

SECTION 15.4 ROADING CONTRIBUTIONS

15.4.1 INTRODUCTION

Where new allotments, existing allotments or Proposed New Development Areas are developed for land use activities, traffic generated from the land use activities may give rise to demand for the provision of new roads or accessways, or the upgrading of existing roads which the development sites front on to, in order to connect the development sites to the District Roading Network. Traffic generated from the development of sites can also have a cumulative effect on the wider District Roading Network, which may require works to be carried out on it to ensure that it can accommodate the additional traffic.

The Resource Management Act 1991 requires the Hastings District Council to manage the effects of subdivision and development in a manner which promotes the sustainable management of natural and physical resources. Among the powers conferred on the Council to manage effects, is the power to require financial contributions as a condition of subdivision consents, permitted activities or resource consents. Financial contributions may be in the form of money or land.

This section of the District Plan provides Objectives, Policies and Rules for taking financial contributions for roading from subdividers and developers. This is to ensure that subdividers and developers pay their fair and reasonable share of the costs of providing new roads or accessways, or upgrading existing roads within the roading network, which are necessary to accommodate traffic generated from new land use activities, and to avoid, remedy or mitigate any adverse effects of traffic on the environment.

15.4.2 RESOURCE MANAGEMENT ISSUES

- ***New subdivisions, developments and rezonings can create demands for the provision of new roads or accessways, or the upgrading of existing roads.***

Where existing or new allotments are developed, it may be necessary to provide new roads or accessways within the sites in order to connect them to the existing roading network, and to provide safe and practicable access for vehicles, pedestrians and cyclists to and from each site. Where existing road(s), which the site(s) front on to, are not of a sufficient design or construction to accommodate the additional traffic which will be generated from development on the sites, it may be necessary to upgrade these road(s) to ensure that they can accommodate their new, more intensive level of use. Increases in traffic generated from the new developments will also have a cumulative effect on the wider District Roading Network, by either utilising existing, spare capacity in the network, or necessitating an increase in the level of capacity provided by the network to accommodate the additional traffic. It is important that the roading infrastructure is sustained at a level of service which provides safe, practicable and convenient travel for those using it, and which mitigates any potential adverse effects of the road and its use on adjoining land use activities.

- ***The costs of providing new roads and accessways, or upgrading existing roads, to meet the needs of new subdivisions, developments or rezonings, should not be borne by ratepayers.***

Where new or upgraded roads are needed to meet demand from new subdivisions, developments or rezonings, the costs associated with providing these should not be borne by ratepayers. Instead, subdividers and developers should pay their fair and reasonable share of the costs. For example, where a road would only benefit land use activities within that specific development, it would be fair and reasonable to expect the developer to fund the total costs of constructing that road. Subdividers and developers, however, should not be required to contribute towards the costs of meeting existing shortfalls in the roading infrastructure, which would exist irrespective of any new development occurring.

- ***The Use and Development of Existing Unformed Legal Roads***

The District contains a large number of Existing Unformed Legal Roads. Increasing subdivision in rural areas of the Hastings District has generated demand for these to be formed. The Council needs to ensure that the developers who reap direct benefit from the utilisation of these roads contribute fairly and equitably to their construction.

- ***The time of taking roading contributions.***

Taking roading contributions from subdividers or developers as early as possible (at the subdivision or resource consent stage) can have the following benefits:

- it can reduce the rating burden on the community as the Council can recover the roading costs from subdividers or developers more quickly
- it can allow the roading infrastructure to be put in place or upgraded in advance of the anticipated development occurring.

