

PLEASE REPLY TO DUNEDIN
OUR REF: 11645

13 September 2016

City Planning
Dunedin City Council
PO Box 5045
Moray Place
DUNEDIN 9058

ATTENTION: Lianne Darby

Dear Lianne

SUBDIVISION AND LAND USE APPLICATION
111A CLIFFS ROAD, DUNEDIN

Please find attached on behalf of our clients, Jan and Andrea Warburton, a subdivision and land use consent application for consideration by Council under the provisions of the Resource Management Act 1991.

1.00 Site Information

1.10 General Locale

The property is located 1.0 kilometres southwest of the suburb of St Clair.

The land is rectangular in shape, and obtains access off Cliffs Road, via a series of rights of way and a legal road corridor.

1.20 Ownership Details

The subject site is contained in Computer Freehold Register OT17C/223 in the ownership of J.E. Warburton. The legal description is Lot 1 DP 25450 (111A Cliffs Rd) and the total area comprises 2029m². A copy of the title is attached.

Numerous easements are registered on the title. The right of way created by Transfer 81253 in 1922 is an appurtenant easement providing the subject site access rights over the the parcel of land legally described as Lot 6 DP 462608 and held in CFR 610647 in the name of C and P Foster.

The rights of way created by Transfer 207261 in 1958 are appurtenant easements providing access rights over the area of land legally described as Yellow on DP 9130 over now Lot 1 DP 357557 (111 Cliffs Rd) and Lot 1 DP 9130 (109 Cliffs Rd).

Lot 1 DP 357557 (111 Cliffs Rd) is held in CFR 481791 (formally OT404/157), in the name of M and K Horne. The easement corridor is now described as Marked C DP 357557.

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The easement corridor over Lot 1 DP 9130 (109 Cliffs Rd) remains described as Yellow on DP 9130. Lot 1 DP 9130 is held by R and R Roe in CFR OT400/4.

In 1996, Easement Instrument 914878.4 created rights for access, sewage, water, electricity, and communications over the subject site in favour of the adjoining property, Lot 2 DP 25450 (111E Cliffs Rd). The easement corridor is described as ROW A DP 24540.

The applicant also owns a 1/10th share of Part Section 1 Block XIII Dunedin and East Taieri SD which is legally held in CFR OT14D/86. This is the triangle of land which legally connects Lot 1 DP 357557 to Isadore Road and provides an uninterrupted legal access corridor from Cliffs Road to the subject site.

1.30 Topography and Improvements

The site topography consists of two distinct areas including a lower sloping area with a generally northerly aspect and an upper flat terrace.

The lower area contains a single storey dwelling and deck, and is surrounded by a mature garden. It is presumed that the dwelling was constructed soon after title issued in 1996. The flatter terrace is located to the southwest of the dwelling and is surrounded to the south and west by cut batters up to the existing ground levels of adjoining properties. It is currently in pasture.

Access off the rights of way is obtained along the western frontage of the site and currently there is provision for three car parks onsite. One is located to the north of the dwelling and two can be accommodated below the carport attached to the south of the dwelling.

1.40 Roading and Access

Cliffs Road is a local road in the District Plan Roding Hierarchy. Reserve width adjacent the access varies but is generally 20m. The formation width is approximately 6.7m (formed and sealed).

The access from Cliffs Road is private. The legal right of way width is 12 m, however due to the existing topography the formation width varies between approximately 3m and 5m.

The physical access extends into Isadore Road and is considered private access on legal road reserve. The road reserve of Isadore Road is 20.12m and the formation width varies between approximately 3.0m and 5.0m.

1.50 Previous Consents

The subject property was created from a subdivision consent issued by Council (number A960115) and effected in 1996.

The latest subdivisions at the end of the access were completed in 2010 and created 111F and 111G Cliffs Road, and 19A, 19B, 19C and 19D Highgrove.

In 2013, 109 Cliffs Road was granted consent (SUB-2013-17 and LUC-2013-1119) for a four-lot subdivision. The consent is relevant as it was granted with conditions pertaining to upgrading of the access. This consent has not yet been effected but compliance with the conditions is progressing.

In 2016, 113 Cliffs Road was granted consent (SUB-2015-96) for a two-lot subdivision. This consent was issued with similar conditions as SUB-2013-17 pertaining to the upgrade of the first portion of the private access. This consent has not yet been effected as works are tied in with SUB-2013-17.

2.00 Consent Proposal

The applicant and owner of the land purchased the property for her daughter earlier this year.

The applicant wishes to subdivide the property and construct a dwelling for her own purposes on the flat vacant terrace adjacent her daughter's home. The proposal is shown on Terramark Plans 11645/3a and 11645/3b.

Accordingly, this proposal seeks:

- (a) Subdivision consent to create two allotments,
- (b) Landuse consent for breaches as identified in Section 3.0.

2.10 Lot 1

Lot 1 is proposed to have an area of 1017m² and contain the existing dwelling and its immediate curtilage. Provision for two vehicle parks will be retained onsite.

The property is served for water by a single connection to the 100mmØ DCC water main which extends from Isadore Road through 111G, 111 and 109 Cliffs Road. The main terminates with a fire hydrant adjacent the subject site.

The site is currently serviced for effluent disposal via a septic tank located to the northeast of the dwelling. The applicants intend to investigate if ground levels are sufficient to allow the dwelling to gravity feed to the DCC 150mmØ foul sewer located in Isadore Road.

The asbuilt drainage plans of the existing dwelling show the stormwater discharging beyond the dwelling but it is unclear exactly where it goes. It is likely this is directed toward the natural gully.

The dwelling is connected to the overhead power and telecommunications lines which cross 109 Cliffs Road.

2.20 Lot 2

Lot 2 is the vacant terrace and will have an area of 1015m². The new boundary generally follows the top of bank and then an existing fence.

The site will be served for effluent disposal by a new connection to the 150mmØ sewer located in Isadore Road. Connection to this sewer will require the new drain to pass over 111 Cliffs Road and an easement will be required.

Equally, connection to the DCC water main will require the new water connection to cross over 111 Cliffs Road and an easement will be required to provide rights to convey water.

Stormwater can be either managed onsite, or be discharged to the DCC network in Isadore Road.

Fibre telecommunications connection will also need to cross 111 Cliffs Road as the main fibre cable runs below the access. The UFB cable has been installed and is located adjacent the site, however physical connection is currently delayed by Chorus as it obtains relevant approvals.

Lot 2 will be served for power from the existing network. Consultations with Delta indicated that the network upgrade works to service the subdivision at 109 Cliffs Road would have insufficient capacity to provide for this proposal. To provide the required capacity, the proposed transformer would itself need to be upgraded. The applicant has confirmed this upgrade in order that the electrical installation works for the subdivision at 109 Cliffs Road will not be unnecessarily delayed.

Consultation with Mr Horne, 111 Cliffs Road, and Mr and Mrs Roe, 109 Cliffs Road has confirmed their verbal approval to grant the necessary easements to service the site. A legal agreement is being currently being prepared.

2.30 Access

2.31 *Current Users and Status*

The private access currently legally serves 17 properties. This takes into account the proposed properties that have been granted consent irrespective of whether these have been effected yet.

One of those 17 properties (marked * in the table below) has a pedestrian only right of way whereas the remainder have full vehicular rights of way.

All of the properties with existing rights are tabled below.

Site No.	Address	Legal Description	Owner
1	107 Cliffs Rd	Part Lot 1 DP 6110	A & J Stewart
2	105 Cliffs Rd	Lot 1 DP 25182	M & S Dawson
3	113A Cliffs Rd	Lot 3 DP 4874 – SUB-2015-96	J Fogarty
4	113B Cliffs Rd	Lot 3 DP 4874 – SUB-2015-96	J Fogarty
5	111F Cliffs Rd	Lot 1 DP 421353	M & T O’Kane
6	111G Cliffs Rd	Lot 7 DP 412503	C Richards & E Wheeldon
7	111B Cliffs Rd	Lot 5 DP 9130	E & R Spitzer
8	111E Cliffs Rd	Lot 2 DP 25450	D Gerold & J Winant
9	109A Cliffs Rd	Lot 3 DP 9130 – SUB-2013-17	R & R Roe
10	109B Cliffs Rd	Lot 3 DP 9130 – SUB-2013-17	R & R Roe
11	109C Cliffs Rd	Lot 3 DP 9130 – SUB-2013-17	R & R Roe
12	109D Cliffs Rd	Lot 3 DP 9130 – SUB-2013-17	R & R Roe
13	111 Cliffs Rd	Lot 1 DP 357557	M & K Horne
14	111C Cliffs Rd	Lot 1 DP 27852	D Collett
15	111D Cliffs Rd	Lot 2 DP 27852	Cargills Castle Trust Inc
16	111A Cliffs Rd	Lot 1 DP 25450 (Subject Site)	J Warburton
17*	117 Cliffs Road	Lot 7 DP 424179	G Page & L Foster-Page

Of the 16 sites with full vehicular access, the first 4 are all located within the first 160m whereas the remaining 12 are generally located toward the end of the access.

2.32 *Proposed Additional Usage*

In accordance with consultation with Mr Grant Fisher, a single residential property is considered to generate 8-10 vehicle movements per day. Therefore, this proposal is assessed as generating an additional 10 vehicle movements per day over the length of the existing access.

In previous consents, the DCC did not take Cargills Castle into account when calculating the total movements per day because its future use is unknown. This approach has also been applied in this application.

Therefore the lower part of the access (0-160m) currently serves 15 properties or 150 vehicle movements per day, and the upper section of the access currently caters for 11 properties or 110 vehicle movements per day.

Note that though included in the calculation above, two of these properties (111B and 111G Cliffs Road) are currently vacant lots whilst 111E Cliffs Road has been unoccupied for a significant length of time and no physical daily usage is currently generated from these sites.

This proposal would increase the traffic vehicle movements by 10 movements/day, to a total of 160 movements/day along the lower section and 120 movements/day along the upper section.

2.33 Previous Consents

The applicant has consulted with the DCC Transportation Department and Mr and Mrs Roe of 109 Cliffs Road. We are aware of the current conditions of consent associated with SUB-2013-17 and SUB-2015-96 requiring the first 160m of the access to be widened and hard surfaced. This distance equates to 40m per additional lot proposed by the two consents.

A preferred contractor has been selected for the construction works associated with the first 160m of the access and the reshaping and re-metalling of the remaining 320m length to 109 Cliffs Road.

An agreement with Mr and Mrs Roe and the contractor has been reached to delay the construction works of SUB-2013-17 in order to ensure the works proposed within this consent can be undertaken together to create a seamless surface.

2.34 Extension of Sealed Section

The applicant proposes to upgrade the access by a further 40m, being from chainage 160m to 200m. This will include widening to a 5.0m width where possible, and constructing to a finished chip seal surface with asphalt dish channel as per the first 160m.

Toward the end of this 40m length the cliff on the western side of the access protrudes significantly and the current access is located significantly toward the eastern side of the corridor. The proposed widening is unlikely to achieve the preferred 5.0m width and realistically we can only widen the access in an easterly direction, away from the base of the bank across to either the right of way boundary or the edge of the bank, whichever is first.

We have consulted with the proposed contractor for the seal extension construction works, and their advice was not to alter the existing cliff other than to clean the water table. This was primarily due to the steepness of the cliff and because it is the vegetation which holds the overlaying topsoil in place. Any cuts back into the cliff would need to extend to the top of the cliff and though potentially gaining 0.5m, would expose the full bank height (4m+) to the effects of the weather and likely lead to erosion.

