

BEFORE THE DUNEDIN CITY COUNCIL

IN THE MATTER

of an application for resource
consent

SUB-2016-84
LUC-2016-430

BY

**JAN WARBUTON AND ANDREA
WARBURTON**

Applicant

BRIEF OF EVIDENCE OF MAAIKE LOUISE DUNCAN

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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Introduction

1. My full name is Maaiki Louise Duncan. I am a Licensed Cadastral Surveyor and employee of Terramark Limited. I reside in Dunedin.

Qualifications and Experience

2. I hold a Bachelor of Surveying (with Distinction) from the University of Otago (2005), and have been a Licensed Cadastral Surveyor and Member of the New Zealand Institute of Surveyors from 2007 to the present.
3. I have been an employee of Terramark since 2004 based in the Dunedin office, and involved in all aspects of Resource Management, Land Development and Cadastral Surveying within the Dunedin City environs.

Scope of Evidence

4. My evidence is structured as follows:
 - (a) The Site;
 - (b) Access to the Site;
 - (c) Background to Application;
 - (d) The Proposal;
 - (e) Recommended Conditions by Planner;
 - (f) Conclusion.

The Site

5. The site is legally described as Lot 1 Deposited Plan 25450 and is held in Computer Register OT17C/223, comprising an area of 2029m². It is addressed as 111A Cliffs Road, Dunedin. The ownership of the property is in the name of Janet Evelyn Warburton and WA Trustee Limited.
6. The site is generally rectangular in shape and generally comprises two terraces. The north western half of the site contains a single storey dwelling and mature vegetation. The north eastern terrace is elevated

above the dwelling level and is in lawn. A batter extends up to the southeast from this level lawn to the original elevated ground level of the adjoining site.

Access to the Site

7. Access to the site is off Cliffs Road via a shared access. The total distance from Cliffs Road to the subject site is approximately 525m. The formation varies in width between 3-5m and is entirely of metal construction beyond the initial 25m sealed section located within the Cliffs Road legal corridor. The access passes through numerous land parcels.
8. The first 330m of shared access, coloured green on Access Plan - 11645-H1 is located within rights of way over Lot 6 DP 424179.
9. At this point the shared access formation cuts the corner and deviates from the right of way corridor for a length of approximately 11m along the centreline, passing over the property of 101A Cliffs Road. There are no formal rights of way in place with respect to this deviation. This is shown coloured red on Access Plan - 11645-H1.
10. Beyond this deviation the access continues for approximately 50m prior to entering the Isadore Road legal road corridor for a length of 45m coloured green and magenta respectively on Access Plan - 11645-H1.
11. The access exits the Isadore Road corridor and enters into a triangular parcel of land legally described as Part Section 1 Block XIII Dunedin and East Taieri Survey District, coloured yellow on Access Plan 11645-H1. Ownership is separated into shares held in multiple titles. The applicants own a 1/10th share comprised in computer register OT14D/86.
12. The final stretch of shared access (blue on Access Plan 11645-H1) from the triangular parcel to the subject site is within a right of way over Lot 1 DP 357557 which is addressed as 111 Cliffs Road.
13. The driveways to the subject site finally cross over Lot 3 DP 9130, 109 Cliffs Road within an existing right of way corridor. This is coloured orange on Access Plan 11645-H1.

Background to the Application

14. The applicants purchased the property with the intention of subdividing the land and constructing a second dwelling on the south eastern half of the property. Andrea Warburton lives in the current house. She wants to build a house for her mother, next door. Subdividing the property allows this to take place, and also makes it easier to deal with the title should her mother move out.
15. Terramark was engaged to undertake consultation with existing access users, owners, and adjoining properties and to prepare a subsequent subdivision and land use resource consent application for consideration by the Dunedin City Council.
16. Letters were delivered or sent to a total of 15 parties listed outlining the intention to subdivide and construct a dwelling on the new lot for Jan Warburton. The letter invited the parties to indicate by reply whether they considered there would be any effect on their respective properties. The parties were:

Property Address	Owner	Submission received
Lot 6 DP 424179 (Access Landowner)	P & C Foster	Yes
101A Cliffs Rd	C Thomas-Small & W Small	No
103 Cliffs Road	J Cook	Not notified by DCC
105 Cliffs Rd	M Dawson & S Jackson	Affected party approval provided
107 Cliffs Rd	A & J Stewart	Yes
109 Cliffs Rd	R & R Roe	Affected party approval provided
111 Cliffs Rd	M & K Horne	No
111B Cliffs Rd	E & R Spitzer	No
111C Cliffs Rd	D Collett	Affected party approval provided
111D Cliffs Rd	Cargills Castle Trust Inc.	Affected party approval provided
111E Cliffs Rd	D Gerold & J Winant	Yes
111F Cliffs Rd	M & T O'Kane	Yes
111G Cliffs Rd	C Richards & E Wheeldon	Affected party approval provided
113 Cliffs Rd	J Fogarty	No
9 Highgrove	A and K Heathman	Not notified by DCC but joint with 111F Cliffs Road

17. Prior to submission of the proposal, 13 of the 15 parties provided a response, and after further consultation, 5 parties provided their affected persons approval.
18. We undertook consultation with the owners of 101A Cliffs Road They did not file a submission. We are continuing negotiations to obtain permission to use the portion of Lyders Road that passes over their land.
19. Initial written response from the owners of the access - Mr and Mrs Foster, indicated their concerns were associated with:
 - (a) The need to upgrade the access to a compliant standard.
 - (b) The issue of the physical formation crossing 101A Cliffs Rd.
 - (c) The vehicle entrance onto Cliffs Road not meeting transport standards.

No further consultation was undertaken, and a submission was received.

20. Verbal consultation with the owners of 107 Cliffs Road indicated that they had concerns regarding the access standards and rubbish. No further consultation was undertaken and a submission was received.
21. The owners of 111E Cliffs Road responded via email to our initial correspondence and indicated that they objected to any further subdivision until such time as the access situation was addressed. They indicated that they would approve any subdivision once the road was safe for projected traffic. They did indicate that they were prepared to support efforts to upgrade the road and are willing to pay a fair share. A submission was received.
22. The owners of 111F Cliffs Road responded by letter, however further discussion between the parties was not possible due to their unavailability until after the application was lodged with the DCC. Their response indicated 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. A submission was received.

23. The owners of 9 Highgrove requested a meeting with the applicants in conjunction with the owners of 111F Cliffs Road as a result of our initial correspondence. This never occurred for various reasons, including timing, however telephone communications did occur prior to lodgement of the application. Their concerns related to noise and dust from the access and concerns regarding safety. The owners of 9 Highgrove are not considered an affected person by the DCC. The applicants did meet with the owners of 9 Highgrove after submissions closed and listened to their concerns and explained the proposal as it stood in conjunction with the planner's recommendations of which they were not yet aware.

The Proposal

24. The proposal consists of a two lot subdivision of the subject site, shown specifically as Lots 1 and 2 on plan 11645-3B.

Lot 1

25. Lot 1 will be the north western half of the site and contain the existing dwelling, gardens and onsite manoeuvring areas. It will contain an area of approximately 1017m². Access from Cliffs Road to Lot 1 will remain over the shared access, with onsite parking for two vehicles retained alongside the dwelling. This property is currently serviced for all critical services and these are to remain as the status quo.

Lot 2

26. Lot 2 will be the new vacant lot upon which Jan Warburton will construct her dwelling. It comprises an area of approximately 1015m² and contains the grassed terrace on the south eastern half of the site. The Access from Cliffs Road will continue to be over the shared access as described above. The access will also utilise an existing right of way corridor over 109 Cliffs Road to connect Lot 2 to the shared access within 111 Cliffs Road.
27. Lot 2 will be served for effluent disposal and stormwater by way of new connections to the 150mmØ sewer and reticulated stormwater network

located in Isadore Road respectively. The DCC's water main and Chorus's fibre cables are located within the shared access adjacent the site as it passes through 111 Cliffs Road.

Access

28. The Current District Plan requires a private right of way serving up to 12 users to be formed to 5.0m wide and hard surfaced for its full duration. There is no specific rule in the plan for the formation requirements in excess of 12 users. Table 3.1R of the Dunedin Code of Subdivision and Development 2010, specifies a carriageway formation width of 6.0m for a local road where it serves between 10 and 100 dwellings. The consent conditions on SUB-2013-17 and SUB-2015-96 specified a formation width of 5.0m for the widened and hard surfaced portion of Lyders Road. Those decisions are appended to this evidence.
29. The application, as submitted, proposed to hard surface an additional 40m of length between chainage 160m and 200m which is a 40m extension over and above the requirements imposed on the subdivisions of 109 and 113 Cliffs Road. The 40m length was calculated on a proportionate basis taking into account the number of lots approved by the two previous consents and the length of hard surfacing required as a condition of consent. Those previous decisions and the Planner's report recognises that the upgrading of the access specified as part of a consent condition should remain fair and reasonable upon each application which seeks to develop land off Lyders Road.
30. The upgrade would involve shaping to grade the existing formation, widening to 5.0m where possible and laying a chip seal surface with asphaltic concrete dish channel to control stormwater runoff for 40m. The remainder of the access will not achieve the 5.0m width or be hard surfaced, but will re-shape the existing formation and re-metal the surface. In accordance with the previous consents and the Planner's recommendation, the remainder of the access can be upgraded as further development consents are sought, notwithstanding that the existing users and owners can upgrade the access at any stage.
31. There are no provisions in the District Plan pertaining to sight distances for private ways onto local roads. Guidance has been sought from NZTA

RTS 6 as to the sight line requirements of the shared access onto Cliffs Road as advised by the DCC Transportation Department. This document considers that a driveway with up to 200 vehicle manoeuvres per day (equates to 20 users) is considered a Low Volume Access. The sight distances are then tabled in relation to the operating speed. A 50km/h operating speed equates to 40m sight lines whereas a 40km/h operating speed equates to 30m sight lines.

32. The application proposed that the sight lines approved by the DCC Transportation Department as part of the engineering plans for SUB-2013-17 be accepted for this application also. This equates to a sight distance of 40m to the east and 30m to the west.
33. Given the encroachment of the access into 101A Cliffs Road, the same condition can be imposed on this consent as was imposed on the subdivision of 109 Cliffs road which provided three options for resolution including re-routing the alignment within the corridor, legalising the encroachment by way of a right of way easement, or obtaining written consent allowing the continued informal use of the existing formation.
34. An amalgamation condition is required to facilitate continued legal access for Lot 2 over the triangular parcel of land, held in OT14D/86 by the applicants. The amalgamation condition proposed is:

"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."