15.4.3 OBJECTIVES

- *RCO1 To maintain the efficiency and effectiveness of the roading network, as new development creates additional demand and generates additional traffic onto the network.*
- *RCO2 To ensure that subdividers and developers pay their fair and reasonable share of the costs of providing roads or accessways, or upgrading existing roads, to meet demands from traffic generated from the development of subdivision sites and to avoid, remedy or mitigate adverse effects on the environment.*
- *RCO3 To encourage the efficient use of existing, unformed legal roads ('paper roads') in the Hastings District which are formed in response to demand from new subdivisions or developments.*

15.4.4 POLICIES

- **RCP1 Require subdividers and developers to pay the full costs of connecting each proposed new allotment or development site to the existing, formed legal roading network in the Hastings District.**

Explanation

The subdivision standards for property access in the District Plan require each new allotment or development to be connected to an existing, formed legal road which is part of the District Roding Network (defined in Section 2.5 of the District Plan on Transportation). This may necessitate the construction of new roads within the site. Whether the roads within the site are retained as private roads, or are required to be designed and constructed to Local Road standards to be vested in the Council, the Council will require subdividers or developers to pay the full costs of providing these roads.

- **RCP2 Discount the cost of forming unformed legal roads where subdividers and developers utilise them in order to connect the new allotments or the development sites to the existing, formed legal roading network.**

Explanation

Where a subdivision or development utilises an unformed legal road (or 'paper road') to connect each new site or development to the existing formed legal roading network, the

Council will provide a discount to subdividers or developers on the full cost of forming the road, with the amount of discount being relative to the number of new sites or developments which will utilise the formed road (i.e. the greater the number of sites or area of development which utilise the formed road, the greater the discount given to them). The maximum amount of discount that will be given to any subdivision or development will be 50%.

This policy is intended to encourage the efficient use of existing, unformed legal roads in the District which are formed by the Council in response to demand from new subdivisions or Papakainga developments, by rewarding subdividers or developers who make more intensive use of them.

- RCP3 Subdividers and Developers will be generally required to construct any Structure Road shown on an approved Structure Plan (shown as an Appendix to Section 15.1) for any Proposed New Urban Development Area (defined in Section 2.4 - Appendix 2.4-1) to the standard specified in the Engineering Code of Practice for subdivision and Land Development (November 1997) or on any approved Structure Plan and vest the road to Council.**

Explanation

In order to ensure the effective and efficient development of Proposed New Urban Development Areas the Council may identify Structure Roads on a Structure Plan. These provide key roading and service infrastructure corridors for development. Where the subdivision and/or development of any land over which a structure road is identified the subdivider or developer, after consultation with Council, as to the final location of the road, will be required to construct that portion of the route included in land within the proposal, and vest the road to Council.

Construction will generally be required to comply with the standards established in the Engineering Code of Practice for Subdivision and Land Development (November 1997), or to the standard specified in the Structure Plan. Where the requirements exceed these for a Local Road as defined in the District Roading Hierarchy, the cost of the difference between constructing a local road and constructing a road to a standard higher than a local road will be met by the Council through the Development Area Roading Levy.

- RCP4 Subdividers and Developers in Proposed New Urban Development Areas will be required to pay a Development Area Roading Levy to contribute towards the cost of extending and/or upgrading the District Roading Network within and beyond the Proposed New Urban Development Area (Appendix 2.4-1) that enables the Development of the Proposed New Urban Development Area.**

Explanation

Traffic generation associated with the development of any Proposed New Urban Development Area may cause additional pressures on the District's Roading Network beyond the immediate area. Where these are proposed roads, or proposed road widenings, intersection upgrades or designated roads identified to manage the traffic increase directly associated with and facilitating a Proposed New Urban Development Area, the Council shall charge a Development Area Roading Levy to subdividers and developers within the Proposed New Urban Development Area.

The cost of any additional work to the wider network will be apportioned between the benefits, derived by the Proposed New Urban Development Area, and by the wider community.

In addition the same Structure Roads may be required to be constructed at standards greater than that required to service their immediate roading requirements. The Council will contribute to the cost of providing this additional capacity and will recover these costs across the wider Proposed New Urban Development Area.

- RCP5 Where new road reserves or road reserve carriageway amenities are needed to be provided or upgraded to accommodate new subdivisions or developments, subdividers or developers will be required to meet these costs.**

Explanation

Existing, formed legal roads, which a subdivision site or development site can be connected to, may need to have the road or any associated carriageway criteria upgraded to ensure that it will have sufficient capacity to accommodate the additional traffic expected to be generated by land use activities on the site. The Council will take a contribution towards the upgrading of existing roads if deemed necessary. The fee shall be calculated on the basis of the length of road having adjacent frontage to the site. This shall be equal to the cost of upgrading the road to the required standard as prescribed in the Engineering Code of Practice for Subdivision and Land Development (November 1997).