2.35 Remainder of Access beyond Chainage 200

Consent, SUB-2013-17 issued for 109 Cliffs Road, required the re-shaping and re-surfacing of the access from the end of the new seal section to their subdivision access, which is beyond the applicant's boundary.

It is anticipated that the completed metal portion of the access as per the current conditions of consent on SUB-2013-17 will be of a standard suitable to accommodate the 10 additional

vehicle movements this consent will generate. No additional works beyond chainage 200 are currently proposed as part of this application (Small's Corner aside – Refer Section 2.35 below), and negotiations are occurring with the current consent holders.

2.36 101A Cliffs Road – Smalls Corner

The applicant is aware of the situation whereby the physical alignment of the access currently crosses the corner of 101A Cliffs Road. Mrs Small has been approached with a number of options, in an attempt to resolve the current situation.

These included creating a right of way over the physical access, and determining if she was interested in selling the triangle of land. Her response to the possibility of providing right of way access would be considered if the applicant could arrange that her property of 101A Cliffs Road obtained right of way access over Lot 6 DP 462608. Unfortunately due to the approvals required from other parties including Council the applicant cannot agree to this condition. Mrs Small confirmed she is not interested in selling the triangle.

At this stage though the discussion channels remain open, the likelihood of the alignment being re-routed into the legal corridor is high, and we would request that until this is confirmed as the only course of action, the DCC impose the same condition as imposed for SUB-2013-17, which in summary requires the alignment to be re-routed to within the legal corridor, a legal easement for right of way obtained or written consent provided allowing access to continue on an informal basis.

2.37 Maintenance Agreement

A maintenance agreement between all parties was provisionally negotiated by the owners of 109 Cliffs Road. Since that time a number of the properties have changed ownership and negotiations with the new owners needs to be undertaken.

Given the financial investment the applicant would be required to make toward the access, it is imperative from her perspective that a maintenance agreement be prepared for all users to ensure annual maintenance is undertaken. To this end, the applicant has engaged her solicitor to commence drafting the legal maintenance agreement to facilitate the agreement coming to fruition for the benefit of all access users.

2.38 Amalgamation Condition

The existing 1/10th share of Part Section 1 Block XIII Dunedin and East Taieri SD as held by the applicant in OT14D/86 needs to be split between both proposed lots to ensure legal access is retained. Accordingly, we request that LINZ be notified to confirm the practicality of;

"That the 1/10th share of Part Section 1 Block XIII Dunedin and East Taieri Survey District held in CFR OT14D/86 be held as to two undivided 1/20th shares by Lots 1 and 2 hereon (one share each) as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith."

3.00 Zoning and Activity Status

The subject site is zoned Residential 1 in the Dunedin City District Plan, Map 60.

Cliffs Road is classified as a local road within the District Plan's Roading Hierarchy.

The site is within the Urban Landscape Conservation Area No 21- Upper St Clair, Dunedin and is within the Restricted Water Supply Area.

3.10 Subdivision

Rule 18.5.1(iii) allows subdivision in the residential zones as a restricted discretionary activity where the application complies with Rules 18.5.3-18.5.6, & 18.5.9-18.5.12, and each resulting site complies with minimum area and frontage requirements of the relevant zone.

This proposal will result in a total of two allotments both in excess of the 500m² minimum.

Both lots will have legal and physical access to Cliffs Road North via existing rights of way but independently the lots do not have legal frontage.

Rules

- Rules 18.5.4 and 18.5.5 are not applicable.
- Rule 18.5.6(a) requires each lot to be able to have a sewerage connection to a reticulated system. Lot 1 has an existing septic tank disposal system and at this stage this will continue upon subdivision. In this case the provision for a new connection for Lot 2 will be via easements over adjoining properties to an existing main.
- Rule 18.5.6(b) requiring each allotment to have power and telephone services can be met for proposed Lot 2. This will involve easements over adjoining properties.
- Rule 18.5.6(c) requires each allotment to have reticulated stormwater within the lot or to a kerb. Lot 1 is already serviced. Lot 2 is to manage the disposal of stormwater onsite or connect to the reticulated system in Isadore Road.
- Lot 2 will comply with Rule 18.5.6(d) requiring reticulated water supply by way of a new connection to the 100mmØ DCC main. Lot is already serviced.

3.20 Land Use

Residential activity at a density of not less than 500m² on Lots 1 and 2 is considered a permitted activity in the Residential 1 rules, subject to compliance with the performance criteria of Rule 8.7.2.

This application seeks approval to breach the following;

- Rule 8.7.2(viii) requires the access requirements to comply with the performance standards of Section 20.
 - Rule 20.5.7(iv)(c) requires that the full length of any private way in the Residential zone that serves more than 2 units shall be hard surfaced. This private way will fail to comply with this rule for the majority of its length.

- Rule 20.5.7(iv)(g) restricts the number of users on a private accesses to a maximum of 12 residential units. The access will provide for more than 12 residential units.
- Rule 20.5.7(v)(b) specifies that the minimum formation width for an access serving up to 12 users is 5.0m. The formation width for the access where it serves up to 12 users will not comply.

Overall this application is considered to be a non-complying activity.

3.30 Future Consents

Rule 13.8.1 specifies that the erection of dwelling in excess of 20m² or 5m in height within a Urban Landscape Conservation Area is considered a controlled activity. The design of the dwelling on proposed Lot 2 is not yet known therefore separate land use consent will need to be obtained once dwelling location, design and appearance has been finalised.

If the construction of a dwelling requires earthworks which exceed the permitted provisions of Section 17 of the DCC District Plan, separate land use consent shall be sought at that time.

4.00 District Plan Objectives and Policies

Council's District Plan contains many Objectives and Policies that are relevant when considering this proposal. These are discussed as follows:

4.10 Sustainability Section

Objective/Policy	Comment
Objective 4.2.2 Ensure that the level of infrastructural services provided is appropriate to the potential density and intensity of development and amenity values of the area.	Electrical and telephone services are all available to the property and discussions with these network operators are ongoing. Any costs associated with the provision of these services to the new lot are the responsibility of the applicant. The proposed subdivision will connect to the Council owner water and foul networks and as there is sufficient capacity to support an additional dwelling, no expansion of the DCC's infrastructure network is anticipated. The proposal is therefore consistent with this Objective and Policy.
Policy 4.3.2 Avoid developments which will result in the unsustainable expansion of infrastructure services.	
Objective 4.2.4 Ensure that significant natural and physical resources are appropriately protected.	The proposal is compatible with the Residential 1 zoning of the site and remains in keeping with the surrounding environment which has sites larger than the minimum 500m ² zone provisions. The proposal is therefore consistent with this Objective and Policies.
Policy 4.3.7 Use zoning to provide for usage and developments which are compatible with identified areas.	
Policy 4.3.8 Avoid the indiscriminate mixing of incompatible uses and developments.	

4.20 Townscape Section

Objective/Policy	Comment
Objective 13.2.1 Ensure that the important values and characteristics of the natural features and areas which provide the setting for the urban areas are protected.	The subject site lies within the Urban Landscape Area No 21 - Upper St Clair. The proposal will not require the modification of the existing landform and no waterways are affected by the proposal.
Policy 13.3.1 Protect and enhance the natural character of those areas identified as Urban Landscape Conservation Areas in the District Plan Maps through: • protection of natural landforms and waterways • protection of trees and areas of bush • control over the erection of buildings and other development.	
	The establishment of a dwelling in a ULCA is a controlled activity and the DCC will have the opportunity to assess the proposed dwelling location, design and appearance to ensure it remains in keeping with the landscape values of the Upper St Clair area. The proposal is generally consistent with this Objective and Policy.

4.30 Transportation Section

Objective/Policy	Comment
Objective 20.2.2 Ensure that land use activities are undertaken in a manner which avoids, remedies, or mitigates adverse effects on the transportation network.	Cliffs Road is a Local Road. The existing access point is historic and located on a corner of Cliffs Road. The proposed sight lines for this access are 40m to the east and 30m to the west which are considered acceptable. The private access is currently substandard though this is a historical issue. The applicant intends to extend the widened and hard surfaced section (required by previous consents) by 40m. Any effects are considered similar to those which exist and the additional use generated is being offset by proposed conditions of consent to upgrade a portion of the access. The proposal is therefore not inconsistent with these Objectives and Policies.
Objective 20.2.4 Maintain and enhance a safe, efficient, and effective transportation network.	
Policy 20.3.4 Ensure traffic generating activities do not adversely affect the safe, efficient, and effective operation of the roading network. Policy 20.3.5 Ensure safe standards for vehicle access.	

Overall it is considered that the proposal is consistent with the relevant provisions and policies of the Dunedin City District Plan.

5.00 **Regional Policy Statement for Otago**

Section 104(1)(b)(iii) of the Act requires Council to have regard to the relevant provisions of the Regional Policy Statement for Otago. The following are considered to be relevant:

5.10 **Land**

Objective/Policy	Comment
Objective 5.4.2 & Policies 5.5.2 - 5.5.4 To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.	The subject site is located in a zone identified by the local authority as being appropriate for residential development and the proposal is consistent with zone provisions with respect to site density.
Objective 5.4.3 & Policy 5.5.6 To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.	The local authority has control over the proposed dwelling to ensure that its design and appearance does not detract the visual amenity provided by an urban landscape area. The proposal is therefore consistent with these Objectives and Policies.

5.20 **Built Environment**

Objective/Policy	Comment
Objective 9.4.3 & Policies 9.5.2 & 9.5.5 To avoid, remedy, or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.	The site is located within an area that has existing infrastructure and no additional demand will be expected to be placed on the regional infrastructure. The site is within an Urban Landscape Conservation Area, within which development is permitted subject to assessment of the location, design and appearance of a dwelling by Council. This is managed by way of requiring a controlled activity land use consent. The proposal is therefore consistent with this Objective and Policies.

6.00 **Assessment of Effects on the Environment**

Schedule 4 of the Resource Management Act 1991 requires that every application for resource consent is to include an assessment of environmental effects and that the information must be in sufficient detail to satisfy the purpose of the assessment.

6.10 **Consultation**

The Applicant has consulted with the owners of surrounding properties, outlined the proposal to them, and invited them to indicate whether they consider there will be any effect on their respective properties. Affected Party Consent Forms have been signed and returned as follows:

Property Address	Owner	Consent Obtained
Lot 6 DP 424179 (Access Landowner)	P & C Foster	No
101A Cliffs Rd	C Thomas-Small & W Small	No
103 Cliffs Road	J Cook	No Response
105 Cliffs Rd	M Dawson & S Jackson	Yes
107 Cliffs Rd	A & J Stewart	No
109 Cliffs Rd	R & R Roe	Yes
111 Cliffs Rd	M & K Horne	Verbal agreement obtained awaiting signed forms
111B Cliffs Rd	E & R Spitzer	No Response
111C Cliffs Rd	D Collett	Yes
111D Cliffs Rd	Cargills Castle Trust Inc.	Yes
111E Cliffs Rd	D Gerold & J Winant	No
111F Cliffs Rd	M & T O'Kane	No
111G Cliffs Rd	C Richards & E Wheeldon	Yes
113 Cliffs Rd	J Fogarty	No
9 Highgrove	A and K Heathman	No

A mixed response was received from those whom did make contact and these included parties whom were both in support and objected to the proposal. A summary of the general issues from the respondents whom declined to sign the form is provided below. Overall the parties whom objected to the proposal did so, on the basis of the access standard and not the subdivision proposal itself. The assessment of effects in Section 6.2 addresses the concerns as a whole.

