Taupo which are feeders to the Bay of Plenty transportation network.

3.1.1 Tolling Booklet (Consultation Briefing Document)

A comprehensive tolling information booklet was prepared as the basis of the information available. This booklet was intended for distribution to people who had some understanding of the project, Councils, industry leaders, government partners and other organisations.

The following parties from Section 18 of the LTMA were nominated to receive a copy of the Booklet. The booklets were mailed out on 7 August 2009 (A total of 619 booklets were mailed out):

- a) Affected regional councils
 - b) Affected territorial authority
 - c) Affected approved public organisation
 - d) the Agency (NZTA)
 - e) the Commissioner (NZ Police)
 - f) Affected District Health Boards
-

- g) ACC
- h) NZ Historic Places Trust
- i) NZ Railways Corporation
- j) Representative groups of land transport users and providers (including representative groups of coastal shipping users and providers)
- l) Maori

Additional copies of the booklet were displayed at all display points both manned and unmanned around the Bay of Plenty and it was available at councils as part of this process.

The booklet was also available to anyone who wanted additional information to assist them in forming a view about the project.

The general public could request a copy of the booklet from the Tauranga Eastern Link Project Team or it could be downloaded from the web address www.nzta.govt.nz/projects/easternlink. (see section 3.2.5).

A copy of the tolling booklet is included in **Appendix B**.

3.1.2 Advisory Brochure

The brochure was designed to be engaging, easy to understand and informative in a neutral and factual way.

It contained a summary of the information in the booklet written in more simple terms and was in the main delivered from 8 August 2009 to 11 August 2009.

The brochure was sent out to the following parties, in accordance with Section 18 of the LTMA:

Table 1 - Brochure Mail Out

Sent To	Number	Delivery Mechanism
Section 18(k) Affected Communities Non-resident ratepayers in the Tauranga and Western Bay of Plenty rating databases	8,102	Mail
Section 18(k) Affected Communities All residential households in the wider Bay of Plenty area (in all of TCC, WBOPDC, Whakatane, Kawerau, Opotiki, Rotorua)	97,523	Distribution network into mailboxes.
Section 18(k) Affected Communities Business lessees	710	Mail
Section 18(k) Affected Communities Schools (NB: All other schools are under section (m) the public) Sports Organisations, Recreational Clubs & Services Organisations and Kiwi post harvest working group	102	Mail
Section 18(M) The Public Schools, business organisations, utility providers, Members of Parliament (Constituent and resident)	89	Mail

Sent To	Number	Delivery Mechanism
<p>Copies of the Brochure were also sent to the following parties listed under Section 18 (along with copies of the Booklet), so that they could be displayed in a prominent place in Council Foyers and/or distributed amongst staff members;</p> <ul style="list-style-type: none"> a) Affected regional councils b) Affected territorial authority's c) Affected approved public organisation d) the Agency (NZTA) e) the Commissioner of NZ Police f) Affected District Health Boards g) ACC h) NZ Historic Places Trust i) NZ Railways Corporation j) Representative groups of land transport users and providers (including representative groups of coastal shipping users and providers) l) Maori 	1,665	Mail
TOTAL	108,191	

To ensure maximum coverage the content of the brochure was reproduced in the Weekend Sun which has a circulation of 45,000 in the Bay of Plenty and this was to ensure that all households received a copy of the information.

The details of the brochure and booklet were also available as text on the NZTA website and people could download a PDF copy of the booklet. It was also widely available at all manned and unmanned display points throughout the Bay of Plenty, Gisborne and Taupo.

A copy of the brochure is included in **Appendix B**.

3.2 Public Advertising

There were different aspects of advertising throughout the campaign. Statutory advertising as required by the legal process included formal notification of the beginning of consultation and the timeframes allowed for consultation.

There were also general information advertisements which outlined the consultation question, the times and where people could go for open days and further information. These were repeated a number of times.

These were followed by advertisements in papers where open days were being held, to ensure that people knew where to go and when and also remainders of when the submissions process would end.

Statutory Advertising

Public notice launching consultation – two publications required.

Information Advertising

First run - half page advertisements discussing the general consultation question, dates for all open days, display points, submissions dates and contact points.