Where the existing public road is not required to be upgraded to accommodate the subdivision or development, or where the road has already been identified in the Council's Five Year Roding Works Programme as requiring upgrading works due to existing shortfalls in the traffic capacity of the road and road carriageway criteria (and the planned upgrade would ensure that the road would have sufficient traffic capacity to accommodate the new development), then no Off-Site Roding Fee will be taken. This will not however, exclude the need to pay a District Roding Fee, as explained in RCP6 below.

- RCP6 Increases in traffic generated from the development of land for developments that can have a cumulative effect on the wider District Roding Network will be addressed by requiring roding fees.**

Explanation

In the future, additional residential development will either utilise existing spare capacity in the network, necessitating an increase in the level of capacity provided by the network, or require changes in the design or construction of roads in the infrastructure, to accommodate the additional traffic. It is important that the roding infrastructure is sustained at a level of service which provides safe, practicable and convenient travel for those using it, and which mitigates any potential adverse effects of the road and its utilisation on adjoining land use activities. Sustaining the District-Wide Roding Network can create additional costs for the community.

A contribution, in the form of a District Roding Fee, will therefore be taken as a condition of subdivision consents in all zones, and as a condition of Permitted Activities or Resource Consents for every second and subsequent Residential Building (excluding Secondary Residential Buildings) on any site in the District, in order to ensure that the costs of sustaining the roding asset, to accommodate the effects of more intensive traffic use generated from new developments are contributed to by those new developments in a fair and reasonable way. This will ensure that the community does not carry any additional roding costs incurred by new developments.

The District Roding Fee will be payable per new allotment created and calculated using the Council's Asset Management Plan which identifies roding works and their costs for sustaining the District Roding Network over the next 20 years. The fee will be taken as a 'one-off' flat fee contribution from subdividers and developers, which is their fair and reasonable share of the average yearly costs of mitigating the potential adverse effects of the increased traffic on the roding network. Landowners or occupiers will then continue to contribute annually to the maintenance of the District Roding Network through their rates. The amount of District Roding Fees taken will vary according to the area of the District (Urban, Plains or Rural) in which the subdivision or development site is located.

- RCP7 Regularly monitor and review the Development Area Roding Levy and District Roding Fee to ensure that they are relevant to the actual costs of providing and maintaining an effective and efficient District Roding Network.

Explanation

The amount of Development Area Roding Levy and District Roding Fees taken from new subdivisions and developments will be monitored and reviewed regularly to ensure that they are relevant to the actual costs of carrying out roding works which are necessary to ensure that a District Roding Network is provided which can accommodate additional traffic that is expected to be generated by new development. The Fees may be changed in accordance with any changes in the actual costs for providing an adequate District Roding Network and any changes in the Cost Construction Index. Any necessary adjustments to the amounts payable will be included in the Council's Annual Plan. A complete review of the fees will be undertaken every three years in accordance with the review of the Council's Asset Management Plan. Any amendments to the basis on which the fees are taken will be introduced by way of a formal change to the District Plan.

- RCP8 Subdividers and Developers in new Rural Residential Areas will be required to pay a specific District Roding Fee in addition to the general District Road Fee applicable for the Rural Residential Zone, when the effects of future development necessitate the extending or upgrading of the District Roding Network or Roding Networks of adjoining authorities.

Explanation

Traffic generation associated with the development of any new Rural Residential Area may cause additional pressures on the District's Roding Network beyond the immediate area. In some instance where the development is immediately adjacent to another District, it may cause additional pressures on an adjacent Territorial Authority's Roding Network. Where the traffic generation necessitates road widenings, realignments or intersection upgrades to manage the traffic increase directly associated with a rezoning, the Council shall charge a specific District Roding Fee to subdividers and developers within the rezoning area. When appropriate, the Hastings District Council will require written confirmation that any relevant specific District Roding Fees necessary to mitigate against the roding effects of a subdivision on an adjacent Territorial Authority's roding network has been paid to that Territorial Authority prior to the issue of Section 224 approval under the Resource Management Act 1991.