Given the DCC's indications that this application would be notified on a limited basis unless all affected party consents were obtained, and as some of the expectations from parties were unreasonable, consultation with some parties did not proceed beyond the initial discussion.

No other parties or statutory bodies are considered to be affected by the proposal.

6.11 *P & C Foster – Access Landowner*

Mr Foster indicated their consent would come if the following matters were addressed. He raised three matters that he considered needed to be dealt with including

- The need to upgrade the access to a compliant standard.
- The issue of the physical formation crossing 101A Cliffs Rd.
- The vehicle entrance onto Cliffs Road not meeting transport standards.

6.12 *C Thomas-Small - 101A Cliffs Rd*

Consultation with Mrs Thomas-Small initially indicated that she would consider our request for a formal right of way over the encroaching access if we agreed to obtain right of way access over Lot 6 DP 462608 for her own property at 101A Cliffs Road.

Given that this would involve the agreement of all current users, the current landowner and the DCC and with the knowledge of responses received from other parties it was determined that the applicant could not facilitate her request.

We responded as such, and asked if she would consider selling the triangle of land, thereby obtaining a financial gain from the situation. She indicated that she is not willing to sell the triangle of land.

6.13 *A Stewart – 107 Cliffs Road*

Mrs Stewart called me upon receiving the letter. She informed me that she objected to the subdivision unless certain conditions were met with respect to the upgrading of the road. She indicated she would provide her list of conditions upon providing her the DCC affected persons form.

6.14 *D Gerold – 111E Cliffs Road*

Mrs Gerold responded via email to our request and indicated that she objected to any further subdivision until such time as the access situation was addressed. She indicated that she would approve any subdivision once the road was safe for projected traffic. She did indicate that she was prepared to support efforts to upgrade the road and is willing to pay a fair share.

6.15 *M and T O'Kane – 111F Cliffs Road*

Mr and Mrs O'Kane responded that prior to them being in a position to consider and agree to a proposal, they would like to see what is proposed with respect to upgrading the "existing inadequate unmaintained driveway". They were concerned that this subdivision would add to the two consents already granted for the right of way without there being any improvement or a maintenance agreement in place. They were unavailable from the date of this response (27th July) until after the 9th of September and therefore we have not been able to consult further with them.

6.20 Effects on the Environment

The following assessment of effects addresses those assessment matters listed in Sections 8.7 & 18.6.1 that are considered relevant to this proposal. The local environment is characterised by an enclave of residential dwelling units in a low density residential zoned area. The effects assessment has been undertaken in the context of this environment.

6.21 *Lot Size, Dimension and Physical Limitations*

The proposed subdivision will create two lots, considerably in excess of the 500m² minimum lot size. Lot 2 is generally flat, and of a regular shape and is well suited to residential development with views over the St Clair and St Kilda Coastal area.

The existing easements are within the yard spaces of proposed Lot 2 and no new easements are required which could affect the building platform area. There are no known geotechnical issues which would compromise the building potential of these lots.

Accordingly, there is no expectation that the proposed subdivision will create any site having physical limitations rendering it unsuitable for future residential development.

6.22 *Easements*

Easements for the provision of access exist. These will carry down onto the new title for Lot 2.

The existing 1/10th share of Part Section 1 Block XIII Dunedin and East Taieri SD as held by the applicant in OT14D/86 will need to be split to ensure that both lots retain part ownership of this triangle of land. An amalgamation condition has been proposed.

New easements over 109 and 111 Cliffs Road are required to facilitate the provision of services from the existing public networks. These have been scheduled on the scheme plan 11645/3b. The services in favour of Lot 2 are for new service provisions. Those in favour of Lot 1 are to provide rights over existing utility connections and to allow the possibility of realigning foul and stormwater to the networks in Isadore Road. Verbal agreement from the two adjoining parties at 109 and 111 Cliffs Road has been obtained and legal agreements are being prepared.

6.23 *Transportation*

Our understanding of Council's approach to this access is to require the upgrading of the formation on an application by application basis, such that the extent of the upgrade required is fair and reasonable and we hope proportionate to the additional demand proposed.

Overall, we consider the proposed works are fair and reasonable for the additional demand created by a single dwelling and that the access, upon completion of proposed works within this proposal and the those required as part of SUB-2013-17 and SUB-2016-96 will have no more than minor adverse effects on the environment for the reasons outlined below;

(i) Onsite Parking and Manoeuvring

Lot 1 has existing provision for on-site parking and manoeuvring with the aid of the adjacent right of way, and Lot 2 is of sufficient area to provide for onsite parking and manoeuvring.

(ii) Current Provisions and Guidelines

The access provisions for private ways which have up to 12 users are a 6.0m legal width and a 5.0m formation width. The formation expectations would be for a hard surface for the full duration of the access with appropriate drainage.

There are no provisions stipulated in the District Plan for access standards where there are in excess of 12 users.

When reviewing Table 3.1R of the Dunedin Code of Subdivision and Development 2010, a carriageway formation width of 6.0m is specified for a local road where it serves between 10 and 100 dwelling units.

(iii) Number of Users

There are 16 users (15 existing and 1 additional) proposed to use the first 160m of the private access. This equates to 160 vehicle movements per day.

Beyond the first 160m, there will be 12 users consisting of 11 existing users excluding Cargills Castle and 1 additional user). This equates to 120 vehicle movements per day.

The calculation of users accounts for the 4 additional lots proposed under SUB-2013-17 and SUB-2015-96.

The exclusion of Cargill's Castle property from the calculation of vehicle movements per day has been undertaken in accordance with the precedent set by the DCC Transportation Department within comments included in SUB-2013-17. This arises as a result of the unknown future use of the property. Though, residential activity could occur on the property, this is unlikely given the Trust's public stance that its aims to maintain the ruin and site for the benefit of the public.

(iv) Cliffs Road

Consent to this proposal would result in an increase in vehicle movements corresponding to one site or 10 vehicle movements per day; however, Cliffs Road as a local road with a legal width of approximately 20m and a formation width in excess of 6.0m, is expected to be able to accommodate this.

(v) Legal Access Width

The legal width of the private way is approximately 12m. This also corresponds to the legal boundaries of the property and cannot be widened without undertaking a subdivision by agreement of adjoining owners.

The legal width (terrain aside) is considered appropriate to contain a carriageway width of 6.0m which as per the Dunedin Code of Subdivision and Development 2010, Class: Local Road, Type: Residential, would provide for up to 100 dwelling units and 850 vehicle movements per day.

(vi) Access Intersection with Cliffs Road

The vehicle access as it intersects Cliffs Road is currently sub-standard. As part of SUB-2013-17 and SUB-2015-96 the access way is required to be upgraded to improve the sight distances in both directions. There are no provisions in the district plan pertaining to sight distances for roads other than State Highways. NZTA Road Traffic Standard No 6 (NZTA RTS 6) provides guidelines for sight distances at driveways.

NZTA RTS 6 specifies a low volume driveway as being less than 200 users, with which this application remains compliant. The recommended sight distances are 40m in each direction, measured along the centreline of the lane, if the operating speed is 50km/h. For reference the sight line reduces to 30m if the operating speed is 40km/h.

The engineering plans provided to DCC for approval by Mr and Mrs Roe proposed sight distances of 40m to the east and 30m to the west. It is considered that these sight distances are also considered acceptable for the additional usage proposed by this application for the following reasons;

- The vehicle usage of the driveway remains well below the 200 movements recommended by the guideline.
- The 40m sight distance to the west is compliant with the guideline.
- The access alignment though accommodating vehicle movements in both directions, naturally promotes traffic movements to and from the west. It is also anticipated that the majority of traffic movements are from the west as this represents the most direct route to and from larger collector roads and toward the main CBD and suburbs of Dunedin.
- Due to the likelihood of vehicles generally exiting in a westerly direction, the compliant 40m sight distance to the east is considered crucial as it represents the flow of traffic into which vehicles are joining whereas the reduced 30m sight distance to the west is for traffic in the opposing lane.

- The 30m sight distance is compliant with the guideline if the operating speed is nearer 40km/h. Though this has not been specifically measured as part of this consent, the nature of Cliffs Road with a narrow carriageway when parked cars are present, the windy nature combined with undulating terrain and the presence of this access at the top of a crest indicates that there is a high likelihood that the operating speed approaching and adjoining the access is less than 50km/h.
- The cost associated with increasing the sight distance from 30m to 40m is considered significant as it involves the relocation of a new power pole, and reconfiguration of stairs and vehicular access to adjoining properties already on steep terrain.

Overall, we consider the combination of 40m and 30m sight distances from the upgraded access to have no more than minor adverse effects on the transportation network.

(vii) Formation Width – Lower Section 0-200m

The previous consents specify conditions associated with the upgrading of the lower section of the access (0-160m) to a formation width of 5.0m where possible and be hard surfaced and include drainage and speed humps. It is over this length that all of the users are concentrated.

The formation width beyond the initial 160m section is currently a single lane of approximately 3.0m wide. This application proposes to continue the same standard of upgrade works up the access for an additional 40m. We anticipate that a 5.0m width can be accommodated along the proposed extended 40m section by widening to the east. However we would prefer that the DCC apply the "where reasonably possible" clause as it is known that toward the end of this length the edge of the physical access is in very close proximity to the right of way boundary and 5.0m width may be unattainable within the legal corridor.

It has been recommended during discussions with the Contractor that widening of the carriageway not occur in a westerly direction as this would involve the removal of vegetation, excavation and battering of the entire face. The excavation works alone, if they could be contained within the legal corridor due to the height of the cliff, would be significant to potentially only gain 0.5m-1.0m of carriageway, but also the exposure of the bank will likely lead to erosion as it is exposed to the elements post works.

We consider the proposed formation width of approximately 5.0m is considered to be acceptable to accommodate the proposed volume of traffic for the reasons outlined below:

- The surface will be sealed (chip seal) with drainage channels thus is not susceptible to vehicle tracking leading to long term narrowing of the carriageway.
- A 6.0m carriageway width is considered acceptable for up to 100 dwellings and is considered to be able to accommodate up to 850 vehicle movements/day. (DCC Code of Subdivision and Development 2010). As this design is for a local road it would have an operating speed of 50km/h. To promote a reduced operating speed on the access, a slightly reduced carriageway width is advisable which doesn't compromise two-way traffic.
- Two vehicles can pass each other within a 5.0m carriageway, being that the maximum legal width of a light vehicle is 2.5m and 1.9m is the 99th percentile

vehicle width as surveyed by NZTA in 1993 (NZTA Traffic Note 48 – December 2004).

- 5.0m corresponds to the access width requirement by DCC to serve up to 12 users and the 40m extended section will serve 12 properties.

We consider the proposed formation extension to have less than minor adverse effects on the environment for the reasons outlined below:

- The surface will be sealed (chip seal) with drainage channels, which effectively eliminates surface damage as a result of water runoff.
- The surface will be graded to an cleaned water table along the base of the bank thereby ensuring no runoff is directed into 101A Cliffs Road.
- The sealed surface will reduce noise encountered by the dwellings located immediately adjacent the access and its extension to nearly equal to the dwelling on 101A Cliffs Road will reduce some of the potential noise encountered by that dwelling.
- The sealed surface will reduce dust experienced by the same dwellings.
- A draft legal maintenance agreement is being prepared to continue negotiations between all users of the access to ensure the standard is retained long term.