The dates are all different because some papers only publish on certain days in the week.

We were not able to release any adverts to papers prior to lunchtime on 6 August 2009 due to the formal media launch made by the Minister of Transport on 6 August 2009. All information was embargoed until the media launch had taken place. Where possible, advertisements were targeted to different areas – so Whakatane adverts would have had mention of the open days in Whakatane for example.

The **second run** of information advertisements were quarter pages in the respective papers reminding people that the consultation process was under way. These were also targeted to areas where open days were still to happen. In other areas it was a reminder advertisement.

The **third run** of advertisements was a repeat of the above quarter pages but without open days in them – just a reminder of the closing dates of submissions.

A four page advertisement was also included into the Weekend Sun on 21 August 2009. This was designed to ensure the information had been circulated throughout the Bay of Plenty as much as possible. It was felt that the distribution in Tauranga and Western Bay may have missed some people and so the decision was made to ensure every household had been covered. The Weekend Sun has a circulation of 45,000 and is distributed throughout the Tauranga and Western Bay District Council areas.

The final sets of advertisements were those advising when and where the hearings were being held. These were inserted in the papers in the public notice section.

The schedule of advertisements is listed below. All advertisements are attached as **Appendix D**.

Table 2 - Schedule of Advertisements

	Statutory Advertising for start of project Aug 09		Information advertising. (1st run) Aug 09				Information advertising (2nd run) Aug 09					Information advertising (3rd run) Sept 09					Information advertising (final run) Sept 09		
	7/8	8/8	7/8	8/8	11/8	13/8	19/8	20/8	21/8	25/8	29/8	1/9	3/9	4/9	5/9	8/9	7/10	8/10	9/10
Newspapers																			
Gisborne Herald	✓	✓		✓			✓								✓		✓		
BOP Times*	✓	✓		✓			✓								✓		✓		
Rotorua Daily Post	✓	✓		✓			✓								✓		✓		
NZ Herald	✓	✓																	
Dominion Post	✓	✓																	
Taupo Times			✓						✓					✓					✓
Weekend Sun			✓						✓					✓					
Whakatane Beacon			✓						✓					✓			✓		
Bay Weekend (Whakatane)				✓						✓					✓				
Opotiki News					✓			✓								✓		✓	
Rotorua Review					✓				✓		✓								
Te Puke Times					✓				✓		✓								
Eastern Bay News						✓		✓					✓					✓	

* Bay of Plenty Times (Tauranga & Western Bay)

3.2.1 Media Conference and Media Releases

A news media conference led by the Minister of Transport Steven Joyce was held at 10am on 6 August 2009 to announce the consultation programme. Reporters were given a media release, a question and answer sheet about the project (refer **Appendix D**), a copy of the images on a CD and copies of the booklet and brochure.

A Powerpoint presentation was presented by the NZTA Waikato and Bay of Plenty regional director Harry Wilson who then answered reporters' questions. At the end there was also an opportunity for journalists to ask questions of the spokespeople and other invited guests such as Port of Tauranga chief executive Mark Cairns and Heavy Transport operator's spokesman Derrick Dunbar.

Media releases during consultation were as follows:

5 August 2009	Media advisory issued to all media for media launch.
6 August 2009	Media release on the tolling announcement itself.
14 August 2009	Media release on open days and the level of interest.
21 September 2009	Media release on the number of submissions and themes.

3.2.2 Newspaper Articles on TEL

There have been a number of articles in various papers over the course of this project. A schedule of newspaper articles is attached as **Appendix E**, as well as copies of the main articles. Some of these were generated by formal press releases.

3.2.3 TEL Project Website

The project website (www.nzta.govt.nz/projects/easternlink) provided information on the tolling proposal, consultation process, submissions and hearing process, and the process for obtaining an OIC. A copy of the Tolling Booklet (consultation briefing document) could also be downloaded. An option to either download a submission form or make an online submission was also available through the project website.

The TEL Project page also provided a complete background on the project, its components, its benefits and what had been completed in the planning and design process to date. Maps and a google earth fly-through were also available for download to give an overview of the project and information on the location of the TEL.

