

HEARINGS COMMITTEE AGENDA

MONDAY, 19 MAY 2025, 2.00 PM
Plaza Conference Room, Civic Centre
50 The Octagon, Dunedin

MEMBERSHIP: Commissioner Louise Taylor (Chairperson), Councillors David Benson-Pope and Whiley

IN ATTENDANCE: Jeremy Grey (Senior Planner/Committee Advisor), Campbell Thomson (Senior Planner), Jared Oliver (Planning Manager, 3 Waters) and Reese Martin (Planner, Transport) and Wendy Collard (Governance Support Officer)

PART A (Committee has the power to decide these matters):

1 RESOURCE CONSENT APPLICATION – S357B FEE OBJECTION – SUB-2023-143/A, 195 WAKARI ROAD, DUNEDIN

Introduction

Applicant to introduce themselves and their team.

Procedural Issues

Any procedural matters to be raised.

Presentation of the Planner's Report

Report from Phil Marshall

Refer to pages 1 – 3

Appendix 1 – Fee Objection

Refer to pages 4 - 5

Appendix 2 – Description of Activity and Approval Subdivision Plans

Refer to pages 6 - 10

Appendix 3 – Memorandum from DCC Transport staff

Refer to pages 11 – 13

Appendix 3A – Memorandum from DCC Transport

Refer to pages 14 – 22

Appendix 3B – Structure Plan

Refer to page 23

Appendix 3C – Subdivision Scheme Plan

Refer to page 24

Appendix 3D – Intersection Design Option 1
Refer to page 25

Appendix 3E – Intersection Design Option 2
Refer to page 26

Appendix 3F – Memorandum from Transport (Interim Response)
Refer to pages 27 – 31

Appendix 3G – Helensburgh Structure Plan
Refer to pages 32

Appendix 3H – Subdivision Plan
Refer to page 33

Appendix 3I – Emails
Refer to pages 34 – 37

Appendix 4 – Memorandum from DC 3 Waters
Refer to page 38

The Applicant's Presentation

The Planner's Review of their Recommendation

The Planner reviews their recommendation with consideration to the evidence presented

The Applicant's Response

The Applicant to present their right of reply

PLEASE NOTE: The **only** section of the hearing which is not open to the public is the Committee's final consideration of its decision, which is undertaken in private. Following completion of submissions by the applicant, submitters and the applicant's right of reply, the Committee will make the following resolution to exclude the public. All those present at the hearing will be asked to leave the meeting at this point.

RESOLUTION TO EXCLUDE THE PUBLIC

To be moved:

“That the public be excluded from the following parts of the proceedings of this meeting, namely, Item 1.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48 for the passing of this resolution.
1	Resource Consent application – 195 Wakari Road, Dunedin	That a right of appeal lies to any Court or Tribunal against the Dunedin City Council in these proceedings.	Section 48(1)(d)

TO: Hearings Committee

FROM: Name, Senior Planner

DATE: Date: 14 March 2025

SUBJECT: **S357B FEE OBJECTION – SUB-2023-143/A**

APPLICANT: MARC BREThERTON – JKS PADDOCK LTD

ADDRESS: 195 WAKARI ROAD

This report has been prepared on the basis of information available on 14 March 2025. The purpose of the report is to provide a framework for the Committee’s consideration of the objection and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

INTRODUCTION

This fee objection relates to a substantial subdivision creating 36 residential lots which was granted consent on 29 May 2024. The total DCC invoice to the applicant for processing the above subdivision consent and associated land use consents was \$15,153.28.

Nevertheless the fee objection does not relate to the processing of the substantive subdivision but to two very specific aspects of the invoice generated by Council to the applicant.

The first is a fee of \$5,727.08 being a review of the Stormwater Management Plan supplied by the applicant. DCC 3Waters contracted out this review to engineering firm WSP.

The second is a fee of \$1,490.40 from DCC transportation. This fee relates to discussions around the Rule 6.6.3.4 of the Second Generation Dunedin District Plan (2GP). This rule is headed: *Minimum distances of new vehicle crossing from intersections and level crossings*.

Appendix 1 to this report contains the fee objection.

Appendix 2 to this report sets out the “description of activity” from the processing planners report along with a plan of subdivision to give the committee a brief outline of the consented development.

Appendix 3 to this report provides detailed information from DCC Transportation to justify their part of the invoice being \$1,490.40

Appendix 4 to this report provides detailed information from DCC 3Waters to justify their part of the invoice being \$5,727.08

STATUTORY REQUIREMENTS

The relevant provisions of the Resource Management Act 1991 are contained in section 357B (right of objection in relation to imposition of additional charges or recovery of costs).

Section 357B allows the applicant to lodge an objection against the fees imposed by the Council under section 36(3) for the processing of a resource consent application. Objections under section 357B are considered by the Council Officers and the applicant advised of their recommendation. If the objectors accept the officer's recommendation then the decision is determined under delegated authority. However, if the objectors do not accept the recommendation, then the matter is referred to the Hearings Committee for determination.

Sections 357D provides that after considering an objection, the consent authority may dismiss the objection, or uphold it either partly or wholly. If the objector is dissatisfied with the consent authority's decision, then they have the right of appeal of that decision to the Environment Court.

BACKGROUND

The objection relates to processing fees amounting to \$5727.08 from 3Waters and \$1,490.40 from Transportation. Discussions between relevant council departments and the applicant have not resulted in a resolution of the matter.

The objector was given 10 working days to consider the recommendation and decide whether to accept the recommendation or not. In this instance, the objector chose not to accept the recommendation and a non-notified hearing process was initiated.

DISCUSSION

Council has a 100% cost recovery policy in relation to the processing of resource consents and is empowered by section 36 of the Resource Management Act 1991 to fix charges associated with the receiving, processing and granting of a consent.

It is considered that the charges are actual and reasonable, the benefits of processing the consent accrue to the objector rather than the community as a whole, and the need for the charge was occasioned by the actions of the objector (in lodging the application).

3Waters

3Waters believe that their component of the invoice being \$5,727.08 is entirely reasonable as subsequent to SUB-2023-143 being granted 3Waters have spent a substantial amount on further analysis of the Stormwater Management Plan (SWMP). In fact, the total sum spent on peer review and analysis by 3Waters of the proposed stormwater system prior to and after consent exceeds \$20,000 which 3Waters has chosen not to pass on to the developer.

It is important to note that the subject site is within a New Development Mapped Area (NDMA) where additional policy and rules in the Second Generation District Plan apply for stormwater management. In particular Rule 9.9.3 details the additional requirements for stormwater management in an NDMA. More work is involved for 3Waters to review the applicants submitted SWMP compared to SWMPs for sites outside of an NDMA and as such costs for review can be higher.

Consequently, 3Waters believe that the sum of \$5727.08 is well justified and indeed the developer has been subsidised, as only about a quarter of the costs incurred by Council have been charged in the final invoice.

Transportation

A relatively small sum of \$1,490.40 has been charged by DCC Transportation.

This covers the time for Transportation to generate a memo to the processing planner, the final memo being dated 24 April 2024 and included in this report as Appendix A (within the comments from Transportation). The memo looks at the subdivision proposal in terms of the Helensburgh Structure Plan (Appendix B), the Dunedin Code of Subdivision and the provisions of the 2GP.

While the matter of the lack of separation between an existing ROW entrance off Wakari Road serving 14 properties and the proposed new road serving the 36 lot subdivision, also off Wakari Road, was contentious, it did not translate into an unreasonable fee from Transportation.

The memo dated 7 March 2025 from Trevor Watson and Reese Martin to Phil Marshall is included as Appendix 3 and gives the most succinct summary of Transportation's justification for the fee.

CONCLUSION

For the reasons set out above, it is concluded that the objection should be declined.

RECOMMENDATION

*That pursuant to section 357B of the Resource Management Act 1991, the Dunedin City Council **declines** the objection to recovery of costs associated with resource consent SUB – 2023-143.*

RIGHT OF APPEAL

In accordance with section 358 of the Resource Management Act 1991, you 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 Mail Centre
Christchurch 8140

Any appeal must be served on the Dunedin City Council. Failure to follow the procedures prescribed in section 358 of the Resource Management Act 1991 may invalidate any appeal.

Report prepared by:



Phil Marshall

Senior Planner

14 March 2025

Report checked by:



Alan Worthington

Resource Consents Manager

14 March 2025

Appendix 1 – Fee Objection Received From Mr Marc Bretherton For JKS Paddock Ltd On 9 July 2024

Hello,

Please accept this formal objection to the invoice under s.357 RMA.

We have no issue with the planning time or the Stantech time which seems fair and reasonable.

Our concerns are around the stormwater and transportation charges as follows:

Stormwater

We object to the time recorded as Specialist Report Time for the SWMP review. We now understand that this was for WSP.