(viii) Formation Width – Upper Section 200m to Lot 2 access

The extension of the lower section was calculated on the basis of the length of upgrade works required by the SUB-2013-17 and SUB-2015-96 and the additional number of users those consents proposed. As was noted by the DCC, in consent SUB-2013-17, it is unreasonable to expect a single applicant to upgrade the full length of the formation.

We consider that the existing single lane formation upgraded in accordance with SUB-2013-17 be retained as the status quo on the upper section. We consider that the reshaped and re-surfaced access will have less than minor adverse effects on the environment for the reasons outlined below:

- The reshaped access will grade toward the west and into a cleaned out water table at the base of the bank and ensure that subsequent surface scouring of the access is minimal.
- The regraded access into the bank will ensure that metal does not naturally migrate to the edge of the cliff and into the gully of 101A Cliffs Road. This is also stopped by the raised spoil located along this edge.
- A maintained gravel access should mitigate many dust and noise effects currently experienced due to the uneven surface.
- The presence of a passing bay prior to Smalls Corner will ensure that the vehicles can continue to pass each other.
- A draft legal maintenance agreement is being prepared by the applicant's solicitor to continue negotiations between all users of the access to ensure the standard is retained long term.

We consider that any potential effects remaining after the conditions of consent are met will have no more than minor effects on the surrounding environment.

6.24 Servicing

Lot 1 is already connected to all critical services. Effluent disposal is by septic tank though this is likely to be diverted to the gravity sewer if levels allow.

Lot 2 can be serviced by way of the networks located in the adjoining properties including electricity, telecommunications, water, UFB, and effluent disposal. Stormwater is likely to be managed onsite or can be connected to the existing DCC network in Isadore Road.

These services will be protected by easements where they cross private property, as noted on the scheme plan.

The subdivision of the property is compliant with the density provisions and therefore we anticipate minimal if any effects on the Council owned networks as this demand is anticipated.

6.25 *Hazards – NES/Earthworks*

HAIL property searches have been requested from both the Dunedin City Council and Otago Regional Council. These will be provided upon receipt.
No earthworks consent is being sought.

6.26 *Amenity*

Amenity within an area is only likely to be compromised when new development is not in keeping with that and it is generally assessed by comparison to the density provisions. This subdivision is compliant with the density provisions of the zone. All the existing properties contain modern dwellings of conventional design and appearance, with attractively landscaped surrounds on sites in excess of 500m². The development envisaged for Lot 2 will be similar, with certainty in that respect able to be controlled when land use consent to establish a dwelling in the ULCA is sought.

The proposal will improve the amenity for the users of the access by extending the section of widened and sealed access. Immediate adjoining properties will also benefit by the increased seal and their amenity will improve.

6.27 *Cumulative Effects*

The nature of cumulative effects is defined as the gradual build up of consequences as a result of the activity that is under consideration.

The increased usage of the driveway is the primary cumulative factor in relation to this application. In this instance, we consider the cumulative effects need to be managed on a case by case basis, whereby the upgrading of the road toward acceptable standards occurs proportionately to the development proposed. This thereby minimises the adverse effects of the development and in time as subdivisions are proposed, the access may eventually be upgraded for its full length.

This application, proposes upgrade works with this approach in mind and therefore it is considered that the cumulative effects arising are no more than minor. The subdivision activity does itself not create any cumulative effects as the proposal is compliant with the zoning provisions.

6.28 *Positive Effects*

An assessment need not be restricted to just adverse effects, and can include the positive effects of granting consent to a proposal. Consent to the proposal applied for has been found to show consistency with the Resource Management Act provisions which seek to promote the

sustainable management of natural and physical resources to enable people and communities to provide for their social and cultural well-being.

Consent to this proposal will provide for the upgrading of a part of the substandard access, resolution of historical encroachment and will allow infill development to occur, in accordance with the DCC policy for utilising existing appropriately zoned land rather than to expand the urban fence.

Overall then, it is submitted that the potential adverse effects of this proposal are not more than minor, and could if necessary, be mitigated by appropriate conditions of consent.

6.30 Mitigation Measures

Council can achieve any mitigation that might be deemed necessary through resource consent and building consent conditions. In particular, resource consent conditions could include access upgrade requirements, service requirements and in due course the consent to establish the dwelling (controlled activity) can assess the design, location and appearance of the building in relation to its effects on the natural landscape qualities and character of the surrounding area and impose conditions as it deems necessary.

6.40 Monitoring

By way of resource consent and building consent procedures, Council will in effect be monitoring compliance with the consent and any conditions imposed. Upon establishment of residential activity on site, longer term monitoring is considered unnecessary.

7.00 Resource Management Act – Part 2 Assessment

Clause 2 of Schedule 4 of the Resource Management Act (RMA) requires that an activity is assessed against the matters set out in Part 2 of the RMA.

Part 2 of the RMA sets out the purpose and principles of the Resource Management Act and specifically addresses matters of National Importance, Other Matters and the Treaty of Waitangi.

The proposal is consistent with purpose of the RMA to promote the sustainable management of natural and physical resources enabling people to provide for their social, economic and cultural well-being whilst mitigating any adverse effects on the environment.

This proposal recognises and provides for the matters of National Importance as specified in Section 6, the Other Matters as specified in Section 7 and the Treaty of Waitangi in Section 8 on the premise that it is consistent with these matters by virtue of their lack of relevance to the site.

8.00 Resource Management Act Tests

8.10 Notification Status

Section 95A states that Council must notify an application if it decides the activity will have, or is likely to have, adverse effects on the environment that will be more than minor.

It is acknowledged that given the contentious history and noncompliance associated with the access the Council has identified that this application will be processed on a limited notification basis unless consent from all affected parties was obtained.

Though some affected party consents were obtained, we did not obtain all, hence we request that this consent proceed immediately to a limited notification status and minimise undue delay in the processing and hearing of this consent application.

8.20 Section 104

It has been submitted that in terms of this application, the effects are likely to be no more than minor. Despite any decision Council makes under Section 95A, a consent authority may grant resource consent for a non-complying activity, only if it is satisfied that either the adverse effects will be minor, or the activity will not be contrary to the objectives and policies of the District Plan. This is referred to as the Section 104 test.

It has been submitted that the first limb of this test is passed. While "minor" is not defined, case histories have established that it suggests effects that are less than major, and can include those effects that are more than simply minute or slight. Whether effects are minor is to be determined after having regard to any mitigation of effects that might be achieved by imposing conditions.

The assessment of the application against the Objectives and Policies, while not finding a complete measure of consistency, found considerable consistency and did not determine the application to be repugnant.

Overall, this proposal is primarily non-complying because of the substandard access and the number of users. An effects based assessment of the proposal indicates only minor effects, and certainly ones that can be mitigated.

9.00 Conclusion

This application proposes to undertake a two lot subdivision of a 2029m² site in the Residential zone, and to obtain land use consent for associated access standard breaches.

While the application status is non-complying, our assessment has determined that it remains generally consistent with the District Plan Objectives and Policies and that the adverse effects on the environment are less than minor. In conclusion, these are summarised as follows:

- **This site is situated within an appropriately zoned area.**
- **Some affected parties have granted consent.**
- **The overall usage of the access will not increase significantly as part of this proposal.**
- **Upgrade works of the access are proposed proportionate to the additional usage demand created.**
- **Council is able to impose mitigating conditions as considered appropriate.**
- **This proposal represents a unique situation with respect to the sites provided access by this private way but rather than view subdivision as a hindrance, it should be welcomed as a mechanism to improve the current access situation on a fair and reasonable basis.**

In these circumstances, we are of the view that any effects will be able to be confined to the immediate access and subject site once mitigation measures are imposed, and once carrying out the required statutory tests, Council should be able to reach a favourable decision.

Yours faithfully
Terramark Ltd



M L Duncan
Licensed Cadastral Surveyor

e-mail: maaike@terramark.co.nz

Encl: Resource Application Form
Copies of Plans 11645/3a and 1145/3b
Copy of CFR OT17C/223
Affected Party Approvals
Cheque \$4,000 consent deposit



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R.W. Muir
Registrar-General
of Land

Search Copy

Identifier OT17C/223
Land Registration District Otago
Date Issued 27 August 1996

Prior References

T14D/326 OT14D/327

Estate Fee Simple
Area 2029 square metres more or less
Legal Description Lot 1 Deposited Plan 25450
Proprietors
Janet Evelyn Warburton and WA Trustee Limited

Interests

81253 Transfer creating the following easement - 27.7.1922 at 3.00 pm

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Part Section 32 Ocean Beach Survey District - CT OT16A/973	Yellow Transfer 81253	Lot 1 Deposited Plan 25450 - herein	

207261 Transfer creating the following easements - 10.2.1958 at 11.50 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Lot 1 Deposited Plan 9130 - CT OT404/157	Yellow DP 9130	Lot 1 Deposited Plan 25450 - herein	
Right of way	Lot 3 Deposited Plan 9130 - CT OT400/4	Yellow DP 9130	Lot 1 Deposited Plan 25450 - herein	

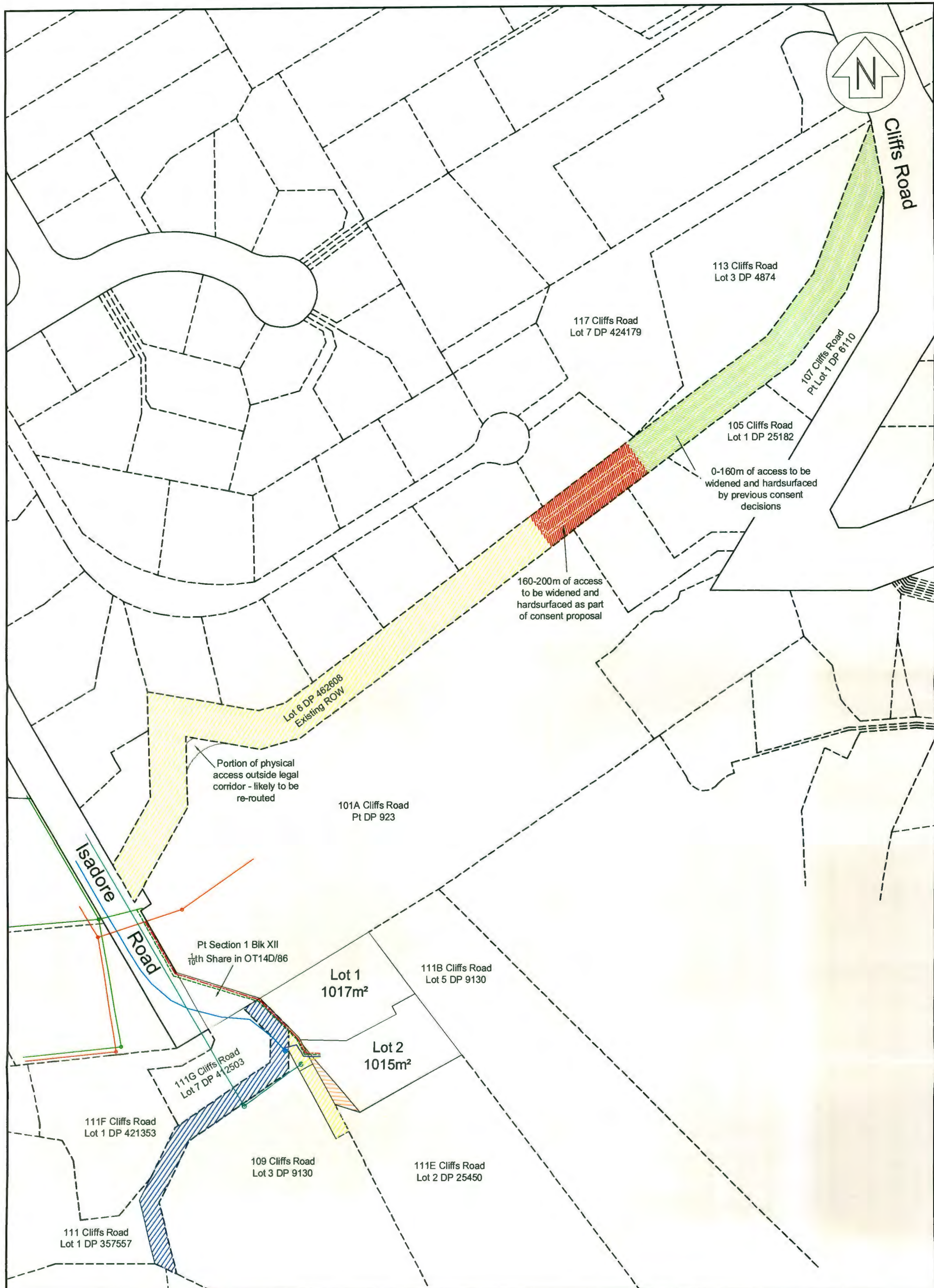
The rights of way created by Transfer 207261 are subject to the Council's conditions of consent endorsed on DP 9130