In total there were 5198 visits to the project landing page. The page impressions are listed below which show the numbers of downloads and visits to the different sections of the site.

Table 3 - TEL Website Statistics

Page Views	
Landing page 5198 (Number of website visits)	5198
Google fly over (wmv file)	1776
Tell us	1234
Map	1040
Tolling the Eastern Link	647
Where does it go	612
Why do we need it	603
Find out more	361
Submission form (PDF file)	323
Timeline	289
Eastern link booklet (PDF file)	262
Contact	167

There were a significant number of online submissions submitted through the website – of the 432 submissions received from the online portal – 409 supported the tolling proposal and 23 opposed it.

The full web stats report is attached as **Appendix F**.

3.2.4 TEL Toll Free Number

NZTA had a dedicated toll free number 0800 835 865 in operation during the public consultation period. The number was manned five days a week (Monday to Friday) from 9am until 4pm. The toll free number operated from 27 July 2009 until 24 September 2009. People were able to make queries or request further information on the project as well as requesting a copy of the consultation materials.

All calls were logged and responded to. A number of verbal submissions were also made over the phone. Refer to **Appendix G** for details of all calls logged.

3.2.5 TEL Project Email

NZTA had a dedicated email www.taurangaeasternlink.govt.nz in operation during the public consultation period. People were also able to make queries, provide feedback and make a submission through the project email.

All emails were logged and responded to. Refer to **Appendix G** for details of all emails logged.

3.2.6 TEL Private Bag

NZTA had a dedicated private bag in operation during the consultation period. Submitters could post their submission forms (free post) to the private bag.

One query was sent via the private bag. This query was logged and responded to. Refer to **Appendix G** for details of the mailed query.

3.2.7 Radio Advertising

Radio advertising was used at the end of the consultation period to remind people that their submissions needed to be in by the closing date of 11 September 2009 by 5pm. There were two stations used to complete this task.

Radioworks in Tauranga covered all of the Western Bay of Plenty and Rotorua whilst 1XX covered the Eastern Bay of Plenty including Opotiki, Kawerau and Whakatane.

3.3 Information Displays

There were two different kinds of displays throughout the consultation period. In some areas there were staff available at display points on certain days. A number of posters were developed for the displays which were based on the core information used in the brochure and booklets.

Copies are attached as **Appendix D**.

3.3.1 Unmanned Displays

Summary information (including plans) was on display at the following venues for a period of four weeks from 7 August to 4 September 2009.

- Tauranga Library
- Greerton Library
- Papamoa Library
- Whakatane District Council
- Rotorua District Council
- Kawerau Library
- Te Puke District Service Centre Foyer – WBOP District Council
- Gisborne District Council
- Taupo District Council

3.3.2 Public Information Days

These events served to inform the public about the Tauranga Eastern Link Toll proposal.

This gave slightly more information than the unmanned information displays and each Open Day featured:

- A dedicated consultation stand (static display) where visitors could read information and obtain copies of the tolling booklet and/or brochure.
- A visual display of a computer model graphically showing the alignment of the new road layout as an aerial photographic in a drive through manner.
- A submissions table with space for people to fill out submission forms.

These venues were manned by two staff (Beca and the NZTA, including one technical expert).

- WBOP District Council Te Puke Area Office Foyer, Te Puke - one week including one late night, 10 -14 August 2009
- Whakatane District Council – two half days, 17 and 18 August 2009

- Rotorua District Council – two half days, 17 and 18 August 2009
- Papamoa Library – three days, 19-21 August 2009
- Mount Maunganui, Bayfair Shopping Centre – one week including a Saturday and Sunday, 22-26 August 2009

Approximately 100 people attended the open days held in WBOP District Council Te Puke Area Office from 10-14 August 2009.

Approximately 20 people attended the two (half day) open days held at Whakatane District Council on 17 and 18 August 2009.

Approximately 20 people attended the two (half day) open days held at Rotorua District Council on 17 and 18 August 2009.

Approximately 100 people attended the open days held at the Papamoa Community Centre from 19-21 August 2009.

Approximately 200 people attended the open days held at Mount Maunganui Bayfair Shopping Centre from 22-26 August 2009.