The cost of any additional work to the wider network will be apportioned between the benefits, derived by the subdividers and developers of the rezoning area, and by the wider community.

15.4.5 METHODS

These Objectives and Policies will be implemented through the following methods:

- **Hastings District Plan**
Subdivision and Land Development (Section 15.1): This section establishes the Objectives, Policies and Rules that control the subdivision and development of land. The requirements for Roding Contributions are exercised at the time of subdivision.
- **Engineering Code of Practice for Subdivision and Land Development (November 1997)**

Forms part of the District Plan and establishes Performance Standards for the design and construction of roads and carriageway criteria to enable compliance with the Objectives and Policies of the District Plan.

- **Hastings District Roding Hierarchy**

Classifies roads within the Hastings District Roding Network depending on their function, location and traffic carrying capacity. The hierarchy adopts a four-level classification: Regional Arterials, District Arterials, Collector Routes, and Local Roads. Every new road constructed will also be identified against the Roding Hierarchy (See Section 2.5 and Maps 92 and 93) and will need to be designed and constructed to the appropriate standard established in the Council's Engineering Code of Practice for Subdivision and Land Development.

- **Hastings District Roding Strategy**

Identifies existing roads within the Hastings District Roding Network, and any intended changes to their status under the District Roding Hierarchy over the next 20 years. The Roding Strategy also identifies any new roads that are planned for construction over the next 20 years and their intended status under the Roding Hierarchy.

- **Structure Plan**

Proposed New Urban Development Areas (Section 2.4) which are rezoned residential may have Structure Plans developed for them. These will identify the preferred location and outcomes for key infrastructural elements occurring in them. Subdividers and Developers will need to have regard to these, and their outcome in the design and placement of roads within a Proposed New Urban Development Area, and shall be required to construct these to appropriate standards. Any approved Structure Plans will be added as Appendices to Section 15.1.

- **Asset Management Plan for Roding**

This identifies Hastings District Council works that are planned for the District Roding Network, including the costs of the works, over the next 20 years.

- **Five Year Roding Works Programme**

This identifies Hastings District Council roding works that are planned for the next five years, including the cost of the works. This programme is updated by the Council annually through the Annual Planning Process.

- **Hastings District Council Annual Plan**

Identifies roding works which are planned to be carried out over the next financial year in the Hastings District by the Council, including the amount of funding that has been budgeted for these works.

15.4.6 ANTICIPATED OUTCOMES

It is anticipated that the following specific outcomes will be achieved:

- Fair and reasonable apportionment of costs between ratepayers, subdividers and developers for roding.

- Provision of a District Roding Network which is capable of meeting demand for roding from traffic generated from new subdivisions and developments in the District.
- Provision of a roding infrastructure which is sustained at a level of service which provides safe, practicable and convenient travel for vehicles using it, and which mitigates any potential adverse effects of the road and its utilisation on adjoining land use activities.

15.4.7 RULES

The following rules shall apply.

15.4.7.1 ON-SITE RODING

(a) Construction Of Private Accessways Or Local Public Roads Within Subdivision Or Development Sites

At the creation of a new site by subdivision or where development is undertaken on any site the owner shall pay the full costs of constructing any private accessways or Local Public Roads within the site which are necessary to comply with the standards for Property Access in the District Plan.

(b) Construction Of Vehicle Crossings

At the creation of a new site by subdivision or where development is undertaken on an existing site the owner shall be required to fund the construction of any vehicle crossings, from the edge of an existing or proposed public road to the boundary of every site, which are necessary to comply with the standards for Property Access of the District Plan.

(c) Construction Of Structure Roads Within Subdivision Or Development Sites

Where a subdivision or development site includes land which is identified as being required for a Structure Road identified in an approved Structure Plan (as an Appendix to Section 15.1) the owner shall be required to fund, construct and vest the road to the Hastings District Council.

