



Memorandum

TO: Lianne Darby, Planner

FROM: Grant Fisher, Planner/Engineer Transport

DATE: 25 October 2016

SUBJECT: **SUB-2016-84 & LUC-2016-430**
111A CLIFFS ROAD, DUNEDIN

I have inspected the site, and considered the application to subdivide the land at **111a Cliffs Road, Dunedin**. The site is zoned **Residential 1**, and gains access to Cliffs Road via an access formation known as Lyders Road, a privately owned right of way.

Application: Consent is sought for a 2-lot subdivision of the subject site. The allotments are described in the application as follows:

- Lot 1 will be 1017m², and will contain the existing dwelling within the site.
- Lot 2 will be 1015m², and will be a vacant site.

Access: Primary access to Lots 1 and 2 will be via an existing right of way from Cliffs Road, known locally as "Lyders Road". It is noted that Lyders Road includes a small formed section located within the legal extension of Isadore Road. The vehicle access is described in detail in the application, with the following aspects noted by Transport as being of primary consideration to the proposed subdivision:

- Lyders Road is substantially a privately owned/maintained private access formation (i.e. right of way), except for the formed portion within the legal extension of Isadore Road, which is publicly owned but privately maintained. Lyders Road has an existing vehicle entrance formation to Cliffs Road.
- Lyders Road has a legal width of 12m, though the actual formation width varies between 3m and 5m due to topographical constraints.
- Several sites using Lyders Road for access have been granted subdivision consent by the Council in recent years:
 - SUB-2013-17 – a 4-lot subdivision of 109 Cliffs Road.
 - SUB-2015-96 – a 2-lot subdivision of 113 Cliffs Road.
- The above consents contained access upgrade requirements with respect to the Lyders Road formation. It is understood that access upgrade works are progressing, and the applicants of the above consents are working together to satisfy their consent conditions.
- Taking into account the previously consented subdivisions, Lyders Road has 17 existing legal users. It is noted that one of these existing legal users has a pedestrian right only. The proposed subdivision would result in 18 sites with the right to use Lyders Road (17 with rights for vehicle use).

It should be noted that the Transportation Section does not contain performance standards for private accesses serving more than 12 users, though a private access serving 7-12 users would be required to be formed to a width of at least 5.0m, and be hard surfaced and drained for its full duration.

The applicant proposes an upgrade to Lyders Road, in order to address the increase in traffic expected to be generated by the proposed subdivision. This is outlined in the application as being a 40m seal extension to the previously consented upgrade to

Lyders Road, as shown on the application plans. The seal extension includes widening of the access formation to 5.0m, though the applicant notes that this might not be feasible for the very end of the proposed seal extension due to topographical constraints.

The applicant does not intend to perform upgrade works on the rest of Lyders Road, arguing that works required under previous consent SUB-2013-17 will upgrade the remainder of the vehicle access to a standard suitable to accommodate traffic generated by their 2-lot subdivision. It is understood that these works have not yet been undertaken. Transport, however, considers that the applicant should have a share in the responsibility for upgrading the remainder of the vehicle access to the same level as required under SUB-2013-17, and have recommended that the same consent condition should apply to this application, if approved.

The above access upgrade recommendations notwithstanding, submissions have raised noise and dust complaints with respect to the unsealed section of Lyders Road that passes through the legal extension of Isador Road, and have requested that the top of Lyders Road be sealed to mitigate these issues. While we would consider noise/dust issues to primarily be an Environmental Health and amenity matter, Transport considers that there is a benefit to sealing this section of the vehicle access to address these issues. We also consider that dwellings located near this section of the vehicle access will be more susceptible to noise and dust effects than those located nearer the seal extension location proposed by the applicant. Transport has therefore recommended, below, consent condition alternatives depending on which section of vehicle access the decision-maker wishes to be addressed. We would, however, consider such works to be in lieu of the seal extension proposed by the applicant, in terms of a fair and reasonable upgrade requirement.

Transport has previously recommend conditions of consent requiring reformation of the vehicle entrance at Cliffs Road as part of SUB-2013-17 and SUB-2015-96. Specifically, conditions for those consents required the vehicle entrance to Lyders Road, from Cliffs Road, to be upgraded to provide at least 40m of sight distance in both directions along Cliffs Road, or an alternative sight distance that had been sufficiently justified and agreed to by Transport. Detailed engineering plans for this upgrade were to be submitted to Transport for approval, prior to commencement of construction.

The applicant for SUB-2013-17, on undertaking engineering design of the vehicle access to Cliffs Road, requested that the sight distance at the vehicle access be lowered to 30m. Transport concluded that this sight distance complied with the NZTA RTS 6 "Guidelines for visibility at driveways" document, based on observations indicating an operating speed of less than 40km/h at the vehicle entrance location. It was also noted that although the existing driveway currently has limited sight distance, there had been no reported crashes in its vicinity (source – Urban KiwiRAP). This sight distance reduction was confirmed as being acceptable by the DCC Transport Safety Team Leader. For consistency, with the above reduction in sight distance notwithstanding, Transport recommends that the same condition be imposed on the consent for this subdivision, if approved.