3.4 Stakeholder Presentations

Invitations to attend a presentation on the proposal were sent out in accordance with the LTMA, to all those organisations under the following sections:

Section 18(g) ACC

Section 18(j) Representative groups of land transport users and providers (incl representative groups of coastal shipping users and providers)

In addition invitations were sent to the project TEL Stakeholder Group that has been consulted on the project since 1998. The Project Stakeholder Group has representatives from the following sections of the Act:

Section 18(c) affected approved public organisations

Section 18(e) the Commissioner of NZ Police

Section 18(f) affected District Health Board

Section 18(h) NZ Historic Places Trust

Section 18(i) NZ Railways Corporation

Section 18(l) Maori

The presentations were led by The Tauranga City Council Mayor, Stuart Crosby, the Western Bay of Plenty Mayor, Ross Patterson, NZTA State Highway Manager Rod James, and Christine Ralph, Beca. Presentations were given to the groups listed below:

Table 4 - Stakeholder Presentations

Date	Time	Stakeholder
19 August 2009	10.30am	Emergency Services, Airports, Transport Operators: No Show
19 August 2009	11.30am	TCC Tangata Whenua Collective and Smartgrowth, WBOP DC Tangata Whenua. (refer Section 3.5)
19 August 2009	12.30pm	Transport Groups– Robert Monk Transport Ltd, TR Group
19 August 2009	3.30pm	TEL Stakeholder group: Ontrack, NZ Police, Federated Farmers
21 August 2009	1.00pm	TEL Stakeholder Group & Others - Fast Forward Te Puke, Te Puke Community Board, Port of Tauranga, Priority One, Tauranga Chamber of Commerce; Toi Te Ora Public Health, WBOP District Council, Te Puke Environment Forum, HEB Structures, Te Puke Police, Focus Te Puke, Te Puke Lions Club

Other presentations were also held with representatives from the parties as outlined under Section 18 (a) Affected Regional Council and (b) Affected Territorial Authority of the LTMA, and attended by a NZTA representative as follows:

Table 5 - Affected Regional Council and Affected Territorial Authority Presentations

Date	Time	Stakeholder
13 August 2009	9.00am	WBOP DC Councillors. Presented by Rod James, Nigel D'ath & Tony Brennand all from NZTA
18 August 2009	1.00pm	TCC Strategy & Policy Committee Presented by Nigel D'Ath NZTA and John Hannah Impact Consulting
20 August 2009	10.00am	EBOP RTC Presented by Kevin Reid & Rod James both from NZTA
25 August 2009	2.00pm	Taupo District Council Presented by Nigel D'Ath from NZTA
26 August 2009	1.00pm	Whakatane District Council Presented by Kevin Reid NZTA and Dana Kirkpatrick ExpressPR
3 September 2009	1.00pm	Gisborne RTC Presented by Rod James NZTA
7 September 2009	1.00pm	Rotorua DC Presented by Kevin Reid

*The Q and A's and/or minutes from these presentations are included in **Appendix H**.

3.5 Tangata Whenua/Maori

The following table outlines the consultation meetings/presentations held with the Tangata Whenua/Maori.

Table 6 - Meetings/Presentations held with Tangata Whenua/Maori

Date	Time	Stakeholder
6 August 2009	10.15am	Whakatane Iwi Liaison Committee Presented by Kevin Reid NZTA
12 August 2009	12.00pm	Rotorua Iwi - Te Arawa Standing Committee Presented by Kevin Reid NZTA & Dana Kirkpatrick ExpressPR
17 August 2009	10.00am	TEL TWAG Presented by Kevin Reid NZTA and Christine Ralph Beca
19 August 2009	11.30am	TCC Tangata Whenua Collective & Smartgrowth, WBOPDC Maori Forum Tangata Whenua. Presentation held with The Tauranga City Council Mayor, Stuart Crosby, the Western Bay of Plenty Mayor, Ross Patterson and Rod James, State Highway Manager NZTA and Christine Ralph, Beca

*The Q and A's and/or minutes from these presentations are included in **Appendix I**.

A copy of the invitation to a stakeholder presentation was also sent individually to the TCC and WBoP Tangata Whenua Collective Members as identified in section **3.1.1**.