A Structure Road shall generally be constructed to comply with the standard established for local roads in the Engineering Code of Practice for Subdivision and Land Development (November 1997) or to the standard specified in the Structure Plan.

Where any Structure Road is required to be constructed to standards greater than that for a Local Road in the Engineering Code of Practice for Subdivision and Development (November 1997) the Council shall contribute to the additional cost from the Development Area Roding Levy.

15.4.7.2 UPGRADING OF EXISTING ROADS

When a new site is created by subdivision or where development is undertaken on any site that has frontage to an existing road (excluding legal unformed roads) the owner shall be required to meet the full cost of upgrading the road with frontage to the subdivision site or development to the appropriate carriageway criteria, as defined in the Engineering Code of Practice and for Subdivision and Land Development (November 1997) for the road (as defined by the roding Hierarchy in Section 2.5 of the District Plan). The full costs for upgrading that part of the roads with frontage to the site to the required standard shall be calculated and charged per lineal metre of road frontage of the site. In the case of subdivision within the land subject to the Parkhill Rural Residential Zone Concept Plan (Appendix 15.1-4), the costs of upgrading the Parkhill Road – Raymond Road intersection to the appropriate sightline criteria, as defined in the Engineering Code of Practice for Subdivision and Land Development (November 1997) shall be charged upon

subdivision, proportional to the additional vehicle movements anticipated to be generated by the subdivision and subsequent development.

Where an existing public road does not need to be upgraded to accommodate traffic expected to be generated from a development, or where the road has already been identified in the Council's Five Year Roading Works Programme as requiring upgrading works, due to existing shortfalls in the traffic capacity of the road (and the planned upgrade would ensure that the road would have sufficient traffic capacity to accommodate the new development), then no contribution to the upgrading will be required.

15.4.7.3 UTILISATION OF EXISTING UNFORMED LEGAL ROADS

Where subdividers or Papakainga developers utilise an existing, unformed legal road (paper road) to connect each new allotment or Papakainga development site to the existing, formed legal roading network (in accordance with Rules 15.1.9.5 and 13.1.7.6.3 on Property Access), the subdivider or developer shall pay the following contributions towards the costs of forming the road.

Number of allotments (excluding balance allotments) or Papakainga Household Units which will have frontage on to the new road	% Discount	% Costs Subdivider or Developer are to Pay
1-5	5%	95%
6-10	10%	90%
11-20	20%	80%
21-30	30%	70%
Over 30	50%	50%

15.4.7.4 DEVELOPMENT AREA ROADING LEVY

The following Development Area Roading Levy shall be payable on the creation of a new site or development site for upgrading of existing roads and the provision of new roads associated with and facilitating the Proposed New Urban Development Areas (identified in Appendix 2.4-1).

Proposed New Urban Development Area	Development Area Roading Levy on Subdivision
Arataki	\$14,812 plus GST per hectare
Lyndhurst	\$30,203+GST per hectare

Where a Development Area Roading Levy has been paid on an existing site or development within the previous 10 years in accordance with this rule the value of that fee shall be credited against any Development Area Roading Levy required to be paid per site or development site pursuant to this rule.

15.4.7.4A SUBDIVISION AND DEVELOPMENT IN THE GODDARD LANE PROPOSED NEW URBAN DEVELOPMENT AREA (as shown in Appendix 2.4-1)

The following Development Area Roading Levies shall be payable for the upgrading of existing roads and the provision of new roads associated with and facilitating the Goddard Lane Proposed New Urban Development Area for the following sites (and any subsequent subdivisions thereof):

(a) Set Development Area Roading Levy

Legal Description	Development Area Roading Levy	Residential Lot/Building Yield (1)
Lots 4 & 5 DP28517	\$37,070 plus GST	Up to 10
Lot 2 DP356470	\$22,242 plus GST	Up to 6
Lot 1 DP341658	\$33,363 plus GST	Up to 9
Pt Lot 28 DDP48	\$44,484 plus GST	Up to 12

Notes (1) Where the subdivision or development exceeds the residential lot/building yield in the above table, the Development Area Roding levy set in rule 15.4.7.4A (b) shall be payable on each exceeding site created for which separate certificates of title may be issued, or exceeding residential building.

