

3 May 2016

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](mailto:dcc@dcc.govt.nz)  
[www.dunedin.govt.nz](http://www.dunedin.govt.nz)

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 817m<sup>2</sup> and 1973m<sup>2</sup>, 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, flowing style.

Andrew Noone  
**CHAIR**  
**HEARINGS COMMITTEE**

**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.*

| <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.*

#### *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**

COPY OF PLAN: Not to scale.