Transport notes that a submission on the proposal has essentially challenged the application of the NZTA document noted above (refer to the submission from Mr Peter Foster). Transport has previously discussed this aspect of the vehicle entrance with the submitter. While we are confident that the methodology of that document has been applied in a correct and reasonable manner, we have incorporated the RTS 6 guide into consent conditions which puts the onus on the applicant to confirm the adequacy of the sight distance at the vehicle entrance.

We also note submissions that raise the lack of refuse collection at the top of Lyders Road causing issues with the concentration of a collection point nearer Cliffs Road. While Transport has not previously observed this issue, we support the provision of

adequate refuse collection and would consider it appropriate to address this matter as part of this consent. Recommended conditions are outlined below.

Overall, Transport has considered the scope and nature of the upgrades to Lyders Road outlined above, taking into consideration the requirements of the District Plan, the Dunedin City Code of Subdivision and other appropriate engineering guidelines, and submissions received by affected parties. It is our view that the two alternative access upgrade requirements, recommended below, constitute a fair and reasonable expectation when compared to the number of additional users of Lyders Road being created. We believe this reasoning is supported by the following aspects:

- Either the proposed upgrade of Lyders Road, or the sealing of the section of Lyders Road that passes through the legal extension of Isador Road, are considered to be of a length consistent with previous consent requirements, on a "per-site" basis.
- The above improvements are considered to provide an ongoing improvement of the level of service of Lyders Road facilitated by land development, which would otherwise be unlikely to occur.

This reasoning is balanced against potentially requiring vehicle access improvements to extend beyond those discussed earlier. In this case, it is considered that the application for subdivision consent should not be viewed as a convenient mechanism to remedy or mitigate all existing deficiencies with respect to the existing access formation of Lyders Road. It is the view of Transport that seeking further upgrades from the applicant would not be fair or reasonable. However, it should also be noted that this position does not affect the ability for the private parties to negotiate further upgrades to those proposed.

We also note in the application that that appears to have been substantive negotiation between the applicants, submitters, and affected parties to form a private maintenance agreement with regard to Lyders Road. While Transport supports this, a requirement for a private maintenance agreement is not a matter that can be imposed as a condition of subdivision consent. This aspect is typically included as an advice note to any consent involving shared private accesses.

Finally, it should be noted that development of land that relies on Lyders Road for access is rapidly approaching the point where the access can no longer be considered to be a low-volume residential access. The threshold is generally considered to be 20 users, which equates to approximately 200 vehicle movements per day, based on relevant transport engineering and planning literature. Future development that crosses this threshold is likely to require significantly greater consideration of transport effects by an applicant developing land that uses Lyders Road, and a commensurate upgrade in supporting transport infrastructure.

Parking/Manoeuvring: On-site parking/manoeuvring provisions with respect to the existing dwelling on Lot 1 are considered to comply with District Plan requirements. It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.

Generated Traffic: Subject to the vehicle access upgrades being undertaken as proposed, with appropriate conditions of consent imposed, it is considered that the additional traffic effects generated by the proposal would be sufficiently mitigated.

Conclusion: Transport considers the proposal to have no more than minor adverse effect on the safety and efficiency of the transportation network, subject to the following:

Conditions:

- (i) The vehicle entrance to Lyders Road, from Cliffs Road, shall be upgraded to provide at least 40m of sight distance in both directions along Cliffs Road,

or an alternative that has been sufficiently justified and agreed to by the Dunedin City Council Transport department, in accordance with NZTA RTS 6 guidelines.

(ii) Detailed engineering plans for the above upgrade shall be submitted to the Dunedin City Council Transport department for approval, prior to commencement of construction.

(iii) Lyders Road shall be upgraded and include the following aspects;

- a. The lower section of Lyders Road, as shown in red on the application plans, shall be widened and hard surfaced up to 5.0m in width as is reasonably possible. The upgraded vehicle access formation shall be adequately drained.

Or:

- a. The section of Lyders Road that passes through the legal extension of Isador Road shall be widened and hard surfaced up to 5.0m in width as is reasonably possible. The upgraded vehicle access formation shall be adequately drained.
- b. The full length of the remainder of Lyders Road shall be reshaped and resurfaced, and include adequate drainage provisions.
- c. A passing bay shall be constructed on Lyders Road, near the legal extension to Isadore Road. The profile of the passing bay shall be constructed in accordance with relevant NZTA, Austroads, or other appropriate engineering guidelines as accepted by Transportation Operations.
- d. A traffic calming structure shall be installed above the vehicle entrances to 105, 107, and 113 Cliffs Road.
- e. An appropriate refuse collection area shall be formed at the top of Lyders Road. Details for the collection area shall be provided to Transport prior to construction.

Advice notes:

- (i) It is advised that a formal agreement be drawn up between the owners/users of all shared private accesses, in order to clarify their maintenance and upkeep responsibilities.
- (ii) It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.
- (iii) The landowners should contact Council's Solid Waste team to arrange for refuse collection within the site, near the top of Lyders Road.



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