4 Summary of Submissions

This section of the report provides a summary of all submissions received during the submission period from 7 August 2009 to 11 September 2009. A copy of the Submission Process is included as **Appendix K**.

4.1 Number of Submissions Received

The following table shows the number of submissions received and whether or not the submission supported or opposed the proposal to toll the road (or did not indicate a position).

Table 7 - Submission Summary

Supportive Submissions	Number	Percentage
<i>Support</i>	2936	
<i>Comments of support</i>	65	
<i>Conditional support</i>	300	
<i>Two submissions*</i>	10	
Total Supportive	3311	93.56%
Non-supportive Submissions		
<i>Do not support</i>	198	
<i>Comments of non-support</i>	13	
Total Non-supportive	211	5.96%
Other		
<i>No preference stated</i>	12	
<i>Conflicting submission - both for and against</i>	5	
Total Other	17	0.48%
Total Submissions	3539	100%

* 1 support, 1 conditional support

** Excludes both 12 late submissions and 132 informal submissions received where no name or contact details or submission information was given.

4.2 Number of Submitters Wishing to be Heard

102 (3%) submitters requested to be heard in support of their submissions. Of these, 50 submitters verbally presented their submission to the panel, with the other submitters who had arranged to be heard deciding not to be heard or not appearing. The Hearing Process is discussed in section 5.

4.3 Support and Non-Support for TEL as a Toll Road

4.3.1 Support

The following is a general summary of the main reasons given by submitters for supporting the toll proposal to advance the timing of the construction of TEL for further information refer to the Hearings Panel Report at **Appendix N**.

- Improved road safety and reduced accidents.
- Efficiency in travelling to the Port.
- Reduced travelling time and reduced congestion (currently significant congestion particularly at peak times).
- Economic benefits to the Western Bay, Eastern Bay and the wider region.
- Removal of traffic, particularly heavy traffic, from Te Puke and Waitangi. Benefits of reduced noise and reduced pollution.
- Road users will have a choice whether to pay the toll, as a viable alternative to the untolled route is available.
- Supportive of the principle of user pays.
- The new road is needed now; get on with it.
- Commercial businesses supporting as it will provide them with a direct economic benefit. This includes some transport companies which anticipate the ability to complete one additional return journey per day due to travel time savings.
- Conditional support – conditional on improvements elsewhere within the Eastern Corridor transport network (refer separate issue in issues analysis).
- TEL will support the planned growth of the Western Bay of Plenty sub-region and particularly the proposed residential and business development in the Eastern Corridor.
- TEL is an important part of the SmartGrowth 50 year growth management strategy. The consequence of not having the TEL in a timely manner would be piecemeal development with a lack of integration between the land use pattern and essential transport infrastructure.
- Tolling of TEL is consistent with the Regional Land Transport Strategy.
- TEL meets the government strategic goals of assisting economic development, improving safety, improving access and mobility, protecting and promoting public health and ensuring environmental sustainability.

4.3.2 Non Support for Toll Proposal

The following is a summary of the main reasons given by submitters for not supporting the toll proposal.

- The TEL should be 100% funded by the National Land Transport Fund.
- Spending this level of money is inappropriate when the country is in a recession.
- Already taxed too much by central and local government. A road toll is just another tax.
- "Bureaucratic blackmail" to say supporting the tolling proposal will enable construction to start early.
- Huge costs which are not justified in terms of benefits.
- There are cheaper improvement options to the transportation network which should be considered and pursued.
- Rail should be utilized instead of building more roads.

4.3.3 Submission Analysis of Issues Raised

An analysis of all submissions was completed with the following identified (refer to the Hearing Panel Report in **Appendix N**).