914878.1 Resolution pursuant to Section 321(1) Local Government Act 1974 - 27.8.1996 at 9.30 am

914878.4 Easement Certificate specifying the following easements - 27.8.1996 at 9.30 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Lot 1 Deposited Plan 25450 - herein	ROW A DP 25450	Lot 2 Deposited Plan 25450 - CT OT17C/224	Section 243 (a) Resource Management Act 1991
Drain sewage	Lot 1 Deposited Plan 25450 - herein	ROW A DP 25450	Lot 2 Deposited Plan 25450 - CT OT17C/224	Section 243 (a) Resource Management Act 1991
Convey water	Lot 1 Deposited Plan 25450 - herein	ROW A DP 25450	Lot 2 Deposited Plan 25450 - CT OT17C/224	Section 243 (a) Resource Management Act 1991
Transmit electricity	Lot 1 Deposited Plan 25450 - herein	ROW A DP 25450	Lot 2 Deposited Plan 25450 - CT OT17C/224	Section 243 (a) Resource Management Act 1991
Transmit telecommunications	Lot 1 Deposited Plan 25450 - herein	ROW A DP 25450	Lot 2 Deposited Plan 25450 - CT OT17C/224	Section 243 (a) Resource Management Act 1991

A 96015







DUNEDIN CITY
COUNCIL

Affected Person(s) Consent Form

50 The Octagon, PO Box 5045, Moray Place, Dunedin 9058. Ph 477 4000

www.dunedin.govt.nz

IMPORTANT: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): David Collett

being the: ☐ Owner ☐ Occupier ☒ Owner and Occupier

the property situated at (address and/or legal description of your property):

111C Cliffs Road, Dunedin

have read and understand the information on the reverse side of this page and consent to the proposal by (name of applicant(s)):

Jan and Andrea Warburton

to (description of proposed activity):

Subdivide 111A Cliffs Road and build a house on Lot 2 as shown on Plan 11645/3a and 11645/3b

on the following property (address of application site):

111A Cliffs Road, Dunedin

☒ I/we have read and understand the application.

☒ I/we have signed and dated the application and plans as attached.

Where there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or
Tick the declaration box below:

☒ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

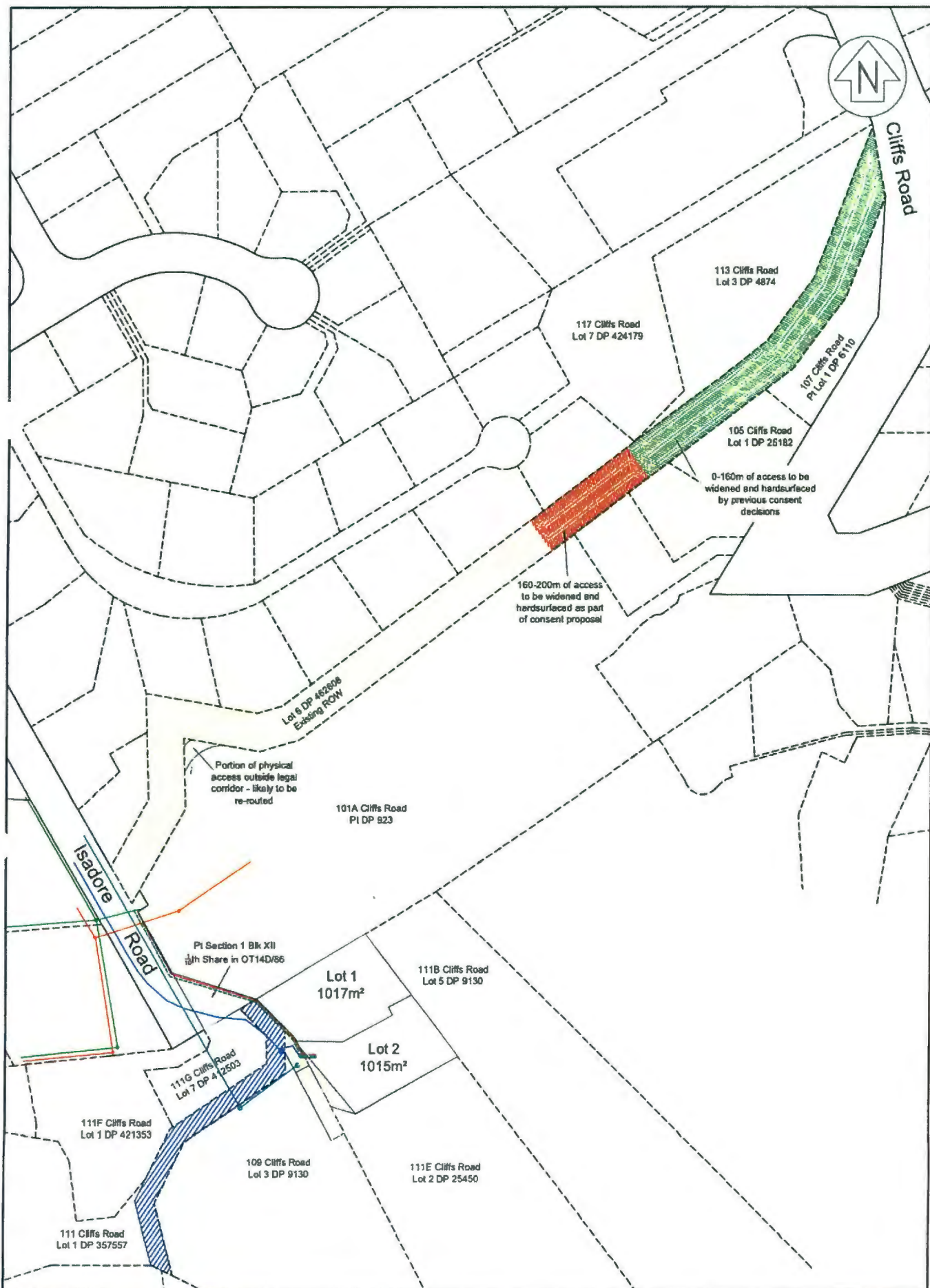
Signed: [Signature]

Date: 12.4.16

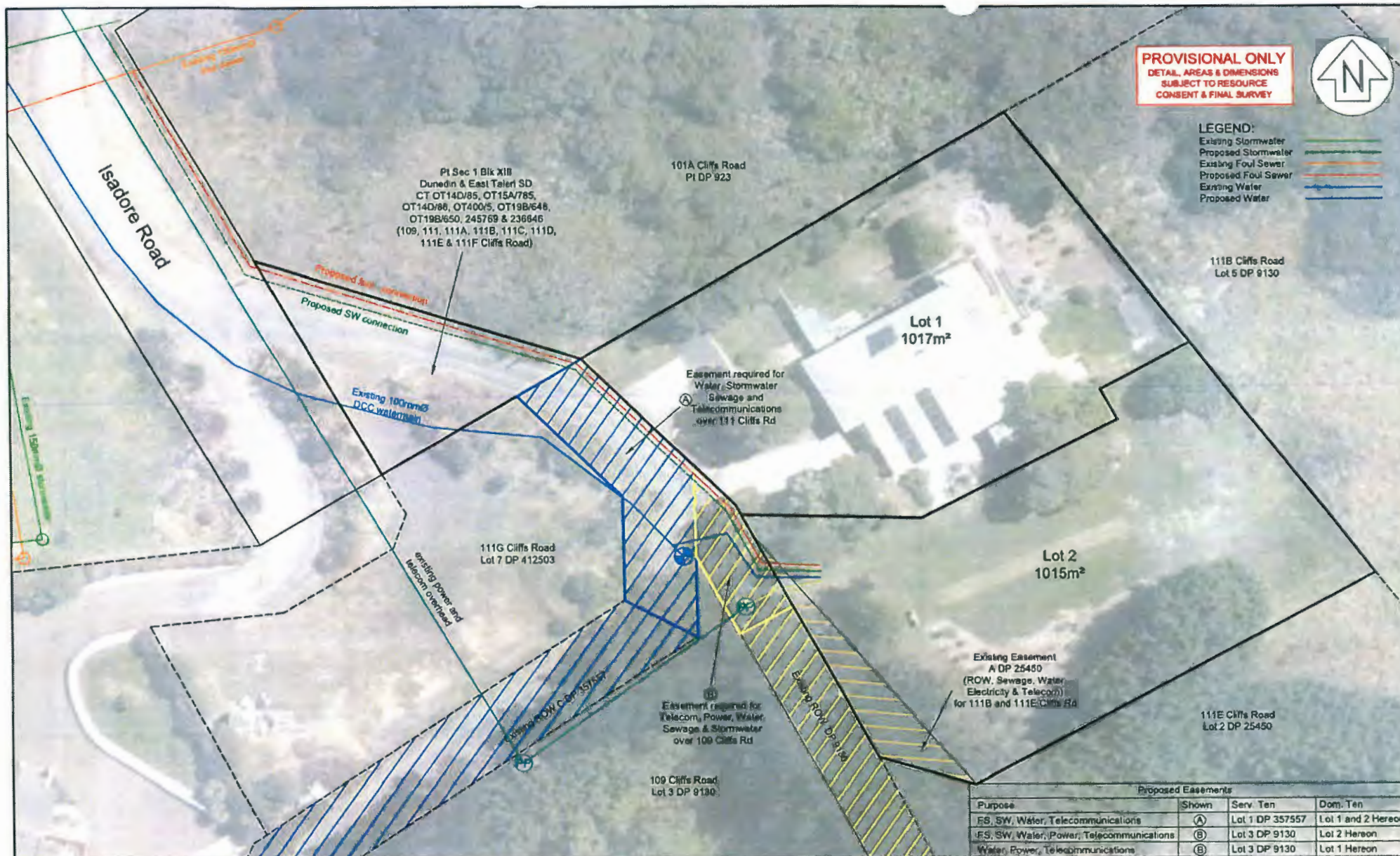
Telephone: 03 4878439

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team
City Planning Department
Dunedin City Council
Telephone: 477 4000
Facsimile: 474 3451
PO Box 5045, Moray Place, Dunedin 9058
www.dunedin.govt.nz



De



terramark
setting new boundaries
Surveying, Resource Management & Engineering

Lots 1 and 2 being a Proposed Subdivision of Lot 1 DP 25450
111A Cliffs Road, Dunedin
Services and Site layout

Scale:
1:300 @ A3

Job No:
11645

Date:
Sept 2016

Plan No:
11645/3b



DUNEDIN CITY
COUNCIL

Affected Person(s) Consent Form

50 The Octagon, PO Box 5045, Moray Place, Dunedin 9058, Ph 477 4000
www.dunedin.govt.nz

IMPORTANT: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): Richard and Rachel Roe

being the: ☐ Owner ☐ Occupier ☒ Owner and Occupier

of the property situated at (address and/or legal description of your property):

109 Cliffs Road, Dunedin

I have read and understand the information on the reverse side of this page and consent to the proposal by (name of applicant(s)):

Jan and Andrea Warburton

to (description of proposed activity):

Subdivide 111A Cliffs Road and build a house on Lot 2 as shown on Plan 11645/3a and 11645/3b

on the following property (address of application site):

111A Cliffs Road, Dunedin

☒ I/we have read and understand the application.