The WSP time was recorded totals \$5727.08.

We were instructed by Bruce Saunders within the DCC 3W department via email on 21 February 2024 that the DCC would not use WSP for this review (despite WSP's initial involvement). We then spent several months back and forth with DCC 3W responding to questions generated by another (un-named) external consultant engineer. This clearly pushed out processing timeframes. It is in our view wholly unacceptable for the DCC to pass on external costs from WSP when it seems that any advice from WSP was not going to be given any credence by the DCC 3W team and was clearly not used 3W for the purposes of assessing the application.

Transportation

DCC Transportation have billed \$1490.40. We object to this.

We spent six months arguing with transportation on the applicability of Rule [6.6.3.4](#) requiring a 10m setback between our proposed access road to vest and an existing neighbouring ROW. We spent significant sums on additional expert transport evidence, an externally commissioned peer review and extensive legal advice.

We were completely stunned when the final DCC Transportation report concluded that the Rule [6.6.3.4](#) *was not in fact applicable at all*. We had spent nearly six months arguing this very point. For the Transportation team to then admit to maintaining a position that was technically and legally incorrect is beyond frustrating. To receive an invoice on top of this is a step too far and one which we are not prepared to accept.

Working Days

Given the mischievous position adopted by the Transport team and the delays associated with the WSP review and then additional external review, the 'stopped clock' periods ran to several months whilst we responded. Knowing what we do now, this was unnecessary and unfair. Had the departments adopted a straightforward and professional approach, the timeframes would have been much shorter, and we would not be several tens of thousands of dollars out of pocket chasing shadows.

Rather than spend additional time and money (both JKS as applicant and the DCC) in dealing with these matters, JKS Paddock Ltd is open to DCC withdrawing the invoice as framed and re-issuing a subsequent invoice less all recorded time against 3W and Transportation. This is proposed on a without prejudice basis.

We look forward to your earliest response.

Regards,
Marc Bretherton
JKS Paddock Ltd

Appendix 2 – Description Of Activity From Processing Planner’s Report And Approved Plans Of Subdivision.

APPLICATION SUB-2023-143, LUC-2024-420, LUC-2024-184 & POL-2024-23: 195 WAKARI ROAD, DUNEDIN

Department: Resource Consents

DESCRIPTION OF ACTIVITY

Resource consent was sought for the subdivision of 195 Wakari Road, Dunedin, while also obtaining construction access over neighbouring land. The application identifies the neighbouring land as 245 Wakari Road, but a recent subdivision SUB-2023-73 has created two lots from 245 Wakari Road, and the subject land for additional construction access now has the address of 243 Wakari Road.

The subject site for subdivision is:

- 195 Wakari Road (“the Kidston Block”), being the land legally described as Part Deposited Plan 6568, Lot 1 Deposited Plan 10300 and Part Lot 1-2 Deposited Plan 12686, held in Record of Title OT17C/596 and having an area of 5.9116ha. The site is a rear site situated to the rear of housing along Wakari Road. It has a leg-in with approximately 12.1m of (staggered) frontage to Wakari Road and a formed driveway along the northeast side of the leg-in. The land has a gentle southeast aspect, and is currently used as pastoral land. There are several farm buildings on-site. Development of the site has commenced.

The subject site for additional construction vehicle access is:

- 243 Wakari Road (“Scott Block South”), being the land legally described as Lot 1 Deposited Plan 596705, held in Record of Title 1154683, and having an area of 3.708ha. The site is an irregular shape and has a 16.0m wide leg-in from Wakari Road. It is situated immediately to the northeast of 195 Wakari Road.

The proposal is to subdivide 195 Wakari Road into 36 residential lots, access lots, road, reserve and balance land. The proposed road will come via the 12.1m leg-in into the block and will have three prongs (shaped like an ‘E’) extending northeast towards 243 Wakari Road. A revised plan showing services was received at Council on 5 April 2024.

The 36 residential lots will range in size from 401m² to 1133m². The applicant intends to restrict Lots 1 to 8, and 21 to 36, to single-storey dwellings via private covenant. The applicant has earmarked Lots 10 and 13 for duplex development, but it is not clear if restrictions on duplexes will be placed on other sites larger than 500m². For the purposes of this consent, all lots larger than 500m² are considered to be suitable for duplex development. The balance land will be approximately 2.3 ha in area.

The applicant has applied for the corner sites, Lots 25, 27, 32 and 36 to have the option of reducing the front setback along one road frontage to 3.0m. Lots 1 to 6, 8 will have a 5.0m no build zone relating to an existing encumbrance preventing development.

A strip of variable width, but being generally 15m wide, on the western edge of the subject site is to be vested as reserve. Some of this land cannot be developed because of an encumbrance on the title. The reserve will be landscape and planted, predominantly with native species, a walking/cycling path, and a proposed low impact design stormwater detention pond to be integrated into the landscaped area as a natural basin.

A second stormwater pond is to be created within the balance land to the east of the access road. It is anticipated that this will eventually be vested with Council as reserve.

Three access lots are to be created to serve as access for specific lots including front sites.

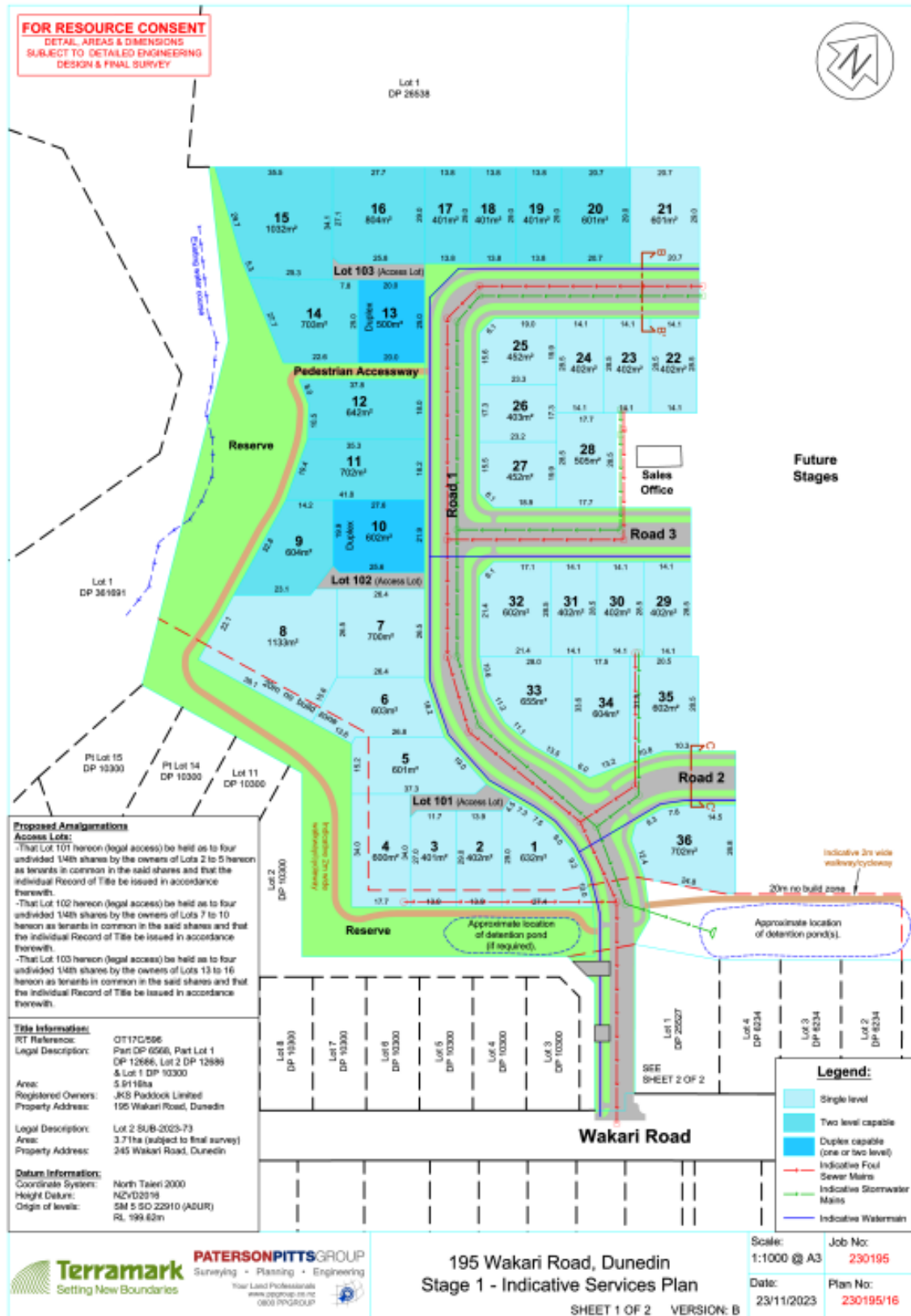
The application is accompanied by an Integrated Catchment Management Plan for stormwater management, an earthworks plan, geotechnical report, and a traffic generation and safety assessment by Modal Consulting. Further documents received during the processing of the consent include:

- A services plan (27 November 2023)
- Integrated Catchment Management Plan (13 March 2024)
- Integrated Traffic Assessment – Carriageway Consulting (5 April 2024)
- Updated Traffic Assessment – Modal Consulting (5 April 2024)
- Stormwater Management Plan – Fluent Solution (received 5 April 2024, approved 3 May 2024)
- Contaminated Site Report (2 May 2024)
- Detailed Site Investigation (21 May 2024)

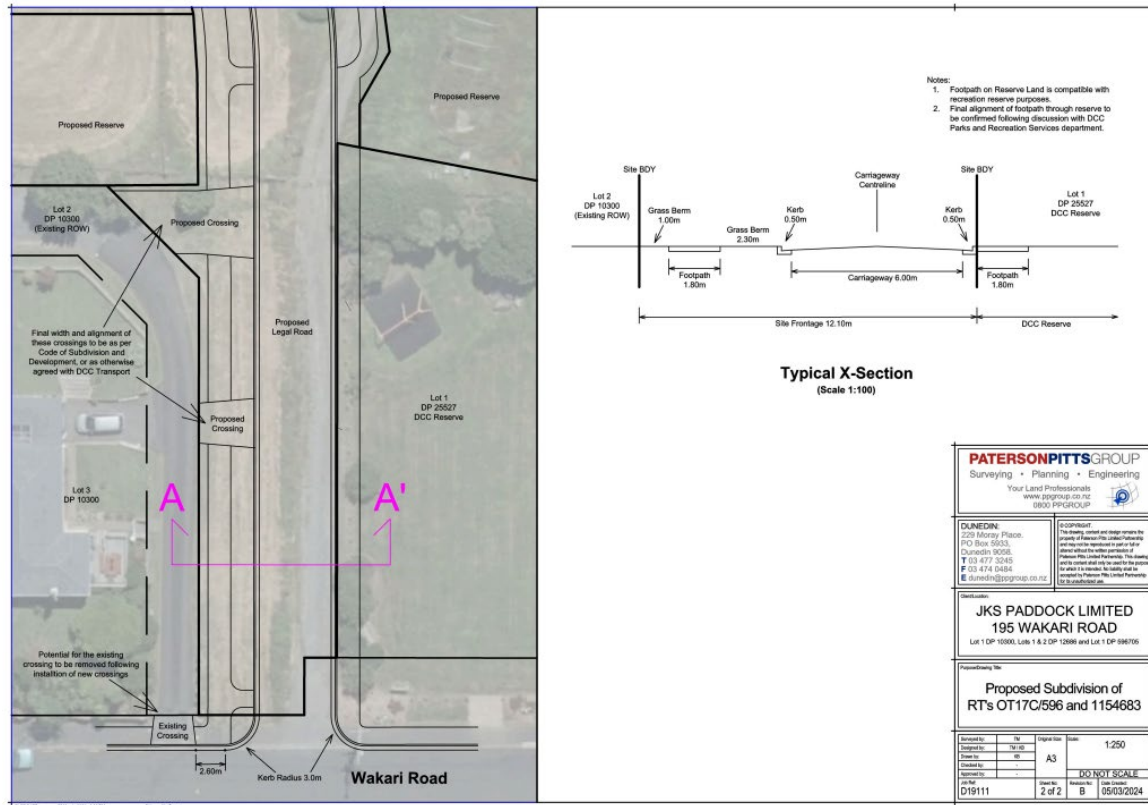
Earthworks will involve approximately 8600m³ of cut for the lots, road and stormwater detention ponds. Approximately 5300m³ of fill will be required. Maximum depth of cut will be 3.4m, and fill, 1.7m. Excess material will be stockpiled elsewhere on-site. Earthworks have been designed with input from Fluent solutions and GeoSolve Limited.

Portions of the subject site are verified HAIL sites (i.e. contaminated soils). The application includes consent for the remediation of soils on Lots 21 and 36, and consent for future development earthworks on these same lots in respect of the HAIL aspects only.

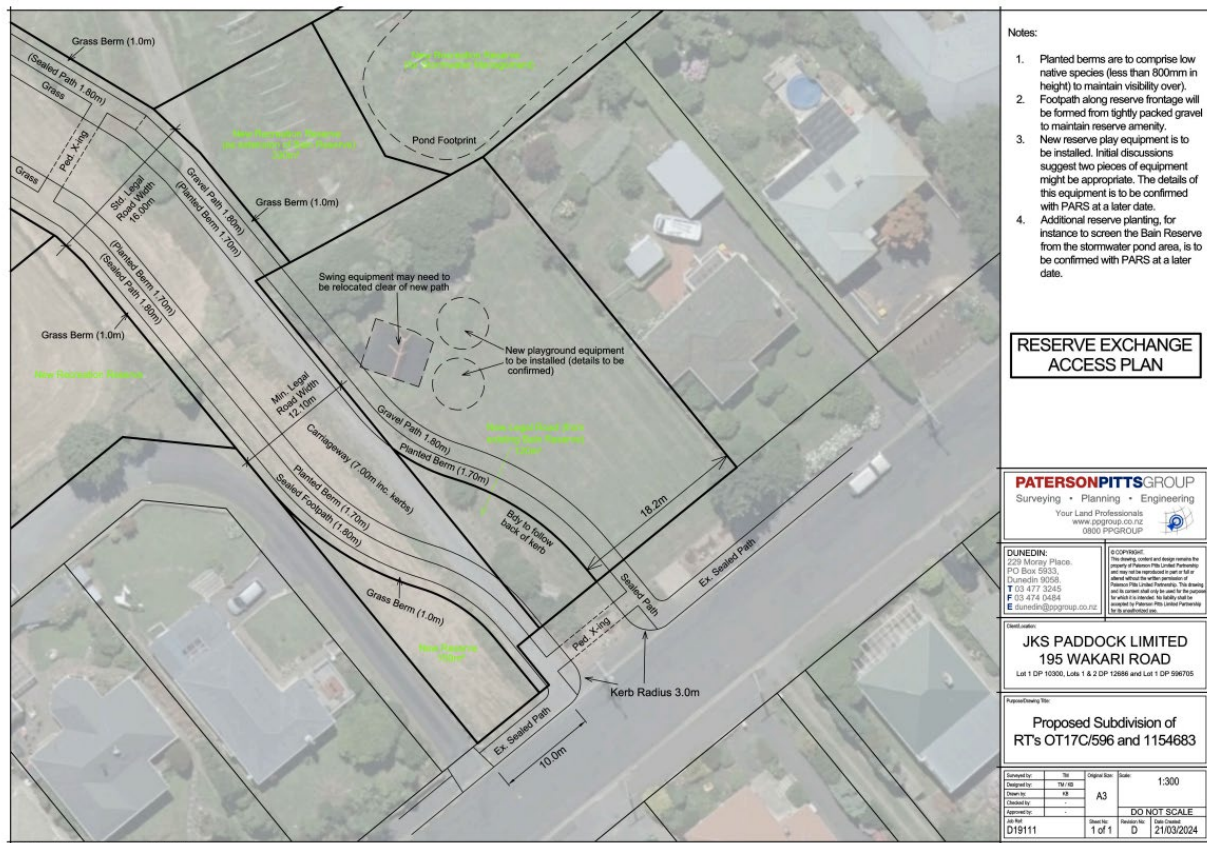
Appendix 2 Continued.
Approved Plans SUB-2023-143 (Four plans)



Road Option B (scanned image, not to scale)



Road Option A (subject to further approval, Condition 2(f) SUB-2023-143)



Earthworks Plan (scanned image, not to scale)



End of approved plans.

Appendix 3 – Information From DCC Transportation Supporting Their Fee Of \$1490.40

Note: Appendices in the information below from DCC Transportation are referenced A to I .

Memorandum

 DUNEDIN CITY COUNCIL kaunihera a-rohe o Ōtepoti	
TO:	Phil Marshall – Senior Planner
FROM:	Trevor Watson, Contractor – Transport Reese Martin, Planner – Transport
DATE:	07 March 2025
SUBJECT:	Fee objection SUB-2023-143 & LUC-2023-420 land at 195 WAKARI ROAD, DUNEDIN

Background

JKS Paddock Ltd received consent for a subdivision creating 36 residential lots, new road, reserve, and access lots at 195 Wakari Road, being Stage 1 of Helensburgh Structure Plan Mapped Area in June 2024.

A fee objection under section 357 of the RMA was received on 9 July 2024. This objection relates to the time charges levied by both Transport and Three Waters in processing this application. The applicant seeks the withdrawal of the current invoice and a new invoice being issued less all of the recorded time charged by Three Waters and Transport.