Issues raised by submitters for consideration by the Hearings Panel

The issues raised were as follows (also refer section 5.5 of this report):

- 1) Tolling to advance Construction – Support or otherwise
 - 2) Proposed Charges
 - (a) Level of Toll
 - (b) Concessions
 - (c) Motorcycles
 - (d) Free period
 - (e) Toll free periods of the day
 - 3) Construction timing – bring it forward
 - 4) Funding
 - (a) User pays
 - (b) Government funding systems (road user charges / petrol tax)
 - (c) Expect tolls to come off at the time when the project would have been eligible for central; government funding
 - (d) Funding responsibility for interchanges
 - (e) Public / Private partnership
 - 5) Funding period
 - (a) Timing of Toll removal
 - (b) Accountability and transparency
 - 6) Toll Payment Method – type of system and ease of payment
 - 7) Gantries – location – comments / suggestions
 - 8) Extent of project
 - (a) Future growth
 - (b) Transport corridor improvements beyond the current scope of Tauranga Eastern Link
 - (c) Outside of consultation scope
 - (d) Staging – for the provision of number of lanes
 - (e) Staging – proceed with Papamoa East Interchange
 - 9) Existing roads
 - (a) Existing State Highway 2 through Te Puke – ownership and maintenance
 - (b) Ownership and maintenance – local roads
 - 10) Construction
 - (a) Mitigation effects – comments/suggestions
 - (b) Procurement – comments / suggestions
 - 11) Transport network management
 - (a) Local roads
 - (b) Cycleway provision
 - (c) Other sub-regional transport corridors and roads
 - (d) SmartGrowth eastern growth corridor transport network issues
 - 12) Traffic management
 - (a) Heavy vehicle usage
 - (b) Directional signage
-

- 13) Route selection – other alignments – comments / suggestions
- 14) Tolling construction – comments / suggestions

Issues outside of the proposal scope

Issues that were raised in submissions that fell outside of the scope of the TEL Toll Proposal have been identified in Attachment 3 of the Hearing Panel Report – ‘Schedule of Submission Issues Raised Outside the Scope of the Proposal’ (refer **Appendix N**).

Submitters wished to advance matters such as:

- Road as a mode of transport as against say rail.
- Some of the physical attributes of the proposed motorway.

The Hearing Panel identified that there were some issues which may be outside the strict scope of their terms of reference, but which they considered sufficiently critical, and are subject to further comments. The Hearing Panel referred in particular to:

- Immediate traffic flow-on effects which are likely to become critical as soon as the TEL is opened:
 - The state and status of that part of SH2 which will be by-passed by the proposed motorway
 - Bayfair interchanges
 - SH 33
 - Girven Road
 - Ontrack

The Hearing Panel commented that these issues are clearly current for the immediate users of that part of the transport network referred to and in the case of the first two, are likely to give rise to vigorous public debate.

- Provision of suitable exit points for any mass emergency evacuations of the residential area of Papamoa East. The Hearing Panel stated that this issue needs investigation and if appropriate, addressing.
- Cycleway. A number of submitters raised concerns about the provision of an adequate cycleway. The Hearing Panel were provided with a copy of the TCC Integrated Transport Strategy which includes a Walking and Cycling Network Plan showing proposed cycle routes in the area. The Hearing Panel advised that after having seen the strategy they were satisfied that adequate provision is being made.

5 Hearing of Submissions

5.1 Hearing Dates

The hearings were held at the following times and dates;

- Monday 12 October 2009 9.30am – 5.00pm
- Tuesday 13 October 2009 9.00am – 5.00pm
- Wednesday 14 October 2009 9.00am – 5.00pm

Non-attendances resulted in the actual hearings times being somewhat shorter. The details of those who spoke in support of their submission are included in **Appendix J**.

The hearings and deliberations were held in the Hotel Armitage, Domain Room, 9 Willow Street, Tauranga. Submitters who could not attend the hearings in person were able to telephone in to the hearing on speaker phone. The hearing and deliberation dates, times and location were publicly notified in the daily newspaper and were open to the public.

5.2 Submissions Hearing Panel

The Submissions Hearing Panel was appointed by NZTA and consisted of three members:

- Doug Arcus, Chairperson
- Graeme Ridley, Ridley Dunphy Environmental Limited
- David Hill, Hill Cooper Ltd

Doug Arcus was a partner and Barrister at McCaw Lewis Chapman responsible for all of the planning work in the firm, before retiring. Doug specialised in Environment Law – most cases involving planning, resource management and local government jurisdiction. Doug is a highly respected commissioner appointed by a vast number of local authorities throughout New Zealand.