The amalgamation condition is not an issue.

Recommended Conditions by Planner

35. The Planners report recommended numerous conditions. Many of these are conditions are fairly standard to subdivisions and land use consents. A number of these conditions are worthy of further discussion whilst all of the conditions recommended by the planner and listed below are considered acceptable and are not discussed further:

- (a) Conditions 3a and 3b regarding easements,
 - (b) Condition 3c regarding the requested amalgamation condition,
 - (c) Conditions 4c, 4d and 4e relating to Traffic Management Plans and construction noise levels,
 - (d) Conditions 4f and 4g relating to the application and installation of a new water connection, and
 - (e) Condition 4h requiring management of erosion and sediment control during construction works.
36. Condition (4a) requires the applicant to upgrade the intersection of Lyders Road with Cliffs Road with respect to sight lines. This condition has been drawn down and replicates the condition imposed on the consents of 109 and 113 Cliffs Road. It is proposed here to ensure that if either or both of the other consents are never effected, the intersection upgrade works will still be undertaken as part of this consent.
37. Condition (4b) requires that one of a possible two areas of the shared access are upgraded and hard surfaced. Option A1 coincides with the proposed 40m length promoted by the applicant within the application and which is shown red on Plan 11645-H2. Option A2 involves upgrading the section of the access as it passes through Isadore Road and which is shown coloured magenta on plan 11645-H2. The length of the access upgrade is similar to that of the original proposal. These upgrades works would not include the portion of driveway which splits from the main access to 111F Cliffs Road but which is located within the Isadore Road corridor.
38. If Option A1 was completed the works would be a natural extension to that of those required as part of the consents issued for 109 and 113 Cliffs Road. This would create a seamless length of seal with only one edge susceptible to damage.
39. If Option A2 was completed, this would alleviate concerns raised by the owners of 109 Cliffs Road, whom are submitting with 111F Cliffs Road. The sealing of this section would reduce noise and dust on this property however the remainder of the dwellings beyond this sealed section

would continue to have noise and dust resulting from vehicular movements continuing beyond the access to 111F and 111G Cliffs Road. The sealing of Isadore Road will result in a total of three seal edges which are susceptible to damage compared with only one edge as part of Option A1.

40. Condition (4b1) requires the metal formation from chainage 160 to the top end to be upgraded by way of reshaping and re-metalling. This section is shown coloured blue and magenta on 11645-H2 if Option A1 is selected or coloured blue and red if Option A2 is selected.
41. Condition (4b2) requires the construction of a passing bay on Lyders Road whilst Condition (4b3) requires the installation of traffic calming devices, namely speed humps above the entrances to 107 and 113 Cliffs Road to slow traffic through this area.
42. All three of these conditions, (4b1, 4b2, and 4b3) replicate the conditions that are imposed on the consent issued for the subdivision of 109 Cliffs Road. Inclusion of these conditions is intended to promote the shared approach to the upgrade of the works with the owners of 109 Cliffs Road.
43. Condition (4b4) requires the construction of rubbish collection area at the top of Lyders Road. This recommendation was not promoted within the original application and has been incorporated into the Planners report and recommended conditions as a result of one submission.
44. The only area within which a rubbish collection area is possible which also provides for the necessary turning space is at the end of Isadore Road. Discussion with the DCC after issue of the planners report indicated this was also the only area they considered suitable. The area and approximate turning circles have been shown on plan 11645-H3.
45. Access to the turning area would be over the shared access of Lyders Road. The turning areas for a collection truck would need to utilise both Isadore Road and a portion of the privately owned triangular portion of land outlined in green. Discussions with DCC indicate that the waste trucks can significantly damage gravel when turning. This would lead to higher maintenance responsibilities for all parties, given the DCC require

a waiver agreement to be signed by the users of the right of way waiving all responsibility for maintenance as a result of the truck accessing and turning on private land.

46. It is therefore considered that to minimise damage to the access if Option A2 is preferred, the turning area would also need to be hard surfacing which increases the area of hard surface works required by the applicant from 200m² to approximately 375m².
47. The question of legal access must also be addressed. The right of way is private and the DCC do not have automatic rights to utilise the shared access. According to discussions with the DCC the waiver referred to in Section 8.9 provides the necessary rights they require. However, given this waiver is to be signed by all of the users of the right of way, and as providing this waiver as part of a resource consent would be unfair on the applicant alone, the construction of a rubbish collection area may be pre-emptive and add unnecessary construction works and associated costs which may never be legally accessible.

Conclusion

48. Andrea wants to build a house for her mother. This subdivision will allow this to happen, while enabling further dealings with the property to be simple. The planner has said that "the subdivision itself does not present any issues for Council" and the standard of access is the main issue associated with this application. The applicant proposed sealing a 40m stretch of the shared access to which the Planner has recommended the following conditions be added for fairness to existing consent holders and which are:
 - (a) upgrading the intersection of the access with Cliffs Road to improve sight lines,
 - (b) reshaping and resurfacing the access from 160m to the end,
 - (c) constructing a passing bay on Lyders Road, and
 - (d) installing two calming structures to control traffic speed,

The planner states that "the proposed upgrade is considered to be commensurate with the increase in intensity of use arising from the proposed subdivision".