☒ I/we have signed and dated the application and plans as attached.

When there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form, or Tick the declaration box below.

☒ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

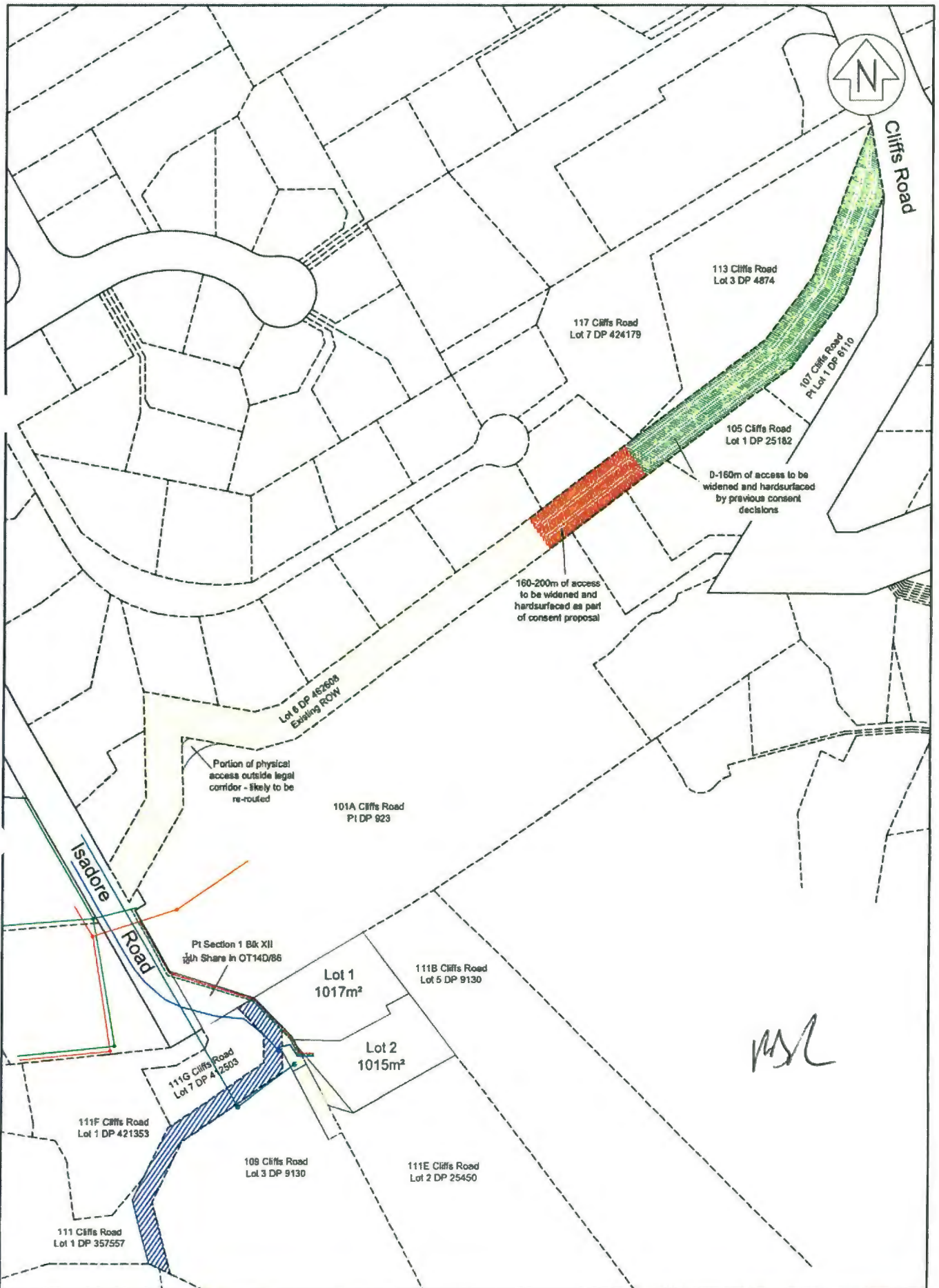
Signed: MR

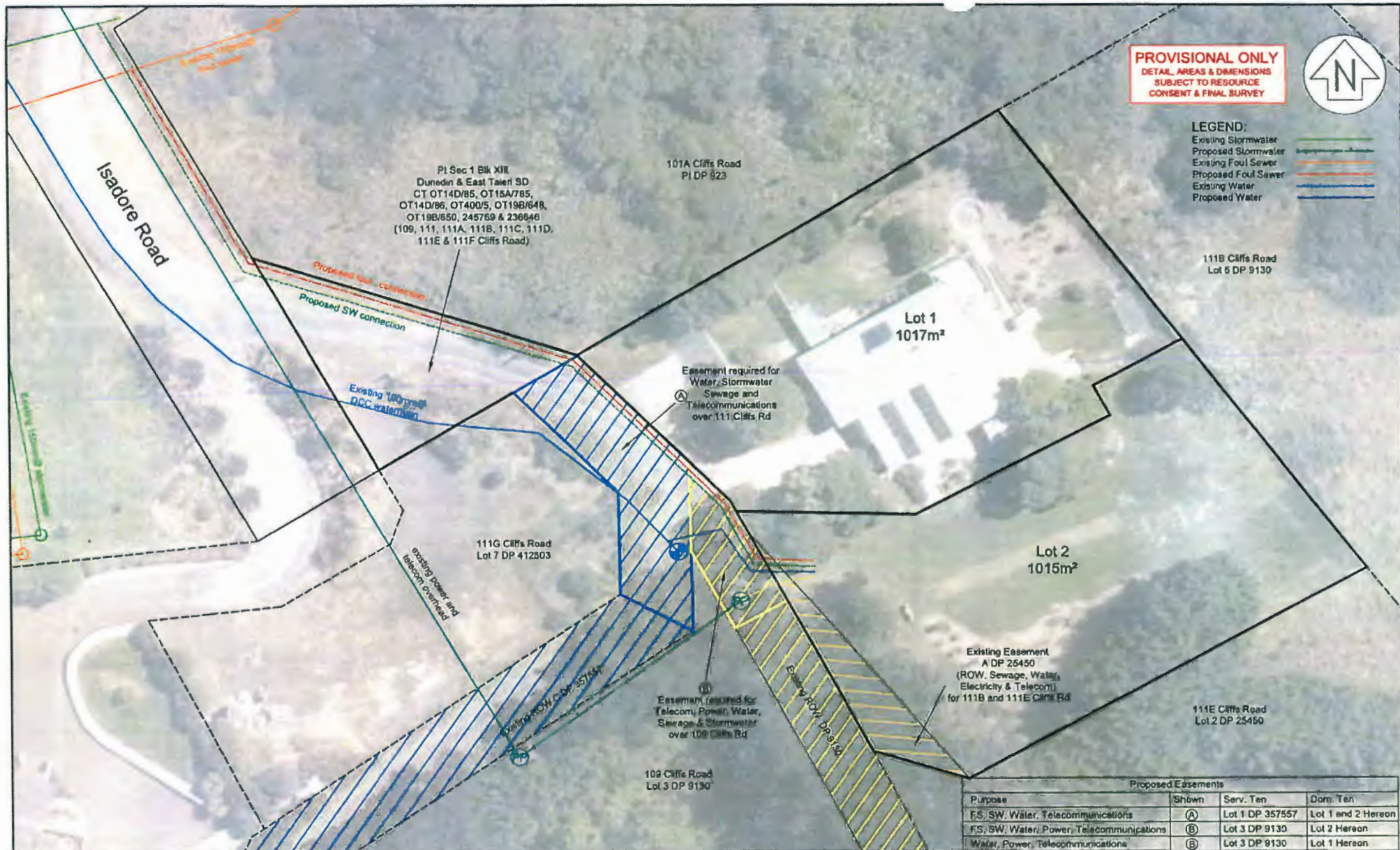
Date: 12 Sept 2016

Telephone: 4879500

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team
City Planning Department
Dunedin City Council
Telephone: 477 4000
Facsimile: 477 3351
PO Box 5045, Moray Place, Dunedin 9058
www.dunedin.govt.nz





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setting new boundaries
Surveying, Resource Management & Engineering

Lots 1 and 2 being a Proposed Subdivision of Lot 1 DP 25450
111A Cliffs Road, Dunedin
Services and Site layout

[Signature]

Scale:
1:300 @ A3

Job No:
11645

Date:
Sept 2016

Plan No:
11645/3b

Affected Person(s) Consent Form

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www.dunedin.govt.nz

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Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): Cargills Castle Trust Incorporated

being the: ☐ Owner ☐ Occupier ☒ Owner and Occupier

of the property situated at (address and/or legal description of your property):

D Cliffs Road, Dunedin

have read and understand the information on the reverse side of this page and consent to the proposal by (name of applicant(s)):

Andrea Warburton

to (description of proposed activity):

Subdivide 111A Cliffs Road and build a house on Lot 2 as shown on Plan 11645/2a

on the following property (address of application site):

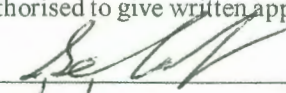
111A Cliffs Road, Dunedin

☒ I/we have read and understand the application.

☒ I/we have signed and dated the application and plans as attached.

Where there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or Tick the declaration box below:

☒ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

Signed: 

Chairman C.C.T.