Transport Details

This response relates to the Transport elements of the time charging which amounts to \$1490.00. The primary objection to this time charge is based on the argument that the applicant spent 6 months arguing the applicability of ‘Rule 6.6.3.4’ of the 2GP which they subsequently consider in the final Transport response was not considered to be applicable to the circumstances of this case.

For the purposes of clarification - Rule 6.6.3.4 relates to the minimum separation distance required between a new vehicle crossing and an intersection or level crossing. In respect of a Local Road (where the speed limit is less than 70kmh), which is the situation in this case, the separation distance required is 10.0 meters. The rule is predicated on issues of highway safety and efficiency, its purpose being to separate the location of all driveways, regardless of the level of use of the driveway from roads in order to prevent confusion and conflict from opposing vehicle movements and conflict with pedestrians through the opportunity for the provision of a refuge area between the driveway and the road as well as preventing reduced overall intersection efficiency.

Contrary to the applicant's assertion it has been acknowledged that the strict application of this rule is not directly applicable to the circumstances of this case as rather than the application seeking consent for a new driveway, the relevant driveway is already in place, and it is the application that sought consent for a new road/junction onto Wakari Road rather than the other way around. That said, as noted above the Rule is predicated on issues of highway safety and efficiency.

As per the detailed Transport response dated April 2024 – appended to this report as Appendix A, the issues of the limited separation of the new legal road from the current driveway/right of way, which lies adjacent to 191 Wakari Road and serves a number of properties, was the subject of a number of meetings with the applicants during the processing of the application. Furthermore, due to the extent of these concerns, not only were the Council's Transport Planner and the Council's Principal Advisor Road Safety Officer involved in these on-going discussions but also the Council's contracted RMA Consulting Engineer and RMA Transport Contractor.

Due to the extent of these concerns the applicant was obliged to engage his own Transport Consultants in order to respond to the Transport aspects of the request for further information (RFI). This response was received in November of 2023. Further to this an initial transportation application response was subsequently prepared in December 2023, copy appended as Appendix 2 to this report. As noted for the reasons set out it was not considered at that stage that the application could be supported from a Transport point of view.

This led into further discussions with the applicant and his consultants including meetings to discuss matters further. These were not limited to the Transport safety aspects but also included issues as they related to the ability or otherwise of the Council to seek the closure of the current driveway/right of way. Legal advice was also sought in this regard.

These on-going highway safety issues led to the applicant commissioning a Safe Systems Assessment from their Transport Consultants – Modal Consulting, which was further supported by a report from Carriageway Consulting.

These reports were reviewed and on the basis of the applicant's preparedness to pursue the potential exchange of land through the Reserves Act, in order to improve the level of separation between the existing driveway access and the proposed new road/junction, Transport on balance were prepared to accept the application details and the findings of the additional safety assessments. As noted above whilst it is accepted that the strict application of Rule 6.6.3.4 is not directly applicable to this case, the reasoning upon which it is based clearly is.

For completeness the relevant email correspondence with the processing planner regarding the direct applicability of the Rule 6.6.3.4 provisions as written is included as Appendix 3. See email from Lianne Darby to Trevor and Reese dated 11 April – yellow highlighted section specifically refers.

Having regard to the amount of work involved and the various meetings that were held to discuss the highway safety issues, a Transport officers time charge of \$1490.00 is considered to be entirely reasonable. Particularly as this time charge only relates to the time spent by the processing Transport Planner and does not include any time charge costs incurred by the

Councils Principal Advisor Road Safety Officer, the Councils contracted RMA Consulting Engineer nor the RMA Transport Contractor. The actual costs of the time of the various officers involved (should they have all been on charged) would have been well in excess of this figure.

In the circumstances it is not considered reasonable for the applicant to argue that the Transport costs now 'on charged' for the time spent processing this application should be set aside.

Trevor Watson (Transport Contractor)

Reese Martin (Planner, Transport)

07 March 2025

Appendix 3/A – Final Transport Response – April 2024



Memorandum

TO:	Lianne Darby, Planner
FROM:	Reese Martin, Planner – Transport Trevor Watson, Contractor – Transport
DATE:	24 April 2024
SUBJECT:	SUB-2023-143 & LUC-2023-420 195 WAKARI ROAD, DUNEDIN

APPLICATION:

Resource consent is sought for the 36-lot subdivision of the property at 195 Wakari Road. The site is zoned General Residential 1. Access will be obtained from Wakari Road in the form of a new legal road at the eastern boundary of the site. This section of Wakari Road is classified as a Local Road under the 2GP's Road Classification Hierarchy. The subdivision will include the provision of three new legal roads, a stormwater/reserve area, and three access lots. The applicant has prepared an Integrated Traffic Assessment (ITA) by Modal Consulting to address matters raised by DCC Transport with respect to the subdivision design. The applicant has also provided an independent review of this ITA by Carriageway Consulting.

The site is subject to Rule 15.8.14 of the 2GP – Helensburgh Structure Plan Mapped Area Performance Standards.

A copy of the Helensburgh Structure Plan Mapped Area is included as Appendix 1, and the current subdivision scheme plan for this proposal is attached as Appendix 2.

We have reviewed the proposal, including the revised ITA provided by Modal Consulting on behalf of the applicant together with the response to the Request for Further Information (RFI) and independent ITA review and set out our response on the transport elements of the subdivision, below, as requested. The proposal is assessed as a non-complying activity.

PROPOSED TRANSPORT NETWORK/CONNECTIVITY:

It is noted that the site is located within the Helensburgh Structure Plan Mapped Area and as such, the following provision (15.8.14.2.a) is applicable to the proposal:

- i. *In addition to the requirements set out in Rule 6.8.1, each resultant site must have direct or indirect access to an internal roading network that serves the whole structure plan mapped area and provides for all sites to have access through the structure plan mapped area to a minimum of two roading connection points from the structure plan mapped area directly or indirectly to Wakari Road.*

- ii. *Activities that contravene this performance standard are non – complying activities.*

The applicant notes that they have secured a second potential vehicle access location, however only a single roading access connection will be constructed as part of the Stage 1 development. Particularly noting that it would not be practical to provide the necessary infrastructure for a second roading connection and that an additional roading connection will be provided as part of future subdivision stages. They further advise that this is an approach consistent with previous subdivision developments within the city that have required multiple stages to achieve a high level of network connectivity.

Whilst this phased approach to the provision of a second access is less than ideal, Transport is amenable to accepting this from a practical perspective on the basis that there is some certainty that a second connection can be achieved by the developer in subsequent stages, which would also be subject to additional traffic assessment as part of any future subdivision application for development. Therefore, for those reasons in the interim, the non-compliance with this subdivision access provision is considered acceptable with any effects considered to be no more than minor.

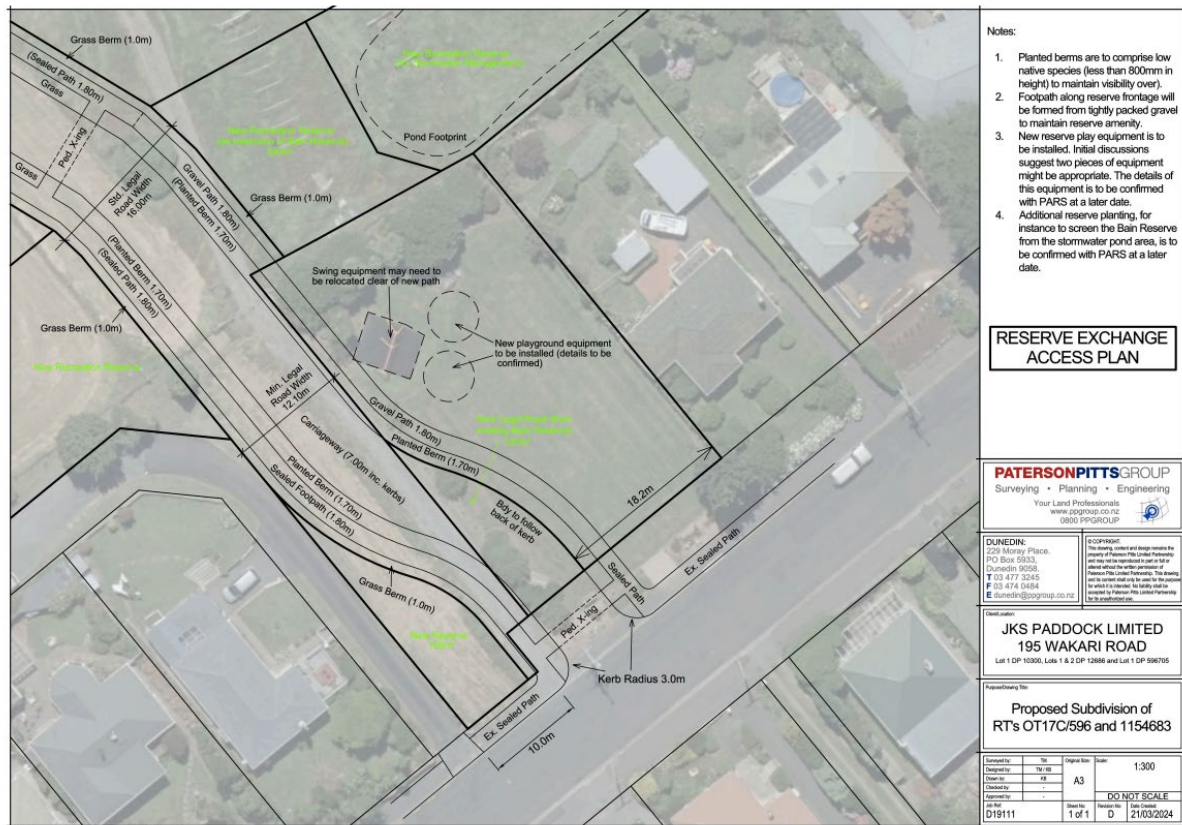
SUBDDIVISION DESIGN AND INTERSECTION DESIGN:

The application proposes to provide a legal width of 16.6m for the majority of the proposed 'loop road' (Road 1) and a legal width of 16.3m for the remaining legal roads (Roads 2 and 3). It is considered that the proposed legal widths generally enable a compliant cross-section that will be consistent with the requirements of the DCC Code of Subdivision 2010 except for the provision of 2.0m wide footpaths and more significantly, the initial portion of Road 1 where a legal width of only 12.10m is proposed. The applicant notes that the initial portion of Road 1 is physically constrained by the boundaries of the site which does not enable the provision of a footpath and grass berm on the righthand side of the new road. The initially proposed intersection design and its proximity to an adjacent shared right of way also raised traffic safety concerns, particularly the potential for conflicting vehicle movements and the potential of confusion between users of the right of way, users of the new road, and pedestrians.

It should be noted that the 2GP Rule 6.6.3.4 requires that the minimum distance of vehicle crossings from intersections with Local Roads is 10.0m with the measurement taken from the tangent point of the kerb return. Whilst this rule is not directly applicable in this instance due to the vehicle crossing being established prior to the new road intersection, the intent of this requirement is still relevant. Its purpose being to separate the location of all driveways regardless of the level of use of the driveway from roads in order to prevent confusion and conflict from opposing vehicle movements and conflict with pedestrians through the opportunity for the provision of a refuge area between the driveway and the road. This aspect has been assessed in detail by the applicant's traffic engineers and is considered below.

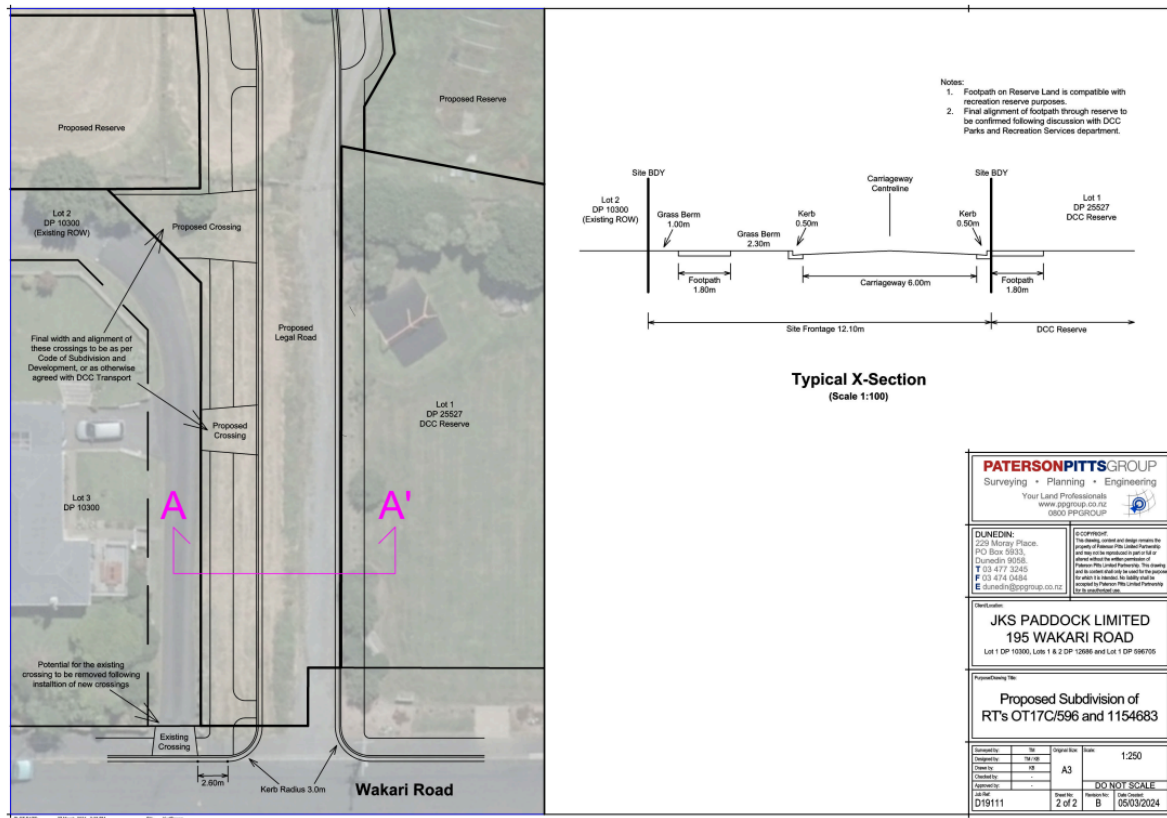
After detailed discussions with the applicant over this concern, the applicant is amenable to pursuing a process under Section 15AA of the Reserves Act to exchange part of the adjacent Bain Reserve with a portion of the applicant's site to functionally provide 10.0m of physical separation between the new road intersection and the existing adjacent shared right of way.

It is noted that a legal width of 16.0m would still not be provided under this revised design (shown below), however the applicant is amenable to constructing a 1.8m wide gravel path within the Bain Reserve and 1.7m wide berm to functionally meet the road design requirements of the DCC Code of Subdivision 2010. Although it should be noted that this process sits outside of the resource consenting process and requires a publicly notified hearing, and therefore there remains a degree of uncertainty of the exchange of reserve being approved. That notwithstanding this is Transport's preferred intersection design (with the potential for a second vehicle crossing out onto the new road from the right of way which can be considered at the time of the detailed engineering design stage).



On that basis the applicant has confirmed that the reserve exchange will be pursued as their preferred option, however if this process is subsequently declined, they request that the subdivision is still able to proceed using a less than ideal 'worst case' option. This secondary 'worst case' option (as shown below) will provide minimal setback between the new road and the adjacent shared right of way, albeit the design has been revised such that two additional vehicle crossings will be created that link the right of way directly onto the new road as well as the creation of a footpath within the Bain Reserve and a 2.6m wide pedestrian refuge in between the right of way and the new road. It is noted that the developer already has approval from the users of the right of way to form these new accesses and they have undertaken to construct them if this is the option that is finally pursued. It is understood that the developer has a legal opinion that this can be done.

The concerns raised by this design in relation to Rule 6.6.3.4 noted above are assessed below. It should be noted that a pedestrian crossing is proposed at the intersection of the new road under either option to support safe pedestrian movements on Wakari Road.



The proposed 'worst case' intersection design shown above raised concerns from a transport perspective, particularly around the potential for confusion and conflict between vehicles turning into and out of the right of way and vehicles turning into and out of the new road, combined with the potential for confusion by pedestrians waiting to cross either the right of way or the new legal road.

This concern has been considered by Modal Consulting by conducting a Safe System assessment, an intersection-driveway crash study and analysis, and an access conflict probability assessment. In the Safe System assessment, they note that the potential for death or serious injury for a vehicle to vehicle crash at the intersection is fairly low on the basis that turning movements are expected to be conducted at low speed and users will become familiar with this arrangement and the potential for conflict to arise. They also note that adequate space between the right of way and road as well as adequate intervisibility will be provided to support safe pedestrian movements across the intersection. The prevailing direction of travel was also considered using Census data from 'Waka Commuter' which showed a majority of vehicle movements expected to be traveling towards the CBD (right turns) in the morning with the reverse traffic flow occurring in the evening to demonstrates that the potential for conflicting movements (in the non-prevailing direction) would be low. Overall, they conclude that the separation distance does not significantly increase the likelihoods for conflict or severity of crashes. Carriageway Consulting generally concurred with these findings, particularly noting that most turning speeds will be around 20km/h, and that a width of 2.6m would be sufficient for a pedestrian with a stroller or buggy to wait, and while pedestrians have legal right of way, in practice they may have to wait for vehicle movements to be completed before crossing the new road or right of way (albeit little weight can be placed on this assumption). They also further extrapolated and quantified the potential traffic flows which further emphasised that opposing traffic

movements during the AM and PM peaks in the event they did occur would be unlikely to result in conflict. More significantly, they noted based on a 50km/h speed limit the difference in travel time between 2.6m and 10.0m in separation is considered to be around half a second and therefore this difference practically appears to be small. Transport on balance accepts these findings.