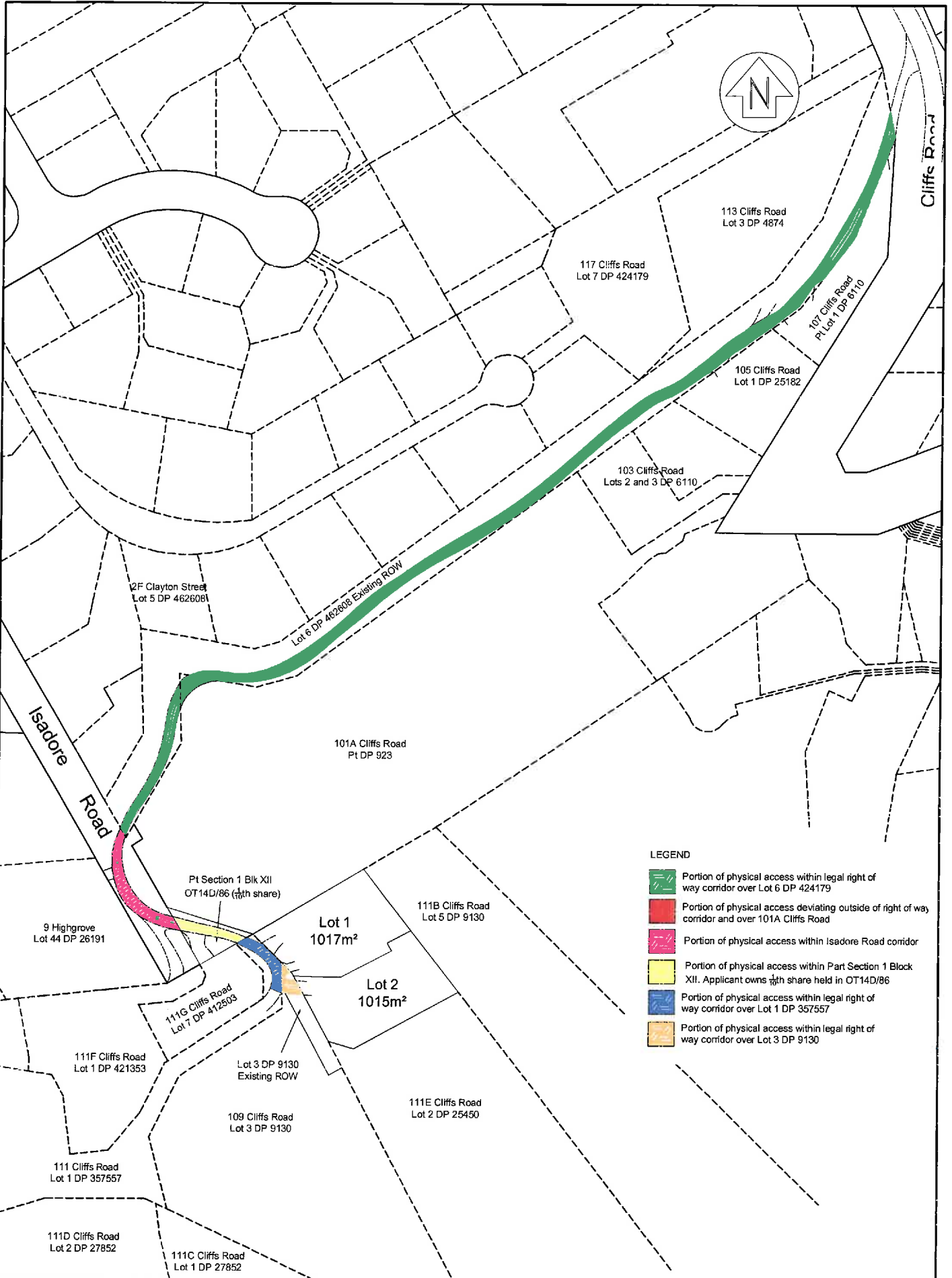

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Maike Duncan

Terramark Limited

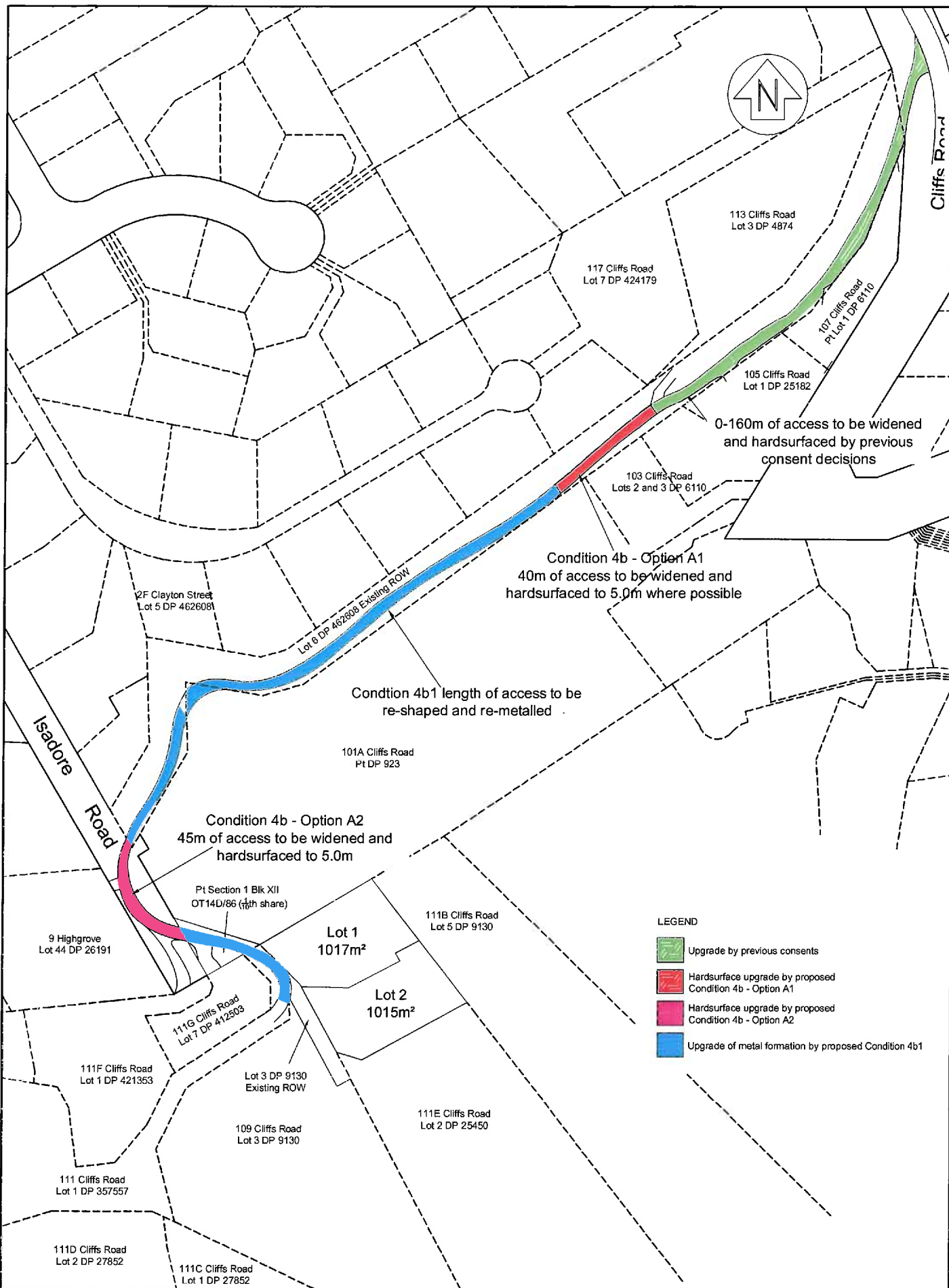
Dated: 21 November 2016

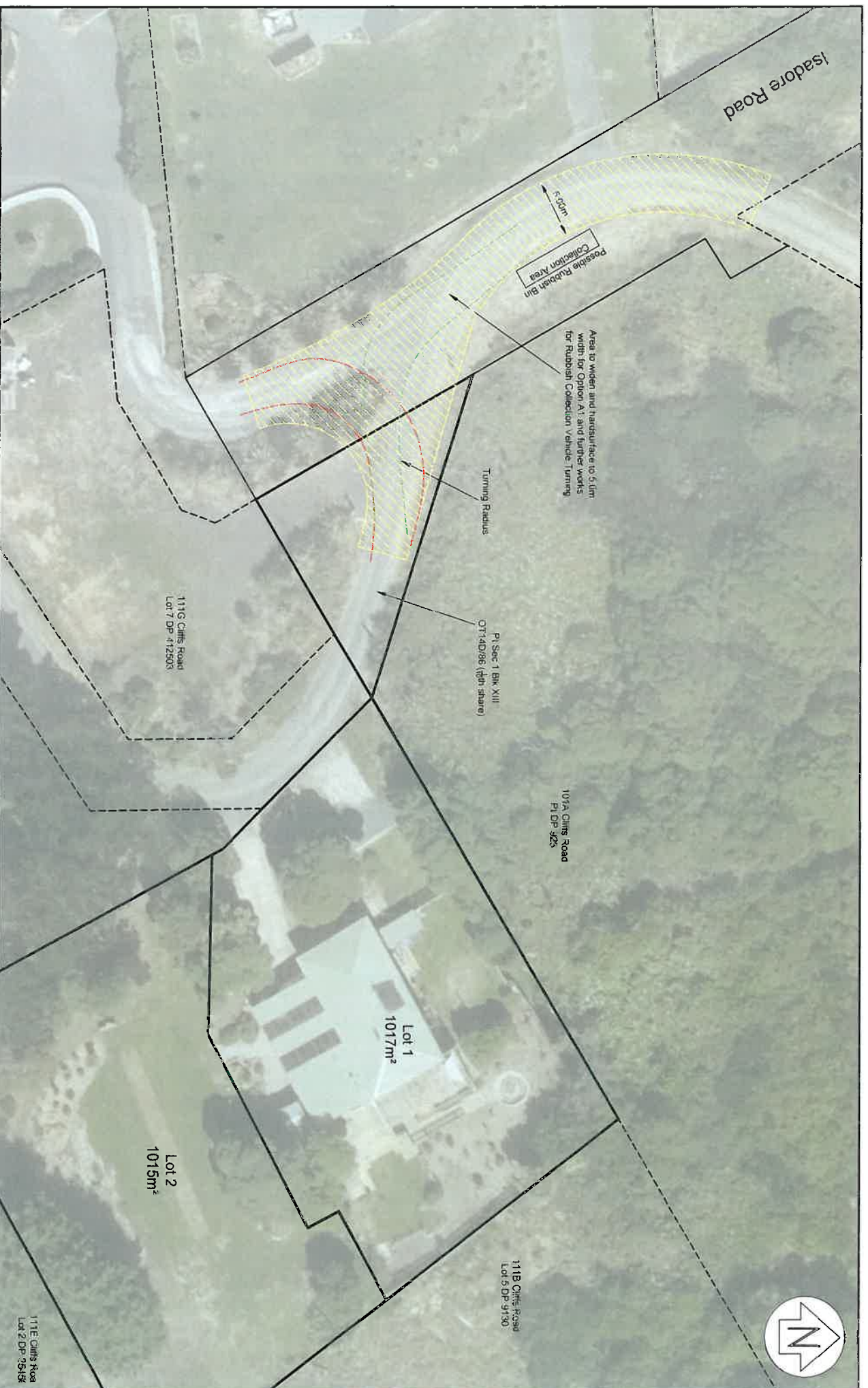
Appendix A



LEGEND

-  Portion of physical access within legal right of way corridor over Lot 6 DP 424179
-  Portion of physical access deviating outside of right of way corridor and over 101A Cliffs Road
-  Portion of physical access within Isadore Road corridor
-  Portion of physical access within Part Section 1 Block XII. Applicant owns 1/10th share held in OT14D/86
-  Portion of physical access within legal right of way corridor over Lot 1 DP 357557
-  Portion of physical access within legal right of way corridor over Lot 3 DP 9130





Lots 1 and 2 being a Proposed Subdivision of Lot 1 DP 25450 111A Cliffs Road, Dunedin Rubbish Collection and Turning Area		
Scale:	1:300 @ A3	Job No:
Date:	Nov 2016	11645
		Plan No:
		11645-H3

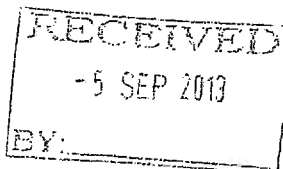
Appendix B



DUNEDIN CITY
COUNCIL
Kaunihera-a-rohe o Otepoti

4 September 2013

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RD & RB Roe
C/- John Willems
TL Survey Services Limited
PO Box 901
Dunedin 9054

Dear John

RESOURCE CONSENT APPLICATION: SUBDIVISION: SUB-2013-17
LAND USE: LUC-2013-1119
109 CLIFFS ROAD
DUNEDIN

The above applications for the subdivision of 109 Cliffs Road, Dunedin, and land use consent for residential activity with bulk and location breaches in terms of the new boundaries, and for a right of way not formed to District Plan standards and having more than twelve users, was processed on a limited notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The Hearings Committee, comprising Councillor's Colin Weatherall (Chairperson), Andrew Noone and Lee Vandervis heard the application in public on 5 August 2013.

At the end of the public part of the hearing, the Committee in accordance with section 48(1) of the Act resolved to exclude the public. The Committee undertook a site visit on 16 August 2013, then considered the application.

The Committee has **granted** consent to the applications on 16 August 2013. The full text of this decision commences below with a consent certificate attached to this letter.

The Hearing and Appearances

The following were in attendance:

The Applicant:

John Willems (Consultant), Richard and Rachel Roe (Applicants).

Council Staff:

Lianne Darby (Planner/ Processing Planner), John Sule (Senior Planner/Advisor to Committee), Grant Fisher (Transportation Operations), and Wendy Collard (Governance Support Officer).

Submitters

Carmela Thomas-Small, Mark O'Kane (accompanied by Karen and Alan Heathman), Neville and Leanne McKenzie, and Greg Page on behalf of Peter Foster.

Procedural matters

The status of Mr and Mrs Heathman within the consent process was clarified. Mr and Mrs Heathman were supporting the submission of Mr O'Kane but had no appeal rights to the Environment Court in their own right.

Principal issues of contention

The following are the principal issues of contention:

- The standard and use of the shared access from Cliffs Road.

Summary of the Evidence Heard

Introduction from Processing Planner

Summarising her report, **Mrs Darby**, the Processing Planner, described the subject site, the different sections of the access, and the formation standard of the access. She advised that the proposal was to subdivide the subject site into four new lots. These would have adequate legal access, but the formed access would not be up to standard and would have too many users over the lower 100m or so. The applicant intended to upgrade the access, but would not be bringing it up to full standard.