Date: 8/8/16

Telephone: 0275199227

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team
City Planning Department
Dunedin City Council
Telephone: 477 4000
Facsimile: 474 3451
PO Box 5045, Moray Place, Dunedin 9058
www.dunedin.govt.nz



COPY FOR YOUR
INFORMATION

Lot 6 DP 462608
P.J. & C. T. Foster
101 Drayton Drive, Mount Pleasant,
Christchurch 8081
ROW HH
DP 462608

101A Cliffs Road
Pt DP 923
CT OT18D/126
W. T. & C. C. Small

Pt Sec 1 Blk XIII
Dunedin & East Taieri SD
CT OT14D/85, OT15A/785,
OT14D/86, OT400/5, OT19B/648,
OT19B/650, 245769 & 236646
(109, 111, 111A, 111B, 111C, 111D,
111E & 111F Cliffs Road)

111B Cliffs Road
Lot 5 DP 9130
CT OT15A/784
R. W. & R. P. Spitzer

Lot 1
1017m²

111A Cliffs Road
Lot 1 DP 25450
CT OT17C/223
J. E. Warburton

Lot 2
1015m²

111G Cliffs Road
Lot 7 DP 412503
CT 446366
C.J. Richards & E. J. Wheelodon

Easement
required for
Telecom, Power,
Water & Sewage
over 109 Cliffs Rd

Existing Easement
A DP 25450
(ROW, Sewage, Water,
Electricity & Telecom)
for 111B and 111E Cliffs Rd

109 Cliffs Road
Lot 3 DP 9130
CT OT400/4
R. D. & R. B. Roe

111E Cliffs Road
Lot 2 DP 25450
CT OT17C/224
D. J. Gerold & J. M. Winant

111F Cliffs Road
Lot 1 DP 421353
CT 481791
M. A. & T. M. O'Kene

111 Cliffs Road
Lot 1 DP 357557
CT 236646
M. C. & K. M. Home

Isadore Road

Existing 150mm stormwater
Existing 140mm foul sewer

9 Highgrove
Lot 44 DP 26191
CT 18B/59
A. R. & K. J. Heathman

Proposed foul connector

Existing 100mm water

Easement
required for
Water & Sewage
over 111 Cliffs Rd

Existing ROW DP 9130



Proposed Boundaries and Services 111A Cliffs Road, Dunedin

Scale: 1:500 @ A3	Job No: 11645
Date: April 2016	Plan No: 11645/2a

Affected Person(s) Consent Form

50 The Octagon, PO Box 5045, Moray Place, Dunedin 9058. Ph 477 4000

www.dunedin.govt.nz

IMPORTANT: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): Cory Richards and Emily Wheeldon

being the: ☒ Owner ☐ Occupier ☐ Owner and Occupier

The property situated at (address and/or legal description of your property):

111G Cliffs Road, Dunedin

I have read and understand the information on the reverse side of this page and consent to the proposal by (name of applicant(s)):

Jan and Andrea Warburton

to (description of proposed activity):

Subdivide 111A Cliffs Road and build a house on Lot 2 as shown on Plan 11645/3a and 3b

on the following property (address of application site):

111A Cliffs Road, Dunedin

☒ I/~~we~~ have read and understand the application.

☐ I/~~we~~ have signed and dated the application and plans as attached.

Where there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or Tick the declaration box below:

☒ I am authorised to give written approval on behalf of all owners and ~~or occupiers (delete one)~~ of this site.

Signed: [Signature]

Date: 13/9/2016

Telephone: 0279608101

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team
City Planning Department
Dunedin City Council
Telephone: 477 4000
Facsimile: 474 3451
PO Box 5045, Moray Place, Dunedin 9058
www.dunedin.govt.nz

[Signature]

Consent of Affected Person(s) in Relation to an Application for Resource Consent under the Resource Management Act 1991

Introduction

Any proposal to do something that is not a Permitted Activity in the Dunedin City District Plan requires a Resource Consent.

If you have been asked to sign this form, it will be because your neighbour proposes to do something that is not a Permitted Activity, and therefore their proposal requires a Resource Consent. This is not a bad thing in itself, but the Resource Consent process provides the opportunity to determine whether the proposal can be granted consent in terms of the Resource Management Act 1991.

Why is your consent required?

If an application for a Resource Consent is to be processed as a non-notified application, the Resource Management Act 1991 requires that:

- The activity have or be likely to have adverse effects on the environment that are no more than minor; and
- Written approval be obtained from all affected persons, in relation to an activity, if the activity's adverse effects on the parties are minor or more than minor (but are not less than minor).

If you have been asked to give your consent it is because you may be adversely affected by the proposed activity. However, just because your written approval is being sought does not mean that you are definitely adversely affected. The affected persons consent process is designed to give you the opportunity to consider the particular proposal and decide for yourself whether you are adversely affected and/or the degrees to which you may be adversely affected.

What should you do?

If you are asked to give your written approval to someone's proposal as part of their application for a Resource Consent, you should do the following:

1. Request that your neighbour (or their representative) explain the proposal clearly and fully to you.
2. Study the application and associated plans for the proposed activity provided by them in order to understand the effects of the proposal. If there are no plans available at this stage, you are quite entitled to wait until they are available.
3. Decide whether the proposal will adversely affect you or your property and, if so, to what extent. You can take your time over this decision and you are quite entitled to ask the applicant for more information. You may suggest amendments to the proposal that you consider improve aspects of the proposal in terms of its adverse effects on you.
4. If you are satisfied that the proposed activity will not adversely affect you, complete and sign the affected person/s consent form on the reverse side of this page and sign a copy of the associated plans. If you wish to consent to the proposed activity subject to conditions, these should be discussed with your neighbour (or their representative) directly and a satisfactory conclusion reached before your consent is given. This may require your neighbour amending the application or plans, or entering into a private (side) agreement with you. The Council will not enter into any negotiations on the subject.
5. Return all documentation to your neighbour (or their representative).

Please note that:

- You do not have to give written approval if you are unhappy with what is being proposed;
- The Council will not get involved in any negotiations between you and the applicant;
- The Council will not accept conditional written approvals;
- Side agreements do not bind the Council in any way.

Important information

Please note that even though you may sign the affected person(s) consent form, the Council must still give full consideration to the application in terms of the Resource Management Act 1991. However, if you give your approval to the application, the Council cannot have regard to any actual or potential effects that the proposal may have on you. If Resource Consent is granted by the Council there is no way for either you or the Council to retract the Resource Consent later. You are therefore encouraged to weigh up all the effects of the proposed activity before consenting to it.

If you do not give your approval, and you are considered to be an adversely affected party, then the application must be treated as a limited notified or publicly notified application, as a result of which you will have a formal right of objection by way of submission.

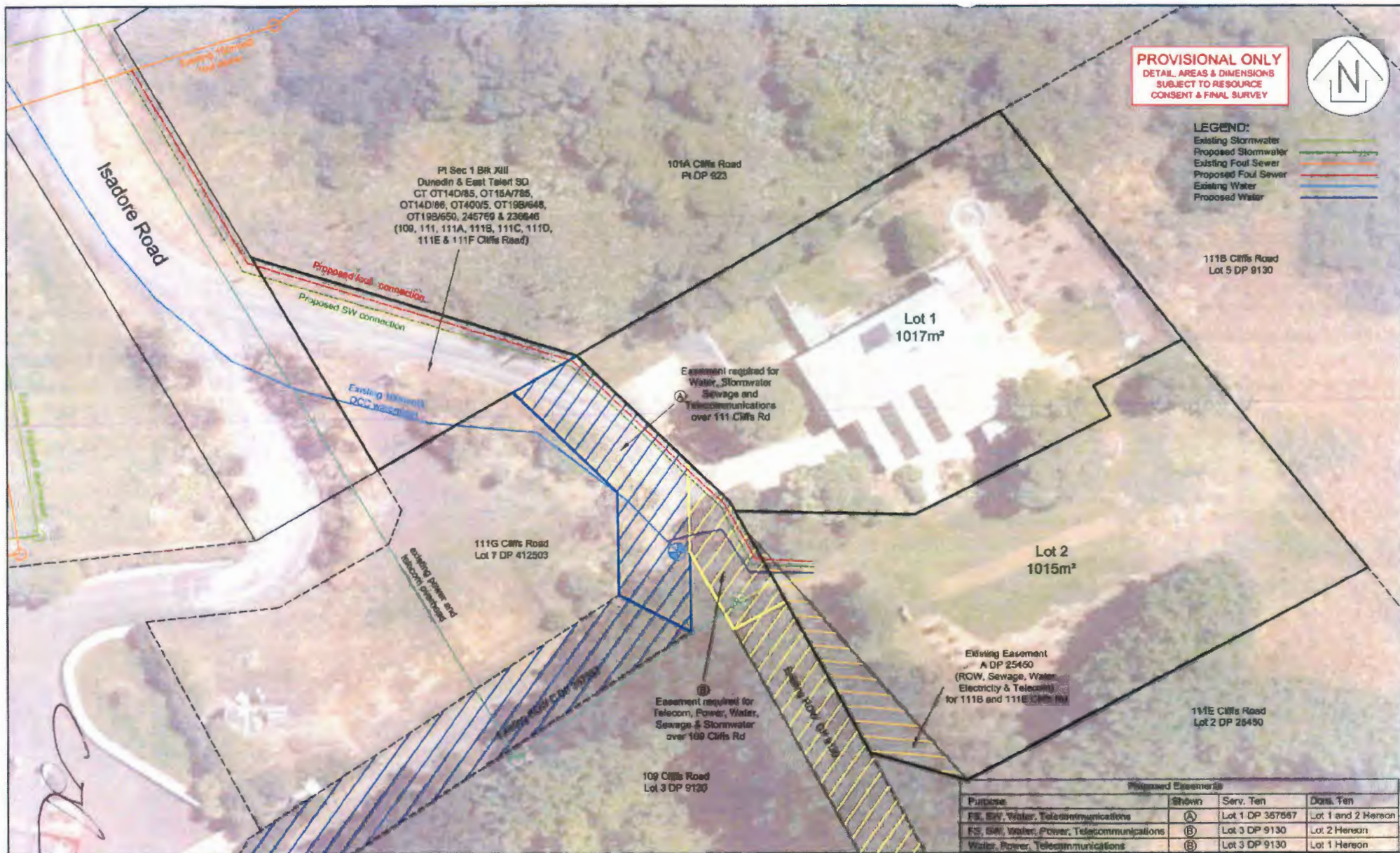
If you change your mind after giving your written approval to the proposed activity, your written approval may only be withdrawn and the effects on you considered for the notification decision if a final decision on affected parties has not already been made by the Council. Accordingly, you need to contact the Council immediately if you do wish to withdraw your written approval.