In the intersection-driveway crash study and analysis, Modal Consulting initially reviewed all crash data within the city related to driveways and intersections using the NZTA Crash Analysis System (CAS) in the most recent 5-year period to determine any relevant crash data trends at intersections/driveway locations and concluded that the proximity of driveways is not (in most circumstances) a causal factor. Subsequently they also have reviewed all crash data within the city related to driveways and intersections using the NZTA Crash Analysis System (CAS) between 1980 and 2024 specifically within adjacent suburbs (Helensburgh, Wakari, Māori Hill, Roslyn, and Brockville) and analysed 5 examples of high use driveways next to high use intersections as well as 57 low use driveways next to high use intersections. They conclude from all of this analysis that there were no crashes reported within the study area and note that while there is a potential for confusion, the extent of this confusion does not appear to result in increased crash rates. Carriageway Consulting generally concur with these results and while Transport does not dispute these findings, the locations analysed are not a common situation and are not a design that we would seek to promote from new developments.

Finally, and most significantly, Modal Consulting conducted an access conflict probability assessment using a formula to determine the statistical probability for vehicles to meet and be in conflict at the right of way and proposed road (the potential for a vehicle to be present on either the right of way or road and the probability of a vehicle being present on both accesses at the same time). Modal Consulting use this in the context of determining the potential risk of nose to tail crashes from a vehicle on Wakari Road intending to turn onto the new road encountering a vehicle slowing to turn left into the right of way. They consider that the probability of this occurring is 0.6% based on the total development of the site during the peak hour.

Carriageway Consulting have also used the formula to test additional scenarios (albeit they have adjusted the formula to better represent the area of influence or the reaction time in which drivers may need to see a potential conflict and react to prevent a collision). On that basis, they note that the probability of a vehicle present on the right of way and on Wakari Road without development is 2.69% (1 in 37.2) and with stage 1 development (36 lots) is 3.36% (1 in 29.8) in the peak hour. They also note that the probability of a vehicle being present on the right of way and on the new road with stage 1 development is 0.82% (1 in 122). They further consider that the potential probability is further reduced in the event that a vehicle is on both the right of way and the road with a pedestrian present with the potential of a turning vehicle being present at the same time as a pedestrian walking along Wakari Road being only 0.5% (1 in 200). Transport generally accepts these findings.

It must be acknowledged that the 'worst case' option has been refined such that two vehicle crossings will connect the existing right of way to the new road such that users of the right of way will have the option of accessing their properties from the right of way onto the new road instead of directly onto Wakari Road via the right of way. This is expected to likely be the preferred option for most users given the current constrained width of the right of way.

In this regard it is strongly recommended that users of the right of way should jointly agree to access their properties directly from the new road rather than directly from Wakari Road albeit it is acknowledged this can't be enforced by a condition. Therefore an advice note is recommended accordingly.

Overall, based on the assessment outlined above, we consider that the potential for conflict and confusion and resulting collision between vehicles is low and in the unlikely event that a collision occurs, the potential for a fatal or serious injury is also low. We also consider that while the 'worst case' design does not completely remove the risk from confusion between vehicles and between vehicles and pedestrians, the reduced frequency of vehicles using the right of way would result in a reduction in the exposure risk for pedestrians. On that basis, the effects of proximity of the proposed intersection to the existing right of way under this fallback option are on balance considered to be no more than minor. Furthermore it is considered that in the event the Reserve option is not successful/cannot be pursued, the acceptance of this design in these specific circumstances is unlikely to set an undesirable precedent, taking into consideration the characteristics of Wakari Road, the limited amount of development proposed at this initial stage, existing/future users familiarity with the development site, the low traffic volumes resulting in low potential for conflict, and the mitigation proposed as part of both the preferred and worst case designs options.

It is noted that the current design of this option particularly during hours of darkness may create confusion as a result of headlight glare between vehicles traveling along the right of way parallel to the new road and vehicles traveling along the new road and vehicles turning onto either access from Wakari Road. It is noted that a 1.5m high boundary fence would mitigate this potential safety concern and a condition is recommended accordingly. This boundary treatment will also act to clearly separate the vehicle entrance from the right of way onto Wakari Road from the new road intersection. It also separates the right of way from the footpath where pedestrians would otherwise have vehicles travelling in both directions on each side close to them.

The applicant initially proposed to provide 1.5m wide footpaths within the proposed subdivision on the basis that a minimum 1.5m footpath width is considered potentially acceptable under AS/NZS 4404: 2010 and the NZTA Pedestrian Planning and Design Guide. Albeit this is a bare minimum and a footpath width of 2.0m is the standard normally required by the DCC Code of Subdivision. Subsequently the applicant now proposes to provide 1.8m wide footpaths and we note that 1.8m wide footpaths are a desirable minimum in all instances (in accordance with the NZTA Pedestrian Planning and Design Guide) which is necessary to allow two wheelchair users to pass comfortably and is therefore considered to be acceptable.

It is noted that new legal road intersections are generally required to provide appropriate sight distances at a new intersection as indicated by the AustRoads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, including Approach Sight Distance (ASD), Safe Intersection Sight Distance (SISD), and Minimum Gap Selection Sight Distance (MGSD). Modal Consulting note that for a 50km/h speed environment an SISD of 97m and a MGSD of 69m is required and that these requirements will be complied with. Further noting that the ASD is currently unknown and can be confirmed as part of the detailed design process for the new road. Transport concurs with this assessment and therefore consider the proposed sight distances from the new legal road intersection to be acceptable.

The applicant must demonstrate, to the satisfaction of Council that all practical steps have been taken to progress the reserve option (Option 1). In the event that the reserve exchange is successful and Option 1 can be achieved, Option 1 must be constructed in general accordance with the scheme plan shown in Appendix 4. In the event that the reserve exchange is unsuccessful, and Option 1 cannot be achieved, Option 2 must be constructed in general accordance with the scheme plan shown in Appendix 4. In addition, standard access and roading formation conditions are recommended accordingly.

PROPERTY ACCESS:

Access Lots 101, 102, and 103 will provide legal and physical access provision to Lots 2-4, 8-9, and 14-16. The remaining resultant lots will be provided with direct frontage and access to the new legal roads. It is noted that access lots 101, 102, and 103 must be formed to a minimum 3.0m width and be hard surfaced for their full duration and adequately drained. Conditions are therefore recommended accordingly. It is noted that the location of the vehicle crossings can be confirmed at the time of detailed engineering design/at the time of building consent/ resource consent application.

It is noted that Lots 1, 27, 32, 34, and 36 will be corner sites located in close proximity to a new legal road intersection within the subdivision. It is therefore advised that any future access to corner sites is required to comply with Rule 6.6.3.4 – minimum distances of new vehicle crossings from intersections. It is also noted that as Lot 10 is located directly opposite the intersection of road 1 and 3, access should be obtained via Access Lot 102. It is also advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

PARKING AND MANOEUVRING:

No dwellings for the individual lots are proposed as part of this subdivision. This is not unusual for vacant lot subdivisions. Although compliant on-site manoeuvring space must be provided if the applicant seeks to provide on-site car parking space on any rear site as part of future development of the sites. Overall given the size of each resultant lot, Transport does not foresee any obvious issues with respect to parking and manoeuvring provision on-site.

The applicant notes that they do not wish to define any on-street parking provision at this stage and prefer that this is dealt with at the time of detailed engineering design. In any case there is an expectation that indented parking within the new legal roads will comply with the requirements of the DCC Code of Subdivision which requires one on street car parking space for every four dwelling units and is therefore acceptable at this stage.

GENERATED TRAFFIC:

The proposal under Stage 1 will generate in the order of 312 vehicle movements per day or 34 vehicles in the peak hour. On the basis that the density of the proposed development is already anticipated within the zone, this level of traffic generation can likely be absorbed within the current transport network, with no more than minor effect on its safe and efficient operation.