The application had been sent to those neighbours having legal rights over the access who had not provided written consent to the proposal. There were four submissions received; one opposing, two neutral in their stance, and one in support. The submitters had identified a number of issues with the access, including its standard of formation, the legality of the section through 101A Cliffs Road, and adverse dust and noise effects.

Council departments were generally supportive of the proposal including Transportation Operations which considered the proposed upgrade of the access to be fair and reasonable and in proportion to the increased usage of the access. Mrs Darby recommended that the application be granted, subject to conditions. She responded to questions from the Committee.

The Applicants' Case

Mr Willems provided an introduction to the documents and plans tabled at the hearing, and spoke to his written submission. He advised that the subdivision proposal complied with minimum lot size for the zone, but the access made the proposal non-complying. He described the access and the proposed works for its upgrade. Mr Willems responded to the comments and concerns of submitters, and discussed the maintenance agreement the applicants had drafted with the intention that all the users of the access would participate. The applicant was in agreement with the planner's report and the recommended conditions.

Mr Willems and **Mr Roe** responded to questions from the Committee. Mr Roe described how the proposed maintenance agreement would work, and noted the eight residents he had spoken to were receptive to the concept of a formal agreement. The details had not been worked out, however.

Mr Roe preferred to create an easement over the section of access through 101A Cliffs Road which had no legal standing, rather than shift the existing driveway. The owners of 101A Cliffs Road had to be agreeable, however. To shift the driveway would be "horrendously expensive" because of a stormwater pipe in the area. He had been advised by Fulton Hogan that the cost would be in the region of \$50 000. The applicant had suggested chip seal for upgrading the access, on the expert advice of the contractor. The works, if undertaken, would probably require resource consent.

Presentation of Council Staff

Mr Fisher noted that he had provided comments for the report, and he had little more to add. He described the relationship of the subdivision of Adams Way with the access (Lyders

Road), and noted that the subdivision did not create the access rights in favour of the Adams Way lots as these were existing rights.

Discussion followed as to when the upgrading of the access would occur as part of the subdivision works. **Mr Sule** advised that the works would be completed prior to section 224(c) certification of the subdivision unless there was a bond agreement with the applicant to have the work delayed until the new lots were developed. Mr Roe suggested that the access could be widened and gravelled first, with the hard surfacing to follow once trucks were no longer using the access.

Submitter's Presentations

Mrs Thomas-Small spoke to the Committee. She was the owner of 101A Cliffs Road which was a substantial area of land adjacent to the Lyders Road section of the access. The access had caused much heartache. Mr and Mrs Thomas-Small were wanting to subdivide their land, with the new lots using Lyders Road for access. Although they had given others approval to subdivide, the other parties had not given Mr and Mrs Thomas-Small the same courtesy. Mrs Thomas-Small talked of the stress of the situation, and the reality of living below the access.

Mrs Thomas-Small was a strong advocate of hard surfacing. It would be costly, but would also resolve on-going historical issues. As the situation stood, some people were doing maintenance on the access, and others were not. It was fine that people drove over Mr and Mrs Thomas-Small's land, but no one had ever said thank you. There had been machinery parked on their property, excess water had been fed down through the section, boulders had fallen from the access, and they lived with dust nuisance.

Lyders Road encroached into the property of Mr and Mrs Thomas-Small. Mrs Thomas-Small wanted to know if the proposed passing bays would encroach as well. She tabled a cross-sectional sketch of how she would like the access to be constructed to minimise fall off into her property. She didn't mind some encroachment of passing bays if the road was hard surfaced, and was agreeable to be party to a maintenance agreement.

Mr Willems, on behalf of the applicant, noted that the access had been accurately surveyed as part of the Adams Way subdivision. It was Mr and Mrs Roe's intention to have the passing bays fully within the access boundaries, but if there were to be any encroachment, there would be negotiation with Mr and Mrs Thomas-Small.

Mrs Thomas-Small, when questioned by the Committee, affirmed that she was prepared to legalise the existing encroachment of the access into 101A Cliffs Road for all users in exchange for the rights to use the access for their own subdivision.

Mr O'Kane advised that he had lived on the access for 16 years, and had two properties, 111F and 111G Cliffs Road. The access had always been a problem, and he had undertaken maintenance himself. He wanted to know when did Council say, 'Enough', and take over the access. The Committee explained that the access would have to be brought up to Council standards for roading before Council would be prepared to accept it as legal road.

Mr O'Kane agreed that the access needed to be upgraded, and hard surfacing was essential. He discussed the possibility of the unformed section of Isadore Road being upgraded, and he considered that it would be at Council's expense as the number of ratepayers would increase. The access needed to be brought up to Council's standards, and Mr O'Kane believed it was the applicant's responsibility to upgrade it.

Mr Heathman supported Mr O'Kane and his submission. He was not against the subdivision but had issues with its functionality. Mr Heathman had taken exception to Mrs Darby's view on affected parties. He had rights to use Isadore Road, and that was the area of concern. The 2013 subdivision would be serviced by a 1920s road. There could be a passing bay at Isadore Road, but any further widening will exacerbate dust. The Isadore Road portion was the most exposed section of access. It experienced wind gusts, and the upper section had been an

issue for emergency services. Mr Heathman asked if the access were overused now, how would adding to the problem solve anything?

Mr and Mrs McKenzie had just recently bought 105 Cliffs Road. They had met Mr Roe and thought he had made a very professional approach to them. When they moved in they were totally unaware of the proposal as it had not been recorded on the LIM. Mr and Mrs McKenzie's house was very close to Lyders Road, but they were happy with Mr Roe's proposal and the improvements to the access. Even so, they supported any improvement to Isadore Road. Mr and Mrs McKenzie had two children who walked up and down Lyders Road almost daily although speeding cars were a danger. They were not happy with the state of the road. It was wet, slippery, and had potholes. Mr and Mrs McKenzie thought a footpath would be a good idea. They were concerned about further subdivision.

Mr Page spoke on behalf of **Mr Foster**. Mr Page lived at 117 Cliffs Road. He noted that Mr Foster did not oppose the subdivision proposal, but had concerns about the conditions. The access should meet the Council's code, and should be maintained to Council standards. Legislation required a certain standard and distribution of costs. Mr Page considered an appropriate standard to be hard surfacing which was impervious to water and had a good surface. It should be properly engineered. There should be no compromise on standard. It was Mr Page's opinion that Mr and Mrs Roe should do a proper job and fully comply. This would require retaining walls, camber, widening, work on the entranceway, enhanced sight lines, and if no agreement with Mr and Mrs Thomas-Smail, the rerouting of the section which encroached into 101A Cliffs Road. Mr Page did not consider that the Property Law Act 2007 provisions for landlocked land applied.

Processing Planner's Review of Recommendation

Mrs Darby reviewed and maintained her recommendation to the Committee to grant consent to the proposal subject to conditions on the upgrading of the road. She noted that the decision had to be fair and reasonable, and questioned whether it was fair to put the full costs of upgrading the access on Mr and Mrs Roe. Mrs Darby also explained that the Council had not given pedestrian right of way over Lyders Road to the Adams Way lots; these lots had had existing rights, and Council cannot cancel these rights unless redundant. These rights of way were not redundant.

Mr Fisher responded to questions from the Committee. He noted that the proposed upgrade would mean the lower end of the access could accommodate the proposed development and would allow for further growth. The upper section would remain single land and would fall short of Council's standards. He calculated that the proposed development would result in eight to ten additional car movements per residential unit. The future use, if any, of Cargill's Castle was unknown and had not been calculated into this consent. The formation of Isadore Road had been canvassed in past but had not been progressed.

Applicant's Right of Reply

Mr Willems thanked the submitters for their attendance at the hearing, and responded to points made. He advised that the applicant would endeavour to do all of the proposed upgrade, and to keep the works within the access corridor. Mr and Mrs Roe were prepared to work with Mr and Mrs Thomas-Smail. A full upgrade had been explored, and the costs were prohibitive. However, a maintenance agreement could be achieved.

Each subdivision should be considered on a case by case basis. In regard to the formation of Isadore Road, the applicants would consider preparing the road for hard surfacing, but would leave the costs of sealing to the Council.

Mr Roe noted that they were not seek to subdivide so as to make money and move away. They wanted a new home, and they wanted to get along with neighbours.

Statutory Provisions

In accordance with section 104 of the Resource Management Act 1991, the Planner's Report detailed in full the relevant statutory provisions and other provisions the Committee considered. Regard was given to the relevant provisions of the following chapters of the Dunedin City District Plan: 4 Sustainability, 8 Residential Zones, 18 Subdivision, and 20 Transportation.

Decision

The final consideration of the application, which took into account all information presented at the hearing, was held during the public-excluded portion of the hearing. The Committee reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991. In addition, a site visit was undertaken during the public-excluded portion of the hearing, the Committee inspected the subject site and walked the length of the access before making its decision.

DECISION

Subdivision SUB-2013-17

*That pursuant to section 34A(1) and 104B, and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **non-complying** activity being the subdivision of 109 Cliffs Road, Dunedin, being the site legally described as Lot 3 DP 9130 (CFR OT400/4) into four lots, subject to the conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

Land Use LUC-2013-119

*That pursuant to section 34A(1) and 104C and after having regard to section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **non-complying** activity being the establishment of accessory buildings on Lots 2 and 4 SUB-2013-17 with no associated residential activity; and residential activities on Lots 1 to 4 SUB-2013-17 utilising an access with under-width formation which is not fully hard surfaced and serves more than twelve users; and for the bulk and location breaches of the existing buildings on Lots 2, 3 and 4 SUB-2013-17, at 109 Cliffs Road, Dunedin, as shown on the attached certificate.*

Reasons for this Decision

The Hearings Committee considered the evidence heard, the relevant statutory and plan provisions, the principle issues in contention and the main findings of fact. The main findings of fact have been incorporated within the reasons discussed below.

The effects of the proposal are considered to be no more than minor for the following reasons:

1. The proposal is for a subdivision to create residential sites in a residential area, and in this regard the effects of the proposal are largely anticipated by the District Plan. The Committee recognises that the new lots to be created will be of generous size for the Residential 1 zone. All new lots will have adequate legal access. As such, the proposed subdivision itself does not present any issues for Council. Furthermore, the Committee notes that the large lot sizes were appropriate for the setting, given the urban landscape conservation area designation for this area.
2. There are no known issues with the servicing of the proposed lots. The Committee notes that the existing reticulated services for this area are some distance from the proposed subdivision, but the applicant can extend the existing services and the Water and Waste Services Business Unit has no concerns about the capacity of the infrastructure to service the new lots. Stormwater drainage will need to be managed properly. The applicant intends to improve the stormwater drainage along the existing access as part of the upgrade works.