For further information

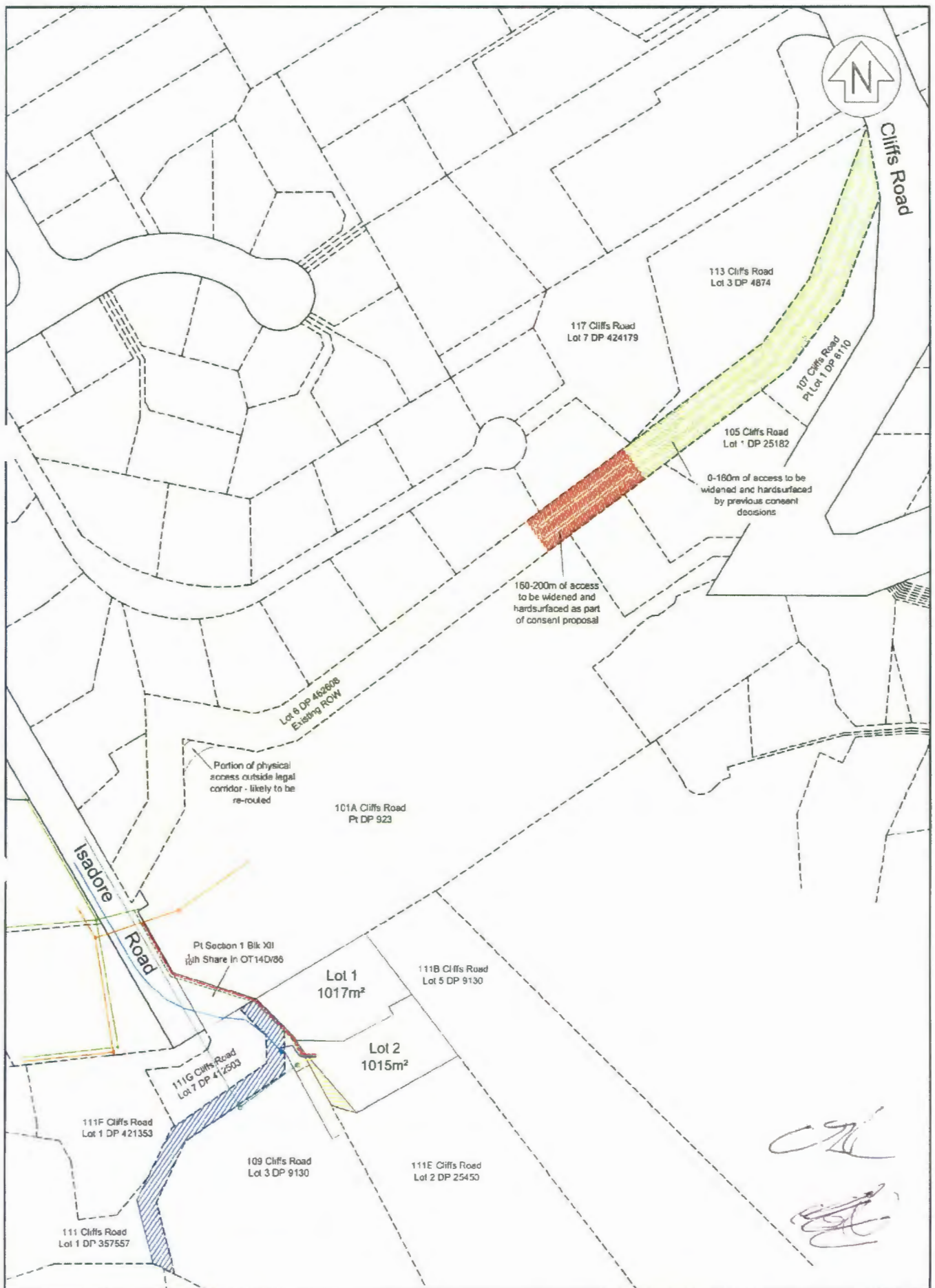
Read the Council's "Written Approvals of Affected Persons – What Are They?" pamphlet.

Refer to the Ministry for the Environment's publication "Your Rights as an Affected Person" available on www.mfe.govt.nz.

CEK



Lots 1 and 2 being a Proposed Subdivision of Lot 1 DP 25450
111A Cliffs Road, Dunedin
Services and Site layout



Affected Person(s) Consent Form

50 The Octagon, PO Box 5045, Moray Place, Dunedin 9058. Ph 477 4000

www.dunedin.govt.nz

IMPORTANT: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): Marcelle Dawson and Steven Jackson

being the: ☐ Owner ☐ Occupier ☒ Owner and Occupier

of the property situated at (address and/or legal description of your property):

105 Cliffs Road, Dunedin

have read and understand the information on the reverse side of this page and consent to the proposal by (name of applicant(s)):

Jan and Andrea Warburton

to (description of proposed activity):

Subdivide 111A Cliffs Road and build a house on Lot 2 as shown on Plan 11645/3a and 11645/3b

on the following property (address of application site):

111A Cliffs Road, Dunedin

☒ I/we have read and understand the application.

☒ I/we have signed and dated the application and plans as attached.

Where there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or Tick the declaration box below:

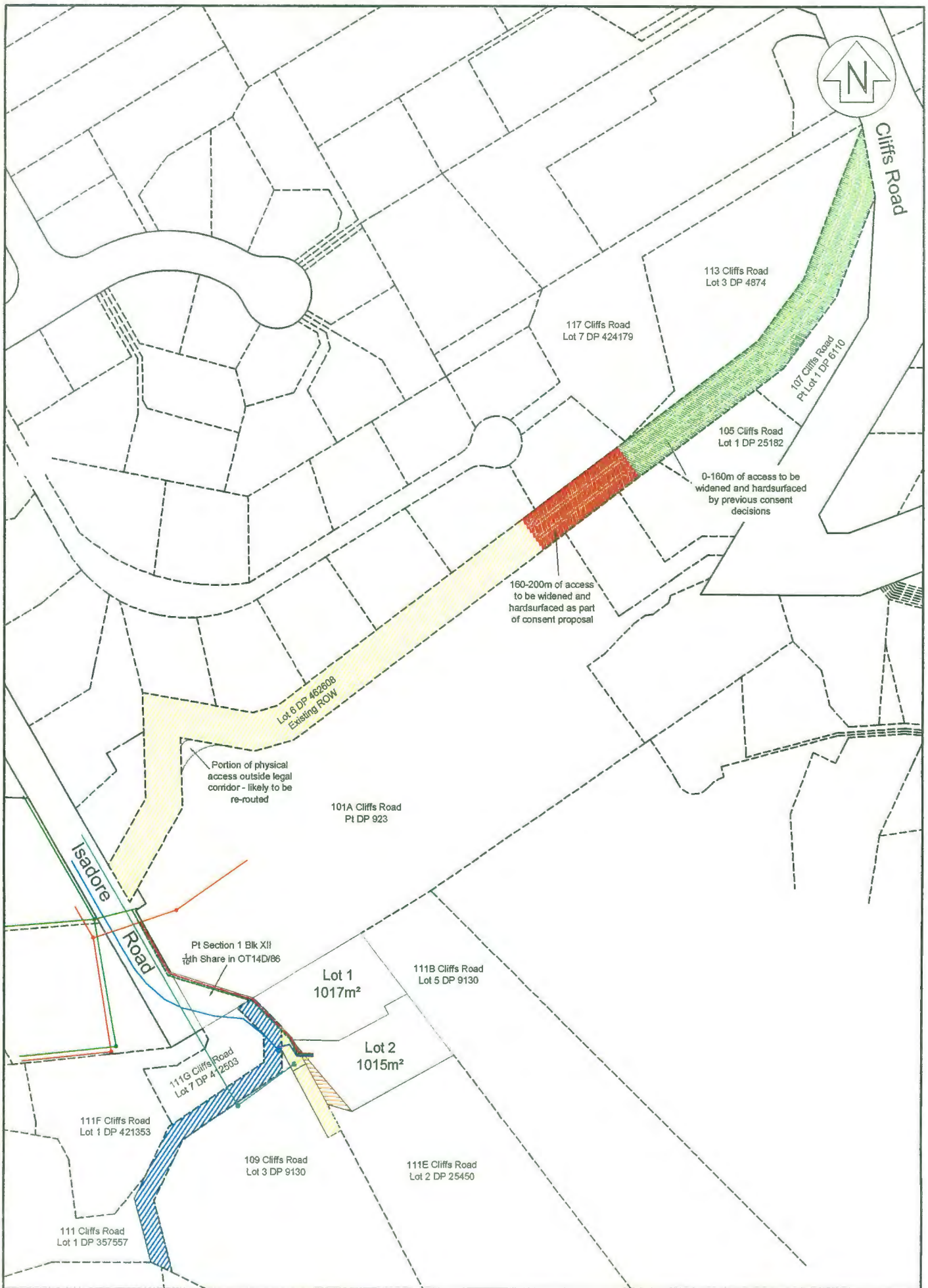
☐ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

Signed: Steven Jackson Jan Warburton

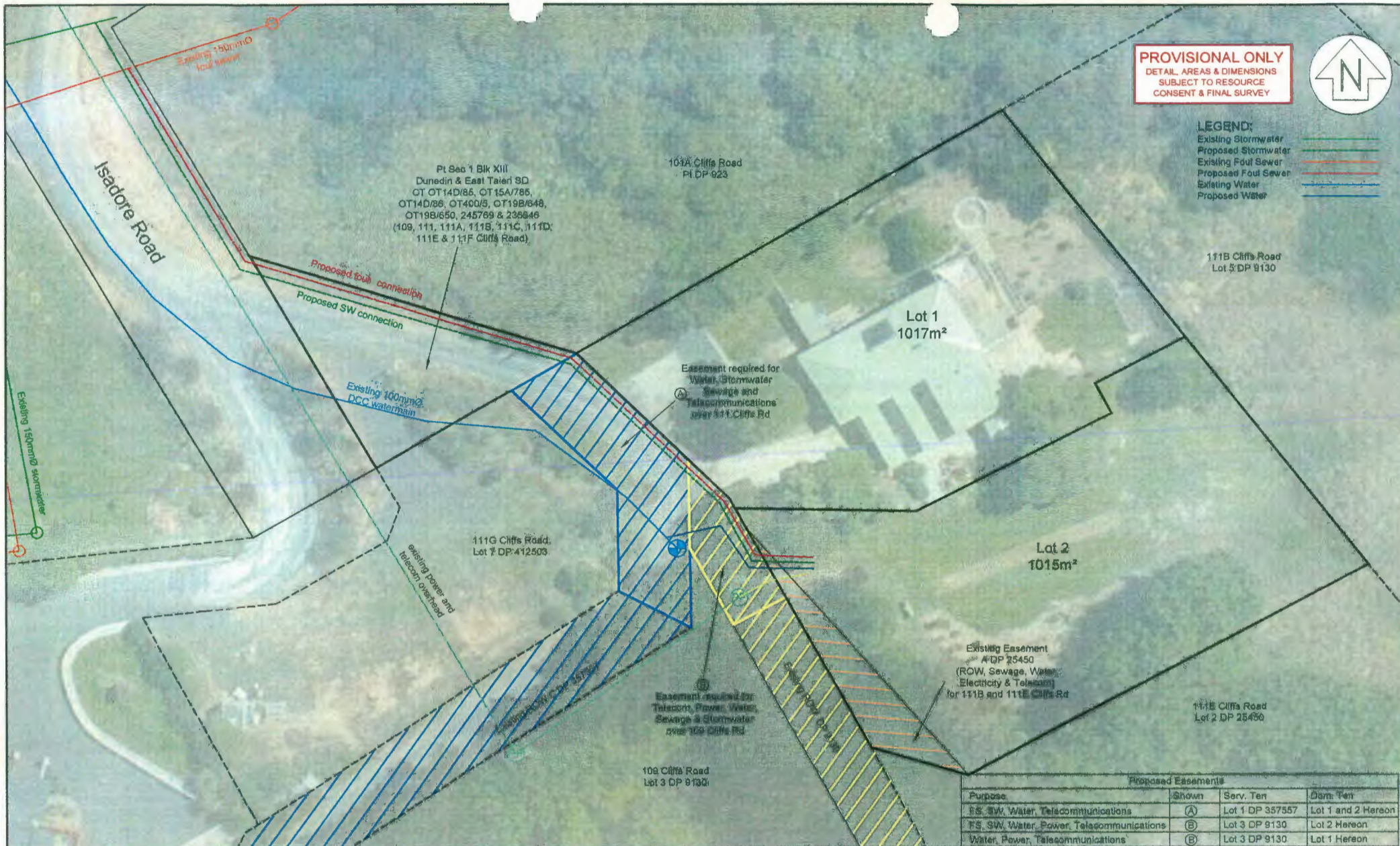
Date: 13/7/16 Telephone: 021-207-2229

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team
City Planning Department
Dunedin City Council
Telephone: 477 4000
Facsimile: 474 3451
PO Box 5045, Moray Place, Dunedin 9058
www.dunedin.govt.nz



Steve Parker 13/9/16
Maake



Handwritten signatures: Davis and Sturges