CONCLUSION

Overall and notwithstanding the various safety concerns set out within this response, Transport considers that on balance the effects of the proposed development on the

transportation network (in the event that the Reserve option is not able to be pursued) will still be no more than minor, subject to the following conditions and advice notes:

conditions:

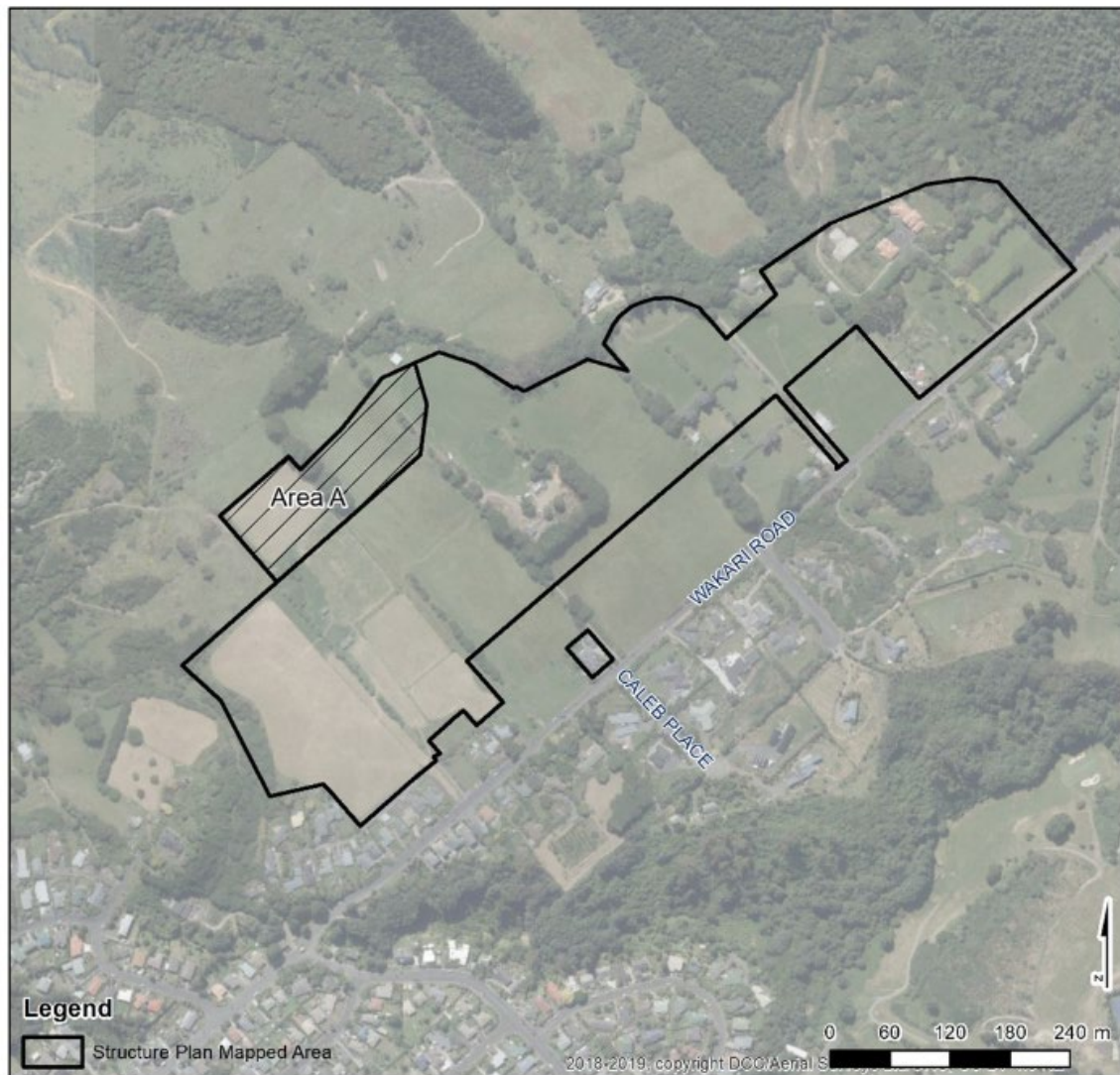
- (i) The applicant must demonstrate, to the satisfaction of Council that all practical steps have been taken to progress the reserve option (Option 1).
- (ii) In the event that the reserve exchange is successful and Option 1 can be achieved, Option 1 must be constructed in general accordance with the scheme plan shown in Appendix 3.
- (iii) In the event that the reserve exchange is unsuccessful and Option 1 cannot be achieved, Option 2 must be constructed in general accordance with the scheme plan shown in Appendix 4.
- (iv) Roads 2 and 3 must be designed in accordance with Dunedin City Council Code of Subdivision 2010, except as proposed to be modified - where 1.8m wide footpaths are constructed.
- (v) Detailed engineering plans, showing the details of the construction of Road 1, 2 and 3, must be submitted to and approved by the DCC Transport Group prior to construction.
- (vi) Upon completion of construction of Road 1, 2 and 3, all works must be tested to demonstrate that they meet the acceptance requirements of the DCC Code of Subdivision and Development.
- (vii) Upon completion of all of the roading works, the works must be certified as having been constructed in accordance with the approved plans and specifications, and as-built plans accompanied by a fully populated asset management spreadsheet (provided by DCC) must be provided to the DCC Transport Group.
- (viii) The consent holder must submit to the DCC Transport Department an application for new road/street names for Roads 1, 2 and 3. The names must comply with the provisions of the Council's road naming policy and must be approved prior to application for a Section 223 certificate. Evidence of the DCC approval of the road name/s must be submitted to the Council as part of the application for s223 certification.
- (ix) Access Lot 101 must be a 3.0m width, be hard surfaced for its full duration and be adequately drained.
- (x) Access Lot 102 must be a 3.0m width, be hard surfaced for its full duration and be adequately drained.
- (xi) Access Lot 103 must be a 3.0m width, be hard surfaced for its full duration and be adequately drained.
- (xii) Any damage to any part of the footpath or road formation as a result of the construction works must be reinstated at the applicant's cost.
- (xiii) A 1.5m high boundary fence must be constructed along the new legal road boundary with the adjacent right of way owned by 175 Wakari Road with the height reducing to 1.0 metres within 5 metres of the Wakari Road boundary and two breaks in the fence to allow access from the right of way to the new road.

Advice notes:

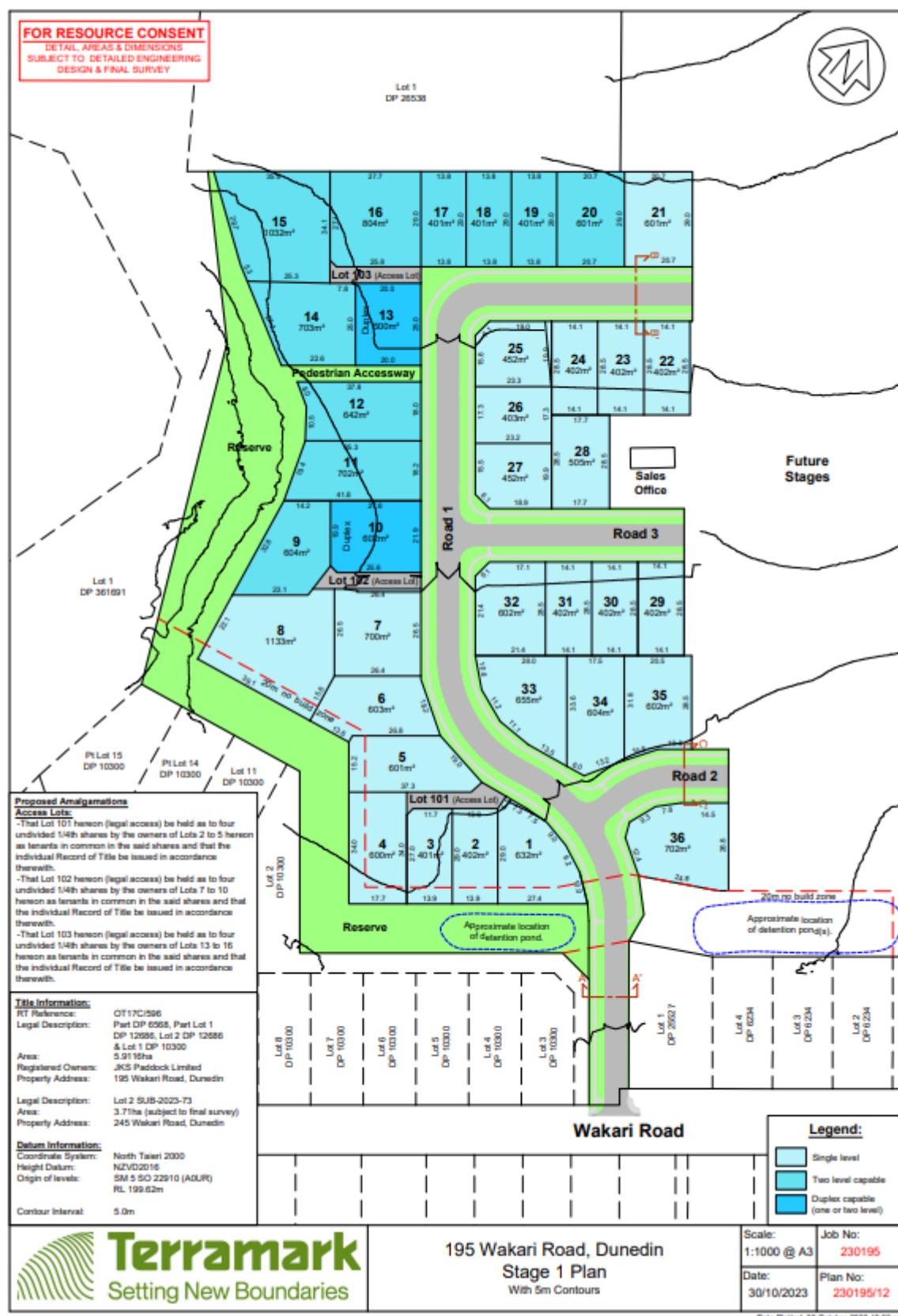
- (i) It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.
- (ii) The vehicle crossing, between the road carriageway and the property boundary, is within legal road and will therefore require a separate Vehicle Entrance Approval from DCC Transport to ensure that the vehicle crossing is constructed/upgraded in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).
- (iii) It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.
- (iv) It is advised that any works within legal road are required to be undertaken by a DCC approved contractor and will require an approved corridor access request.
- (v) Any future access to corner sites is required to comply with Rule 6.6.3.4 – minimum distances of new vehicle crossings from intersections.
- (vi) Compliant on-site manoeuvring space must be provided if the applicant seeks to provide on-site car parking space on any rear site as part of future development of the sites.
- (vii) It is strongly recommended that the users of the right of way should jointly agree to access their properties directly from the new road rather than directly from Wakari Road.