3. The Committee is aware that the proposed upgrading of the access will not address all the present inadequacies of the driveway. The driveway will not be brought up to full Council standards for a shared access. However, the Council considers that the proposed works are fair and reasonable in the circumstances, and that the proposed upgrading of the access will improve the situation for all existing users. The works will widen and upgrade the lower section which has the greatest use. However, the Committee considers that a further 30m or so of hard surfacing over and above that promoted by the applicant is appropriate given the condition of the existing driveway in this area. The proposed works will also provide passing areas on the single lane section, and will improve the surface of the entire access. It is considered that the proposed works are in proportion to the increased use of the access arising from the proposed subdivision. Furthermore, although not involving hard surfacing, the Committee considers that the upgrade works for the upper section (if maintained on an ongoing basis) are likely to mitigate many of the dust and noise issues experienced by residents.
4. The increased use of the access is considered to be acceptable. The District Plan permits up to twelve users on a private way, and even with the proposed subdivision, there will be fewer than twelve users for the great majority of the accessway's length. Where there are twelve or more users, the access will be formed to a higher standard, will be hard surfaced, and will be wide enough for vehicles to pass. The Committee considers that the inadequacies in the access formation over the balance of the access should not prevent the applicant subdividing in accordance with the zone expectations.
5. The standard of the access is an historical issue, and the applicants are only one party responsible for the maintenance of the access. It is therefore unreasonable to expect the applicants to upgrade the entire access to a fully compliant standard as part of the subdivision works. The Property Law Act 2007 allows all users and owners of a right of way to undertake works on an access, and accordingly, the other residents already have the opportunity to rectify those inadequacies which concern them. One benefit of the proposed subdivision is expected to be a maintenance agreement between the users of the access, to set and on-going maintenance plan, including funding, for works on the access. This is a private matter which Council cannot impose as a condition of consent. However, the Committee was of the opinion that a maintenance agreement was very important to ensure that the access is appropriate and regularly maintained, and that the costs are fairly apportioned. The Committee notes that the consent holder has made efforts to commence negotiations on a maintenance agreement, and it is possible that Council staff from Planning and Transportation Operations could be of assistance.
6. There is a short section of the existing access which passes into 101A Cliffs Road although there is no legal easement allowing this to occur. The Committee has granted consent to the proposed subdivision but recognises that the historical encroachment of the formation needs to be addressed before access is legally available. Accordingly, the consent holder must facilitate the creation of an easement, reroute the formation within the legal corridor, or obtain written consent from the owners of 101A Cliffs Road for the use of the existing encroachment, prior to the consent being given effect.
7. The Committee did not consider it necessary to formally retain the existing trees on-site along the cliff edge, although a landscape plan for this area is encouraged and may well be necessary as part of the development proposal for this new lot. As the new lots are within an urban landscape conservation area, any new dwelling is considered to be a controlled activity and will require resource consent. Council's control is limited to the impact of the new development on the 'natural' landscape qualities and character of the setting.

8. That Committee notes that there is potential for further subdivision, as many existing properties using the shared access are large sites. Consequently, it is likely that there may be future applications for subdivision, but the Committee is unable to consider this possibility as part of this application. The Committee understands that the under-width nature of the access formation means any future subdivision proposal using this access will need to be assessed on its own merits and in light of the existing environment at that time. It is possible that future applicants will be required to undertake additional upgrading of the access.
9. The Committee considers that the proposed subdivision is consistent with the relevant objectives and policies of the District Plan.
10. Section 104 of the Act requires that the Council take into account Regional Policy Statements and rules of any plan or proposed plan. The proposal was found to be consistent with the objectives and policies of the Regional Policy Statement for Otago.
11. The Committee considers that the effects of the proposal will be no more than minor, and the proposal is not contrary to the objectives and policies of the District Plan. Accordingly, the proposal is considered to meet both gateways of the section 104D test, and the Committee is in a position to consider the granting of consent.
12. The Committee considers that the subdivision and land use proposals satisfy the relevant sections of Part II of the Act.

Commencement of Consent

As stated in section 116 of the Resource Management Act 1991, this consent shall only commence once the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or the Environment Court determines the appeals or all appellants withdraw their appeals, unless a determination of the Environment Court states otherwise, and when the matter of access over 101A Cliffs Road is resolved.

Right of Appeal

In accordance with section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received. The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069
Christchurch 8140

Any appeal must be served on the following persons and organisations:

- The Dunedin City Council.
- The applicants.
- Every person who made a submission on the application.

Failure to follow the procedures prescribed in sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

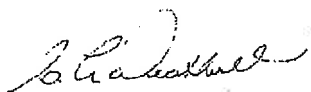
Please direct any enquiries you may have regarding this decision to Lianne Darby, whose address for service is City Planning, Dunedin City Council, PO Box 5045, Dunedin 9058.

DEVELOPMENT CONTRIBUTION DECISION:

In accordance with Section 198 of the Local Government Act 2002 and the Dunedin City Council Policy on Development Contributions of the adopted 2009/10 - 2018/19 Community Plan, a development contribution of \$861.19 (including GST) is payable on this development. This contribution has been calculated as set out below:

Contribution Area	Rate per Unit of Demand 2009/10#	Additional Units of Demand	Contribution excluding GST
City Wide Reserves Contribution	\$249.62 per unit	3	\$748.86
GST:			\$112.33
Total:			\$861.19

Yours faithfully



Colin Weatherall
CHAIR
HEARINGS COMMITTEE



**DUNEDIN CITY
COUNCIL**

Kaunihera-a-rohe o Otepoti

50 The Octagon, PO Box 5045, Moray Place
Dunedin 9058, New Zealand
Telephone: 03 477 4000, Fax: 03 474 3488
Email: dcc@dcc.govt.nz
www.dunedin.govt.nz

Consent Type: Subdivision

Consent Number: SUB-2013-17

Location of Activity: 109 Cliffs Road, Dunedin

Legal Description: Lot 3 DP 9130 (CFR OT400/4).

Lapse Date: 4 September 2018, unless the consent has been given effect to before this date. The lapse date shall stand regardless of the commencement date.

*That pursuant to section 34A(1) and 104B, and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **non-complying** activity being the subdivision of 109 Cliffs Road, Dunedin, being the site legally described as Lot 3 DP 9130 (CFR OT400/4) into four lots, subject to the conditions imposed under sections 108 and 220 of the Act, as follows:*

1. *The proposal shall be given effect to generally in accordance with the plan prepared by TL Survey Services Ltd entitled, 'Proposed Subdivision of Lot 3 DP 9130,' and the accompanying information submitted as part of SUB-2013-17 received by Council on 22 March 2013, except where modified by the following:*
2. *That pursuant to section 116 of the Act, this consent shall not commence until lawful access is obtained over Part Section 32 DP 923 Ocean Beach Survey District (101A Cliffs Road), or the access is rerouted so as to avoid this property, or written consent is provided by the owners of this property allowing access to continue on an informal basis. Council shall be notified in writing of the new easement, the completion of physical works, or the agreement reached, according to which option is selected.*
3. *Prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:*
 - a) *If a requirement for any easements for services is incurred during the survey then those easements shall be granted or reserved and included in a Memorandum of Easements on the survey plan.*
 - b) *That Rights of Way B to F shall be duly created or reserved as appropriate, and shall be shown on the survey plan in a Memorandum of Easements. Right of Way B shall have a legal width which is the full width of the existing right of way; Right of Way C shall have a minimum legal width of 3.5m; Rights of Way D, E and F shall have a minimum combined legal width of 6.0.*
 - c) *That easements for services in favour of Lot 3 shall be duly created or reserved as necessary.*
 - d) *That an easement in gross in favour of the Dunedin City Council shall be duly created or reserved over Lot 4 for pedestrian right of way. The alignment and dimensions of the right of way in gross shall be*

determined in consultation with Council's Parks and Recreation Services department.

- e) That the following amalgamation condition shall be endorsed on the survey plan:

'That the 1/5th share of Part Section 1 Block XIII Dunedin & East Taieri Survey District held in CFR OT400/5 be held as to four undivided 1/20th shares by Lots 1 to 4 hereon (one share each) as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith (See CSN Request 1160810).'

4. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:

Access

- a) That the intersection of Lyders Road and Cliffs road shall be upgraded so that there is at least 40m of sight distance for a driver along Cliffs Road in both directions, or an alternative distance that has been sufficiently justified and agreed to by the Transportation Operations Manager. Detailed engineering plans for this upgrade shall be submitted to the Transportation Operations Manager for approval prior to construction works commencing.
- b) That the shared private access shall be upgraded generally in accordance with the measures proposed in the application. The upgrades shall include the following:
- The lower section of Lyders Road, starting from Cliffs Road and extending up to a distance 130m from the edge of the existing hard surfacing, shall be widened to a minimum of 5.0m where reasonably possible or, failing that, the maximum extent of any narrower width, and shall be hard surfaced over the full formation. The access shall be adequately drained.
 - The full length of the rest of the access, including the section on Isadore Road, shall be reshaped and resurfaced, and shall include adequate drainage provisions.
 - 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 the relevant NZTA, Austroads, or other appropriate engineering guidelines as accepted by Transportation Operations.
 - Two traffic calming structures shall be installed, one above the vehicle entrances of 107 & 113 Cliffs Road.
- c) A Traffic Management Plan for the management of the access during upgrading works shall be submitted to the Transportation Operations Manager for approval prior to works being commenced.
- d) The access shall be managed in accordance with the approved Traffic Management Plan during the construction period of all upgrade works.
- e) All construction work on the site shall be designed and conducted to ensure that construction noise does not exceed the noise limits in the following table.