Graeme Ridley has 19 years experience in environmental management, resource consents and compliance, and senior management in local government. Graeme's specialist areas include urban development, hearing commissioner, policy analysis, the investigation and reporting of complex environmental and corporate issues, and all aspects of statutory approvals under the RMA 1991. Graeme was appointed as a Hearing Commissioner for the application by the NZTA for Tauranga Eastern Link (formally TEM) to Environment Bay of Plenty in 2008.

David Hill has 30 years experience in public policy and legislation development, environmental and resource management assessment and decision making and institutional reform. David is a specialist in strategic environmental planning with significant experience at the regional and international level. David was appointed Hearing Commissioner (Chair) for the application by NZTA for Tauranga Eastern Link (formally TEM) to Environment Bay of Plenty in 2008.

Advisors to the panel were:

- Maria Horne, Tangata Whenua Representative
- Rod James, State Highway Manager – NZTA
- Tim Haig, Project Manager – Beca

5.3 Hearing Panel's Agenda

The Hearing Panel was presented with the following reports:

- Tauranga Eastern Link Process and Submissions Report.
 - This report presented copies of all the submissions received (in full). It also provided information on the submissions and hearings process (refer **Appendix K**).
- Tauranga Eastern Link Submissions Analysis Report (refer **Appendix L** 'Hearings Agenda' Item 4).
 - This report provided a short description of the issues raised in the submissions, a list of the submission numbers where the issue was raised and an 'Advisory Comment'. The 'Advisory Comment' had been prepared by the technical staff involved in the Tauranga Eastern Link project. The 'Advisory Comment' is a factual statement based upon the best information available.

5.4 Hearing Panel's Report

The outcomes of the hearing and consideration process comprise the following:

- Minutes of the Hearing Panel's considerations – **Appendix M**
- Hearing Panel Report – **Appendix N**

which are summarised below.

The Hearing Panel report considered each of the issues in the submission analysis as detailed in Section 4.3.3. In considering each of the issues the panel has, where appropriate added:

- Responses to any significant questions which were asked in respect of the issue; and
- Comments, if any, on the issue.

The Hearing Panel's Report identified two strategic issues, being:

- (a) The outcome of public consultation to tolling overall; and
- (b) Equity issues.

5.5 Summary on the Outcome of Public Consultation to Tolling TEL

The Hearing Panel report provides a summary as to whether the submitters supported or opposed the TEL toll proposal. The main reasons given by submitters for supporting the toll proposal or not were listed (refer section 4.3 of this report).

The Hearing Panel discussed the issues on national and regional strategies and policies as well as on safety and concluded that:

- Earlier completion of the TEL through tolling would deliver a direct benefit to exporters and importers much earlier than would be the case with no toll provision.
- Assuming that the TEL may not be otherwise funded, the Hearing Panel consider that the tolling of the TEL is a necessary component of the TEL funding mechanism to:
 - Facilitate growth of the Eastern Corridor
 - Provide improved linkages to the Eastern Bay of Plenty and Rotorua area; and
 - Improve access to and from the Port of Tauranga

Further, the Hearing Panel view is that TEL is consistent with the national and regional policy direction and tolling is considered as an appropriate way to facilitate these policies and provide for the anticipated regional economic development, growth and safety objectives.

The Hearing Panel considered all the submissions lodged and consider that they have adequately assessed these through their discussions. The Hearing Panel advised that primary opposition was centred around the toll provision itself and the impact of the TEL on surrounding road networks.

Opposition to the tolling proposal was based around the cost, administration issues associated with the toll provision, and the wish of individuals to not pay any toll provisions. The Hearing Panel noted the provision of an alternative route to the TEL and also considered in detail material supplied by the technical advisors with respect to the funding options and the associated business case. While the cost of collecting tolls is a reality of a toll operation, the Hearing Panel considers that this is adequately addressed in the draft Outline Business Case provided to them by the NZTA.

The Hearing Panel concluded from the submission process that there is a relatively high level of community support for tolling the TEL – although the Hearing Panel noted that “numbers” alone do not necessarily reflect the strength of the arguments about tolling.