(b) Other Development Area Roding Levy

Where a Development Area Roding Levy is not payable under rule 15.4.7.4A (a), a development levy of \$3,707 plus GST shall be payable for each additional site created for which separate certificates of title may be issued, or additional residential building.

15.4.7.5 DISTRICT ROADING FEES

(a) Subdivision (All Zones)

The following District Roding Fees shall be paid for every new site created for which separate certificates of title may be issued.

ZONES OF THE DISTRICT	DISTRICT ROADING FEE (\$)
General Residential Zones of Hastings, Havelock North and Flaxmere; Commercial Zones; and Industrial 1,2 (excluding Whakatu), Deferred Industrial 2, 3 and 5 Zones.	\$77 plus GST per new allotment
Plains Zone; Deferred General Residential Zone; Plains Residential Zone; Rural-Residential Zone; Te Mata and Tuki Tuki Special Character Zones; Coastal Residential Zones of Haumoana and Te Awanga; General Residential Zone of Clive and Whakatu; Industrial 2 Zone of Whakatu and Industrial 6 Zone.	\$266 plus GST per new allotment
Rural Zone; Coastal Residential Zones of Waimarama, Whirinaki and Waipatiki; Coastal Residential zones of Tangoio and Ocean Beach (if and when zoned) and Industrial 4 Zone.	\$399 plus GST per new allotment
Kopaki Bay Rural Residential Area ⁽¹⁾ (Appendix 15.1-4)	\$2,000 plus GST per allotment

Note (1) The Kopaki Bay Rural Residential Area is located within the Hastings District, but primary access is provided by way of a road within the Napier City boundary which will need to be upgraded to accommodate the increased traffic. Where a specific District Roding Fee is required to be paid on an allotment for the Kopaki Bay Rural Residential Area under Note (1), the Hastings District Council will require written confirmation that the fee has been paid to the Napier City Council prior to the issue of Section 224 approval under the Resource Management Act 1991, for the purpose of any roading upgrades required within the Napier City District as a result of the subdivision. The general \$266 plus GST Roding Fee for subdivision within the Rural Residential Zone will also be required to be paid in addition to the specific Kopaki Bay Rural Residential Area fee, this general fee will be retained by the Hastings District Council.

(b) Residential And Papakainga Housing Developments In The General Residential, Plains Residential, Coastal Residential, Plains, Rural, Rural-Residential and Te Mata and Tuki Tuki Special Character Zones

The following District Roding Fees shall be payable for every second and subsequent residential building (including Papakainga residential building, but excluding Secondary Residential Building), created on an allotment in the following zones:

ZONES OF THE DISTRICT	DISTRICT ROADING FEE (\$)
General Residential Zones of Hastings, Havelock North and Flaxmere; Commercial Zones	\$77 plus GST per residential building
Plains Zone; Deferred Residential Zone; Plains Residential Zone; Rural-Residential Zone; Te Mata and Tuki Tuki Special Character Zones; Coastal Residential Zones of Haumoana and Te Awanga; General Residential Zone of Clive and Whakatu.	\$266 plus GST per residential building
Rural Zone; Coastal Residential Zones of Waimarama, Whirinaki and Waipatiki, and Coastal Residential zones of Tangoio and Ocean Beach (if and when zoned).	\$399 plus GST per residential building

15.4.7.6 ROADING CONTRIBUTIONS - WHEN PAYABLE

- (a) These fees shall, when they are required to be paid on the creation of a residential building and Secondary Residential Building being a Permitted Activity, be paid in cash prior to uplifting the Building Consent for the residential building(s).
- (b) These fees shall, when they are payable on a development requiring a Resource Consent (other than for a subdivision), be payable as and when required by any condition of that consent, whether or not the activity is a Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity.
- (c) These fees shall, when they are required to be paid on the creation of a site by subdivision, be paid prior to the issue of a Certificate under Section 224 of the Resource Management Act 1991.