<i>Time of Week</i>	<i>Time Period</i>	<i>Leq (dBA)</i>	<i>L max(dBA)</i>
<i>Weekdays</i>	<i>0730-1800</i>	<i>75</i>	<i>90</i>
	<i>1800-2000</i>	<i>70</i>	<i>85</i>
	<i>2000-0730</i>	<i>45</i>	<i>75</i>
<i>Saturdays</i>	<i>0730-1800</i>	<i>75</i>	<i>90</i>
	<i>1800-2000</i>	<i>45</i>	<i>75</i>
	<i>2000-0730</i>	<i>45</i>	<i>75</i>
<i>Sundays and public holidays</i>	<i>0730-1800</i>	<i>55</i>	<i>85</i>
	<i>1800-2000</i>	<i>45</i>	<i>75</i>

Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction noise. Please Note; the lower noise limits on Sundays and Public Holidays may mean that no construction work can occur on these days.

Water Supply

- f) That detailed engineering design plans shall be submitted to the Network Engineer, Water and Waste Services Business Unit, for approval prior to any works commencing on-site.*
- g) All water service infrastructure shall be installed in accordance with Section 6 of the Dunedin Code of Subdivision and Development 2010 unless specifically authorised otherwise by the Network Engineer Water and Waste Services Business Unit.*
- h) An "Application for Water Supply – New Service" shall be submitted to the Water and Waste Services Business Unit for approval to establish new water connections to Lots 1, 2 and 4. Details of how each proposed lot is to be serviced for water shall accompany the application.*
- i) Upon approval by the Water and Waste Services Business Unit, water service connections shall be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.*

Stormwater Services

- j) If the consent holder proposes to extend the existing stormwater network to service the new lots, detailed engineering design plans shall be submitted to the Network Engineer, Water and Waste Services Business Unit, for approval. No works shall commence without the necessary written approval.*

Foul Sewer Services

- k) That detailed engineering design plans shall be submitted to the Network Engineer, Water and Waste Services Business Unit, for approval. No works shall commence without the necessary written approval.*
- l) That all wastewater infrastructure shall be installed in accordance with Section 5 of the Dunedin Code of Subdivision and Development 2010, unless specifically authorised by the Network Engineer, Water and Waste Services Business Unit.*

Erosion and Sediment Control

- m) That all practicable measures shall be used to mitigate erosion and to control and contain sediment-laden stormwater run-off from the site*

during any stages of site disturbance that may be associated with this subdivision.

Site Development

- n) That a plan shall be prepared showing the top of the cliff within new Lot 4, and a setback line for construction situated 10m from the top of the cliff. The setback line shall be labelled as such, and the plan shall be attached to the consent notice of condition 4(o) below.
- o) That a consent notice shall be prepared for the title of Lot 4 for the following on-going condition:

'Any building to be constructed on this lot shall be situated to the northwest of the 'set back line', as shown on the attached plan.'

Land Use LUC-2013-119

That pursuant to section 34A(1) and 104C and after having regard to section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **non-complying** activity being the establishment of existing accessory buildings on Lots 2 and 4 SUB-2013-17 with no associated residential activity; and residential activities on Lots 1 to 4 SUB-2013-17 utilising an access with under-width formation which is not fully hard surfaced and serves more than twelve users; and for the bulk and location breaches of the existing buildings on Lots 2, 3 and 4 SUB-2013-17, at 109 Cliffs Road, Dunedin, subject to conditions imposed under section 108 of the Act, as follows:

- 1. The proposal shall be given effect to generally in accordance with the plan prepared by TL Survey Services Ltd entitled, 'Proposed Subdivision of Lot 3 DP 9130,' and the accompanying information submitted as part of SUB-2013-17 received by Council on 22 March 2013.

Advice Notes

- 1. In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake. A similar responsibility exists under the Health Act 1956.
- 2. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
- 3. It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
- 4. This is resource consent. Please contact the Building Control Office, Development Services, about the need for building consent for any construction work as part of the subdivision.
- 5. The Water and Waste Services Business Unit require that the installation and connection of new water reticulation to the existing public water system shall be carried out after the consent holder has completed and submitted an 'Application for Water Supply' form to the Council and following the consent holder's acceptance of the quote for the required work (as per the Dunedin City Council's Terms and Conditions for the Supply of Water and the Dunedin City Council Code of Subdivision (Part 4)). A quote for the required work can be obtained from either the Dunedin City Council (DCC) or an approved water supply connection installer (AWSCI).

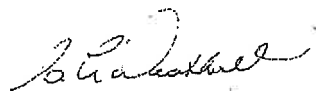
6. The consent holder is to ensure that all practicable measures are used to mitigate erosion and to control and contain sediment-laden stormwater run-off from the site during any stages of site disturbance that may be associated with this subdivision.
7. The following documentation is recommended as best practice guidelines for managing erosion and sediment -laden run-off and for the design and construction of erosion and sediment control measures for small sites:
 - ARC Technical Publication No. 90 Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region, March 1999.
 - Environment Canterbury, 2007 'Erosion and Sediment Control Guidelines for the Canterbury Region' Report No. CRCR06/23.
 - Environment Canterbury, 2007 "Erosion and Sediment Control Guidelines for Small Sites."
8. All aspects relating to the availability of the water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service. Any new development must be within 135m of a fire hydrant, otherwise the proposal will be non-compliant with fire-fighting requirements.
9. Parts 4, 5 and 6 (Stormwater Drainage, Wastewater and Water Supply) of the Dunedin Code of Subdivision and Development 2010 must be complied with.
10. It is advised that any drainage issues and requirements (including the necessary works) will be addressed via the building consent process.
11. Certain requirements for building on this land may be stipulated via the building consent process, and are likely to include the following points:
 - For sites level with or above the road, the finished floor level of any building is to be a minimum of 150mm above the crown of the road.
 - For sites below the road, the finished floor level is to be no less than 150mm above the lowest point on the site boundary. Surface water is not to create a nuisance on any adjoining properties.
 - For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
 - As required by the New Zealand Building Code E1.3.2, surface water resulting from an event having a 2% probability of occurring annually, shall not enter buildings. The finished floor level shall be set accordingly.
12. This consent does not address any earthworks for this subdivision associated with the development of the access, access lots, new lots, or the formation of any new access, manoeuvring areas, or retaining walls. Should earthworks on-site breach the performance standards of Section 17 of the District Plan, further consent will be required. Land use consent may also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.
13. Parking and on-site manoeuvring will be assessed for development on each new lot at the time of building consent or resource consent application.
14. It is recommended that a formal agreement be drawn up between the owners and users of the access lots to clarify the responsibilities for the maintenance of the access lots. Council will not be involved in the drafting or implementation of any such agreement, but Council Planning or Transportation Operations staff may be able to assist.
15. It is advised that the vehicle access from the carriageway to the property boundary is over road reserved and is therefore required to be constructed in accordance with the

Dunedin City Council Vehicle Entrance Specification (available from Transportation Operations).

16. As the new lots are within an urban landscape conservation area, any new dwelling is considered to be a controlled activity and will require resource consent. Council's control is limited to the impact of the new development on the 'natural' landscape qualities and character of the setting. It is likely that a landscape plan will be required for any development on new Lot 4.

Issued at Dunedin this 4 September 2013

Yours faithfully



Colin Weatherall
CHAIR
HEARINGS COMMITTEE



50 The Octagon, PO Box 5045, Moray Place
Dunedin 9058, New Zealand
Telephone: 03 477 4000, Fax: 03 474 3488
Email: dcc@dcc.govt.nz
www.dunedin.govt.nz

3 May 2016

JM Fogarty
C/- John Willems
TL Survey Services Ltd
PO Box 901
Dunedin 9054

Dear John

RESOURCE CONSENT APPLICATION: SUBDIVISION: SUB-2015-96
LAND USE: LUC-2015-520
113 CLIFFS ROAD
DUNEDIN

The above applications for the subdivision of 113 Cliffs Road, Dunedin, into two lots, and land use consent for use of an under-width, shared access with more than 12 users, was processed on a limited notified basis in accordance with sections 95A and 95G of the Resource Management Act 1991. The Hearings Committee, comprising Councillors Andrew Noone (Chairperson), Lee Vandervis, and Andrew Whiley, heard the application in public on 14 April 2016.

At the end of the public part of the hearing, the Committee, in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987, resolved to exclude the public.

The Committee undertook a site visit on 14 April 2016.

The Committee has **granted** consent to the applications on 3 May 2016. The full text of this decision commences below with a consent certificate attached to this letter.

The Hearing and Appearances

The following were in attendance:

The Applicant:

John Williams (Consultant Planner) and John Fogarty (applicant).

Council Staff:

Lianne Darby (Planner/Processing Planner), John Sule (Senior Planner/Advisor to Committee), Grant Fisher (Transportation), and Wendy Collard (Governance Support Officer).

Submitters:

Peter Foster (owner of Lyders Road).

Procedural matters

There were no procedural issues raised.

Principal issues of contention

The following are the principal issues of contention:

- The standard of Lyders Road and works required at the intersection of Lyders Road and Cliffs Road.
- Responsibility for the completion of the upgrading works on the access.

Summary of the Evidence Heard

Introduction from Processing Planner

Summarising her report, **Mrs Darby**, the Processing Planner, described the subject site and the use of the shared access known as Lyders Road. The proposed subdivision will create two sites of 817m² and 1973m², and both new lots will utilise the existing right of way over Lyders Road to Cliffs Road. The larger lot will contain the existing house on-site. Lyders Road is not formed to District Plan standards, and will have more than twelve users.

The subject site was zoned Residential 1 in the Dunedin City District Plan, and the subdivision proposal was a non-complying activity due to neither new lot having adequate frontage. Not all affected party approvals were obtained, and the application was notified on a limited basis to those users and owner of Lyders Road who had not provided affected party approval. One submission was received from Mr Foster who was the owner of Lyders Road. He did not object to the proposed subdivision in principle, but sought to have the upgrading works undertaken appropriately and without impacting negatively on the future access options for 117 Cliffs Road, among other matters.

Mrs Darby recommended that the consent be granted, subject to conditions including the requirement to upgrade the lower section of Lyders Road and its intersection with Cliffs Road.

The Applicants' Case

Mr Willems spoke to his written submission, and provided a brief description of the site and proposal. He identified the concerns as raised by Mr Foster, and commented on his client's response to the various matters. Mr Willems advised that he and Mr Fogarty were in agreement with the planner's report and recommended conditions, and would carry out any works on the access in conjunction with Mr and Mrs Roe, the consent holders of SUB-2013-17. Mr Willems responded to questions from the Committee.