5.6 Summary of Equity Issues

5.6.1 Toll Payers

A number of essentially equity issues were raised by submitters. The Hearing Panel categorised these into the following issues:

- (a) Future Papamoa East residents
- (b) Rangiuru Business Park
- (c) Concessions

By equity issues the Hearing Panel refer to questions raised about the ‘fairness’ of charges and/or effective exemption on segments of the potential user population. The Hearing Panel noted that the ‘fairest’ system is one that, in principle, treats all users equally and only differentiates for good reason – the differentiation between trucks and cars is such an example.

- (a) Future Papamoa East residents

The current proposal is to place a single tolling gantry at a point intermediate between the Kaituna River and the proposed Rangiuru Business Park – i.e. east of the proposed Papamoa East interchange.

Submitters raised two equity issues:

- i) Is it fair that a substantial new population is thereby provided with a free ride?
- ii) Is it fair that development that is only permitted to proceed once the TEL is built – and is therefore a direct beneficiary of the TEL (i.e. receiving undoubted betterment) – does not contribute through tolls?

The Hearing Panel were advised by the NZTA that a second gantry either at or west of the proposed Papamoa East interchange has been considered but is not, at this stage, programmed. The Hearing Panel considered that the matter should be kept under continuous review as the cost equations and development scenarios are likely to change as the project

moves forward and may reverse by the time the Papamoa East interchange is actually required and built.

(b) Rangiuru Business Park

There is to be an interchange at Rangiuru. The situation with respect to the proposed Rangiuru Business Park therefore raised similar equity questions to those noted above in the sense that it too cannot fully develop until the TEL is built and traffic to and from the south will have access to TEL short of the proposed toll gantry.

The Hearing Panel was advised that the NZTA's position on this issue was similar to that described above, but with the added cost-recovery complication that the distance between the south-eastern end of TEL and the Rangiuru Business Park is not significantly shorter than the same distance via SH2 and the distance between the south-eastern end of TEL and the proposed Rangiuru Business Park Interchange is only approximately 1.5 Km.

The Hearing Panel thinks that the reasoning fully justifies the present position of NZTA.

(c) Concessions

A number of submitters argued for various concessions. The Hearing Panel was advised by the NZTA that as the electronic system tracks vehicles rather than people, it is not practical to manage the fine differentiation concessions would introduce.

The Hearing Panel agreed that administrative overheads, and ease of use and payment should not readily be compromised but considered that the non-concession policy be kept under review in the event that technological adaptations become available that enable more flexibility in this area.

5.6.2 Tolling Period

Many submitters argued that the tolling period should only endure for the period up to when the TEL might otherwise have been programmed for full NLTP funding.

The Hearing Panel considered that the intended criterion for eventual removal of the toll should be made absolutely clear to the public at the outset – accepting that political and other factors may change that intention in the future.

5.6.3 Toll Differentiation Between Vehicle Types

The Hearing Panel considered that there would be a relatively high level of community support and acceptance for the following toll structure:

- Heavy traffic \$5.00
- Cars \$2.00
- Motorcycles \$0.00

6 Legislative Requirements for Toll Consultation

Table 8 - Legislative Requirements for Toll Consultation

Subject	Sections of LTMA	Information required from road controlling authority	Section of Consultation Report
Outcome of the consultation process undertaken	s.48(1)(c)(v)	Information on the outcome of the consultation undertaken	Section 4 Section 5.5 Section 5.6
Consultation requirements	s.49(1) refers to s18	Information on the consultation requirements.	Section 2 Section 3
	s.18	The parties consulted	Section 3.1
	s.18A(1)(a)	Consultation principals	Section 3
	s.18(A)(1)(b)	Consultative procedures	Section 2.1.1
	s.18G	Consultation with Maori	Section 3.1 Section 3.5

This table has been reviewed and approved by staff from Tauranga City who provided services to NZTA for the management of the consultation submissions and hearings for NZTA.

The consultation, submission and hearings requirements of the LTMA mirror those of the Local Government Act (LAG) with which Tauranga City democracy staff are very familiar and skilled. Their processes are subjected each year to NZ Audit department audit. Tauranga City processes are confirmed by Audit NZ as being fully in compliance with the LGA requirements.