Submitter's Presentation

Mr Foster advised that he was the developer of Adams Way to the southwest of the subject site, and was knowledgeable about the Council's requirements for subdivision and roads. He had previously studied the amount of Residential 1 zoned land served by Lyders Road, and has attempted to get the road upgraded and/or transferred into Council ownership and management. The costs of upgrading the road had been assessed as significant. While Mr Foster was not anti-subdivision, he was conscious of problems with Lyders Road and its intersection with Cliffs Road.

117 Cliffs Road had access via Adams Way but a leg-in to Cliffs Road. An access along the leg-in had been designed to meet Cliffs Road at its crown. Mr Foster had worked hard to get approval for the access, and it just managed to achieve the requirements for minimum sight distances and transitions. This was not possible from the Lyders Road intersection which had poor sight distances in both directions along Cliffs Road. The leg-in to 117 Cliffs Road needed to be developed in order to access four prime residential sites intended for 123 Cliffs Road. Mr Foster had also offered Mr Fogarty the opportunity to use the leg-in for access, but the offer had been declined. The upgrading of Lyders Road would be difficult, and expensive. Mr Foster believed it would be a better and safer access if Mr Fogarty were to use the leg-in to 117 Cliffs Road.

Mr Foster had inherited Lyders Road, but could not access it from his development and had no use for it. He had done all that Council had asked in respect of the road, and sections were selling so that there were more rates associated with Lyders Road. Mr Foster was prepared to help in improving the road except that he did not want to contribute financially anymore to the situation. He had looked for the best economic solution, and believed up to 40 residential lots could be accessed from Lyders Road. Mr Foster had looked at using the unformed section of Isadore Road for access to the upper end of the Lyders Road development. The costs, at over \$300 000, were greater than one individual could afford. He had suggested to the Council that it become the lead party in coordinating the development of the access. Mr Foster had had a quote of \$186 000 to develop the full length of the leg-in to 117 Cliffs Road, complete with services.

Presentation of Council Staff

Mr Fisher agreed with Mr Foster that there was a large amount of Residential 1 zoned land served by Lyders Road, and the Council would like to see the unlocking of that land for use. But the negotiations could be fraught, given the number of users of the access and opinions. Mr Fisher noted that the 2008 plans for the leg-in to 117 Cliffs Road were quite good, but the issue for the Committee was the present application, and the upgrading of Lyders Road by Mr Fogarty and Mr and Mrs Roe.

Mr Fisher had worked with Mr and Mrs Roe to achieve a workable solution for the Lyders Road Intersection. Transport were prepared to reduce the sight distance requirements to 30m because the operational speed of the road was much slower than 50km/hr. Surveys had indicated that it was a lot slower, and a reduced sight distance requirement was acceptable. Both SUB-2013-17 and Mr Fogarty's consent were to have the same conditions regarding the upgrading of the intersection, and Mr and Mrs Roe were in the process of applying for earthworks to be undertaken within the road reserve. The earthworks were unlikely to be significant or impact negatively on the 2008 plans for the access to 117 Cliffs Road. Mr Foster would still be able to develop the leg-in access. Council was open to discussions about a development contribution scheme for works on Lyders Road, but this could be a great deal of work for the Council and it may have to wait a long time to recoup expenses.

There had been no accidents reported for this section of Cliffs Road, although minor accidents would not necessarily be reported. It was difficult to turn left into Cliffs Road, but the proposed works would improve the situation. No retaining works were required; it was more a case of trimming the land forms, mostly on the northern side of the access. It was no secret that Lyders Road had not been maintained, and that it was deficient in its standard. The recommended conditions of consent would help to bring it up closer to District Plan standard.

The Committee suggested an adjournment to allow Mr Fogarty, Mr Foster and Mr Fisher to discuss the options for upgrading Lyders Road for the benefit of all users. Mr Willems did not think it a beneficial exercise as previous efforts to negotiate a solution had been unsuccessful. He noted that the Committee was there to consider the two-lot subdivision of 113 Cliffs Road, with access via Lyders Road. Mr Willems did not see what else could be said or done to solve the existing problems. The Committee noted it was merely trying to create an opportunity.

Adjournment

The hearing adjourned for 15 minutes to allow for discussions between the parties on the subject of Lyders Road. When the hearing reconvened, **Mr Fisher** advised that it had been too difficult to get any robust agreement. In any case, any improvements to the upper road would be outside of this consent process, and couldn't be reached without the involvement of all the other parties, but Mr Fisher noted that he was aware of an increased willingness by the users of Lyders Road to come to some resolution. Mr Fisher advised that Council would be happy to involve staff time to help facilitate land development. The recommended conditions for the subdivision would bring the lower stretch of Lyders Road up to a two-way standard. Mr Fisher did not think traffic calming measures were necessary.

Mr Foster noted that Mr Fisher had covered most of the points of the discussion. There seemed to be a reluctance to vary the process, but he wanted a better result for everyone. Mr Foster had agreed to discuss the subject with Council.

Processing Planner's Review of Recommendation

Mrs Darby reviewed and maintained her recommendation to the Committee to grant consent to the proposal subject to conditions. She noted that the proposal before the Committee was for a two-lot subdivision with both new lots utilising the existing Lyders Road right of way. The consent would have conditions requiring the upgrading of the lower section of Lyders Road consistent with the conditions imposed on the subdivision consent of SUB-2013-17. This would ensure that the works were done regardless of which subdivision went first, but did mean there was a risk that the consent holder undertaking their subdivision first would be left with all the costs of the work. There was no means for Council to manage this situation, nor to direct how costs would lie. This would have to be a private agreement between the parties.

Applicant's Right of Reply

Mr Willems thanked Mr Foster for travelling from Christchurch to be at the hearing, and for providing the opportunity to meet. However, it was difficult to get any sort of agreement regarding the access options.

Mr Willems reminded the Committee that it was there to consider a two-lot subdivision. He had previously met with Mr Foster at the time of considering the Roes' subdivision, and had suggested a right of way be created over the full width of Lyders Road. The users of the road should be the owners, to relieve Mr Foster of the responsibility.

Mr Willems was pleased that Mr Fisher was prepared to consider a reduced requirement for sight distances at the intersection with Cliffs Road. Forming the access over the leg-in of 117 Cliffs Road was too expensive for his client. Mr Willems suggested keeping the matter of that access separate from this proposal.

Statutory Provisions

In accordance with section 104 of the Resource Management Act 1991, the Planner's Report detailed in full the relevant statutory provisions and other provisions the Committee considered. Regard was given to the relevant provisions of the following chapters of the Dunedin City District Plan: 4 Sustainability, 5: Manawhenua, 8 Residential Zones, 17 Hazards, 18 Subdivision, and 20 Transportation. Consideration was also given to the objectives and policies of the Transportation and Residential sections of the Proposed Plan.

Decision

The final consideration of the application, which took into account all information presented at the hearing, was held during the public-excluded portion of the hearing. The Committee reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991.

DECISION

Subdivision SUB-2015-96

*That pursuant to section 34A(1) and 104B, and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **non-complying** activity being the subdivision of 113 Cliffs Road, Dunedin, being the site legally described as Lot 3 DP 4874 (CFR OT290/34) into two lots, subject to the conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

Land Use LUC-2015-520

*That pursuant to section 34A(1) and 104C and after having regard to section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being residential activities on Lots 1 and 2 SUB-2015-96 utilising an access with under-width formation which serves more than twelve users, at 113 Cliffs Road, Dunedin, subject to conditions imposed under section 108 of the Act, as shown on the attached certificate:*

Reasons for this Decision

The Hearings Committee considered the evidence heard, the relevant statutory and plan provisions, the principle issues in contention and the main findings of fact. The main findings of fact have been incorporated within the reasons discussed below.

The effects of the proposal are considered to be no more than minor for the following reasons:

1. The proposal is for a subdivision to create residential sites in a residential area, and in this respect the effects of the proposal are largely anticipated by the District Plan. The Committee notes that the new lots to be created will comfortably meet the minimum lot size for the Residential 1 zone, and the overall density of development will be well within the expectations of the zoning. Both new lots will have adequate legal access. The subdivision itself does not present any issues for Council.
2. The proposed subdivision will introduce one additional user to the lower section of Lyders Road. The upgrading and hard surfacing of this section of the access is to be undertaken as part of the subdivision works, with any agreement as to the sharing of the costs being a private matter between the applicant and the consent holder of SUB-2013-17. The Committee considers that the proposed upgrade of the access is appropriate given the number of existing users and is proportional to the proposed increase in use. The upgrade will improve the access for all users.
3. The increased use of the access is considered to be acceptable. The additional user will only utilise the lower section of Lyders Road, and the users of the access have either provided affected party approval or have not submitted on the application. The one submission received at Council does not oppose the use of the access, but seeks to have the upgrading undertaken appropriately. The upgraded access will be close to meeting the District Plan requirements for up to twelve users.

4. The Committee is aware that there is an obstruction (wall and fence) located within the Lyders Road right of way which encroaches and impacts on the available width of the access. This is a private encroachment issued that is not able to be addressed by this consent.
5. There are no known issues with the servicing of the proposed lots, and reticulated services are available. The Water and Waste Services Business Unit have no concerns about the capacity of the infrastructure to service the new lots.
6. The Consulting Engineer has not identified any concerns about the stability of the new sites except in regard to future earthworks during the development of proposed Lot 1. The Consulting Engineer does not oppose the proposal, but advises that the earthworks should be undertaken in an appropriate manner, and that retaining structures be specifically designed and constructed.
7. The Committee considers that the proposed subdivision is consistent with the relevant objectives and policies of the Dunedin City District Plan and the Proposed Plan.
8. Section 104 of the Act requires that the Council take into account Regional Policy Statements and rules of any plan or proposed plan. The proposal was found to be consistent with the objectives and policies of the Regional Policy Statement for Otago.
9. The limbs of section 104D require that the adverse effects on the environment will be no more than minor, or the application is for an activity which will not be contrary to the objectives and policies of either the relevant plan or the relevant proposed plan. This test is only relevant for the subdivision component of the application. The Committee is of the opinion that the subdivision will have adverse effects which are no more than minor, and that the proposal is consistent with the objectives and policies of both the Dunedin City District Plan and the Proposed Plan. Accordingly, the Committee is in the position of being able to consider the granting of consent.
10. The subdivision proposal is considered to satisfy the relevant sections of Part II of the Act.

Right of Appeal

In accordance with section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received. The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069
Christchurch 8140

Any appeal must be served on the following persons and organisations:

- The Dunedin City Council.
- The applicants.
- Every person who made a submission on the application.

Failure to follow the procedures prescribed in sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

Please direct any enquiries you may have regarding this decision to Lianne Darby, whose address for service is City Planning, Dunedin City Council, PO Box 5045, Dunedin 9058.

Yours faithfully

A handwritten signature in black ink that reads "Andrew Noone". The signature is written in a cursive, slightly slanted style.

Andrew Noone
CHAIR
HEARINGS COMMITTEE



**DUNEDIN CITY
COUNCIL**

Kaunihera-a-rohe o Otepoti

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Consent Type: Subdivision & Land Use

Consent Number: SUB-2015-96 & LUC-2015-520

Location of Activity: 113 Cliffs Road, Dunedin

Legal Description: Lot 3 Deposited Plan 4874 (CFR OT289/34)

Lapse Date: 3 May 2021, unless the consent has been given effect to before this date.

Subdivision SUB-2015-96

*That pursuant to section 34A(1) and 104B, and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **non-complying** activity being the subdivision of 113 Cliffs Road, Dunedin, being the site legally described as Lot 3 DP 4874 (CFR OT290/34) into two lots, subject to the conditions imposed under sections 108 and 220 of the Act, as follows:*

1. *The proposal shall be given effect to generally in accordance with the revised plan prepared by TL Survey Services Ltd entitled, 'Proposed Subdivision of Lot 3 DP 4874 & Easements over Lot 18 DP 424179,' received at Council on 19 January 2016, and the accompanying information submitted as part of SUB-2015-96 received by Council on 30 October 2015, except where modified by the following:*
2. *Prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:*
 - a) *If a requirement for any easements for services is incurred during the survey then those easements shall be granted or reserved and included in a Memorandum of Easements on the survey plan.*
 - b) *That Rights of Way A and B shall be duly created or reserved as appropriate, and shall be shown on the survey plan in a Memorandum of Easements. The rights of way shall have a minimum legal width of 3.5m.*
 - c) *That easements for services in favour of Lot 2 shall be duly created or reserved as necessary.*
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:*

Access

- a) *That the intersection of Lyders Road and Cliffs Road shall be upgraded so that a driver has at least 40m, or an alternative distance that has been sufficiently justified and agreed to by Transport, of sight distance along Cliffs Road in both directions. Detailed engineering plans for this upgrade shall be submitted to Transport for approval prior to construction works commencing.*

- b) That the shared private access of Lyders Road shall be upgraded generally in accordance with the District Plan requirements for rights of way. The upgrades shall include the following:
- The lower section of Lyders Road, from Cliffs Road up to the entrance for 113 Cliffs Road, shall be widened to a minimum of 5.0m where reasonably possible or, failing that, the maximum extent of any narrower width, and shall be hard surfaced over the full length. The access shall be adequately drained.
 - One traffic calming structure shall be installed between Cliffs Road and the entrance to 113 Cliffs Road.
- c) A Traffic Management Plan for the management of the access during upgrading works shall be submitted to the Transport for approval prior to works being commenced.
- d) The access shall be managed in accordance with the approved Traffic Management Plan during the construction period of all upgrade works.
- e) All construction work on the site shall be designed and conducted to ensure that construction noise does not exceed the noise limits in the following table.

Time of Week	Time Period	Leq (dBA)	L max(dBA)
Weekdays	0730-1800	75	90
	1800-2000	70	85
	2000-0730	45	75
Saturdays	0730-1800	75	90
	1800-2000	45	75
	2000-0730	45	75
Sundays and public holidays	0730-1800	55	85
	1800-2000	45	75

Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction noise. Please Note: the lower noise limits on Sundays and Public Holidays may mean that no construction work can occur on these days.

Services

- f) An "Application for Water Supply – New Service" shall be submitted to the Water and Waste Services Business Unit for approval to establish a new water connection to Lot 1. Details of how Lot 1 is to be serviced for water shall accompany the application.
- g) Upon approval by the Water and Waste Services Business Unit, a water service connection shall be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.
- h) That services to the existing house shall be rerouted as necessary to coincide with the relevant easements, thereby providing a feasible building area within Lot 1 clear of all services.

Erosion and Sediment Control

- i) That all practicable measures shall be used to mitigate erosion and to control and contain sediment-laden stormwater run-off from the site during any stages of site disturbance that may be associated with this subdivision.

Land use LUC-2015-520

That pursuant to section 34A(1) and 104C and after having regard to section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being residential activities on Lots 1 and 2 SUB-2015-96 utilising an access with under-width formation which serves more than twelve users, at 113 Cliffs Road, Dunedin, subject to conditions imposed under section 108 of the Act, as follows:

1. The proposal shall be given effect to generally in accordance with the revised plan prepared by TL Survey Services Ltd entitled, 'Proposed Subdivision of Lot 3 DP 4874 & Easements over Lot 18 DP 424179,' received at Council on 19 January 2016, and the accompanying information submitted as part of LUC-2015-520 received by Council on 30 October 2015, except where modified by the following:
2. The existing and future residential activities of Lots 1 and 2 SUB-2015-96 shall comply with all other performance criteria of the operative District Plan unless further resource consent is specifically obtained for a breach of the rules.

Advice Notes

1. In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake. A similar responsibility exists under the Health Act 1956.
2. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
3. It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
4. This is resource consent. Please contact the Building Control Office, Development Services, about the need for building consent for any construction work as part of the subdivision.
5. The consent holder is to ensure that all practicable measures are used to mitigate erosion and to control and contain sediment-laden stormwater run-off from the site during any stages of site disturbance that may be associated with this subdivision.
6. The following documentation is recommended as best practice guidelines for managing erosion and sediment -laden run-off and for the design and construction of erosion and sediment control measures for small sites:
 - ARC Technical Publication No. 90 Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region, March 1999.
 - Environment Canterbury, 2007 'Erosion and Sediment Control Guidelines for the Canterbury Region' Report No. CRCR06/23.
 - Environment Canterbury, 2007 "Erosion and Sediment Control Guidelines for Small Sites."
7. The installation and connection of a new water service to the existing public water reticulation system or the upgrading of an existing water service connection will be carried out after the consent holder has completed and submitted an 'Application for Water Supply' form to the Water and Waste Services Business Unit or an approved AWSCI, as per the Dunedin City Council Water Bylaw 2011. A quote for the required work must be obtained from an approved water supply connection installer (AWSCI). The list of AWSCI's, application form and the full process can be found here <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.

8. All aspects relating to the availability of the water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service. Any new development must be within 135m of a fire hydrant, otherwise the proposal will be non-compliant with fire-fighting requirements.
9. Parts 4, 5 and 6 (Stormwater Drainage, Wastewater and Water Supply) of the Dunedin Code of Subdivision and Development 2010 must be complied with.
10. It is advised that any drainage issues and requirements (including the necessary works) will be addressed via the building consent process.
11. Certain requirements for building on this land may be stipulated via the building consent process, and are likely to include the following points:
 - For sites level with or above the road, the finished floor level of any building is to be a minimum of 150mm above the crown of the road.
 - For sites below the road, the finished floor level is to be no less than 150mm above the lowest point on the site boundary. Surface water is not to create a nuisance on any adjoining properties.
 - For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
 - As required by the New Zealand Building Code E1.3.2, surface water resulting from an event having a 2% probability of occurring annually, shall not enter buildings. The finished floor level shall be set accordingly.
12. This consent does not address any earthworks for this subdivision associated with the development of the new roads, access lots, new lots, or the formation of any new access, manoeuvring areas, or retaining walls. Should earthworks on-site breach the performance standards of Section 17 of the District Plan, further consent will be required. Land use consent may also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.
13. Regarding the future development of Lot 1, it is advised that:
 - Earthworks close to boundaries may require consent from neighbouring landowners potentially affected by this work;
 - Any walls retaining over 1.5m, or a surcharge/slope, including terracing, will require design, specification and supervision by appropriately qualified person/s;
 - Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer will need to confirm that the retaining structure can be safely demolished following a complete design life without creating hazards for neighbouring properties;
 - Any earth fill over 0.6m thick supporting foundations will need to be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earth fill for Residential Development;
 - Slopes may not be cut steeper than 1:1 (45°) without specific engineering design and construction;
 - Slopes may not be filled steeper than 2h:1v (27°) without specific engineering design and construction;
 - Temporary stability could be a concern for earth works on this site, and remains the responsibility of the developer;
 - No earthworks should be undertaken until building consent has been granted;
 - Prior to undertaking the work, a professional will need to assess the potential for instability on adjacent properties, as a result of the works;
 - Confirmation should be made of foundation depths for existing structures in relation to any proposed earthworks;
 - All temporary slopes affecting boundary stability will need to be inspected and signed off by a suitably qualified individual;

- Appropriate third party liability insurances should be in place; they should identify nearby structures prior to undertaking any excavation that might affect others' land;
 - Any excavation slopes will need to be supported within one month of commencing the earthworks.
14. Parking and on-site manoeuvring will be assessed for development on each new lot at the time of building consent or resource consent application.
15. It is recommended that a formal agreement be drawn up between the owners and users of the access lots to clarify the responsibilities for the maintenance of the access lots.
16. It is advised that the vehicle access from the carriageway to the property boundary is over road reserved and is therefore required to be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from Transportation Operations).
17. At the time of granting this consent, the users of Lyders Road are recognised as being:
- One legal user, one dwelling: 113 Cliffs Road, and subdivision consent for another lot (SUB-2015-96);
 - Eight legal users, one dwelling each: 105, 107, 111, 111A, 111C, 111E, & 111F Cliffs Road;
 - Three legal users, no dwelling: 111B, 111D (Cargill's Castle) & 111G Cliffs Road;
 - One legal user with one existing dwelling and subdivision consent for another three lots: 109 Cliffs Road (SUB-2013-17);
 - One owner, no vehicle access: 2F Clayton Street;
 - One legal user, no vehicle access: 117 Cliffs Road.

Issued at Dunedin 3 May 2016

Yours faithfully



Andrew Noone
CHAIR
HEARINGS COMMITTEE