Appendix 3/B – Helensburgh Structure Plan

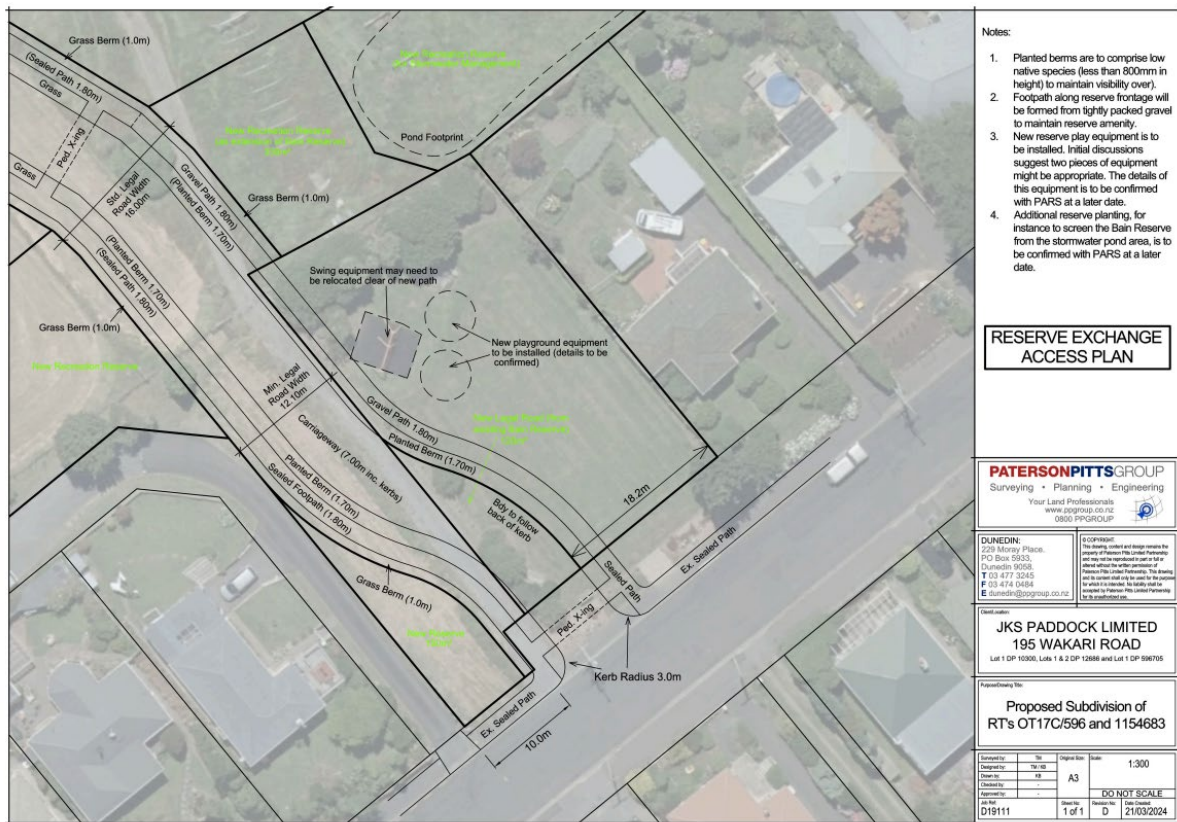
Figure 15.8.14A: Helensburgh structure plan



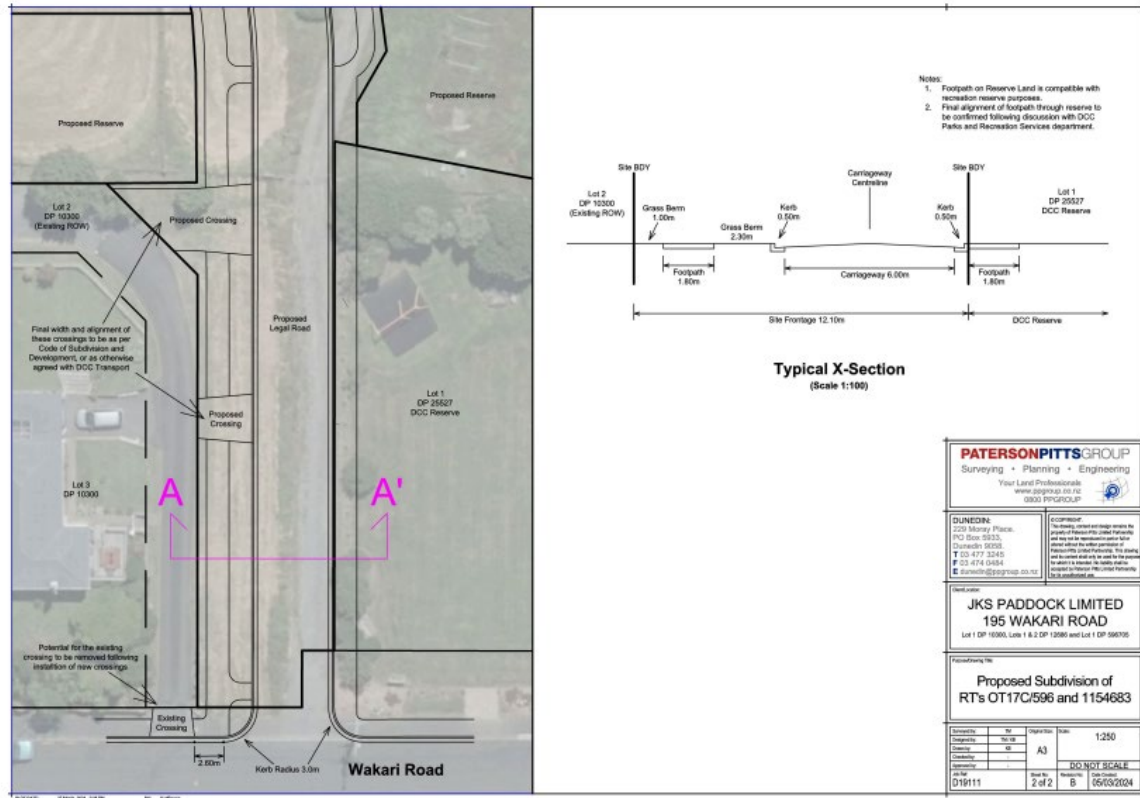
Appendix 3/C – Subdivision scheme plan



Appendix 3/D – Intersection Design Option 1



Appendix 3/E – Intersection Design Option 2



Appendix 3/F – Interim Transport Response - December 2023



Memorandum

TO:	Lianne Darby, Planner
FROM:	Reese Martin, Planner – Transport Ian Martin, Principal Advisor - Road Safety Antoni Facey, Consultant Traffic Engineer Trevor Watson, Contractor – Transport
DATE:	18 December 2023
SUBJECT:	SUB-2023-143 & LUC-2023-420 195 WAKARI ROAD, DUNEDIN

APPLICATION:

Resource consent is sought for the 36-lot subdivision of the property at 195 Wakari Road. The site is zoned General Residential 1. Access will be obtained from Wakari Road in the form of a new legal road at the eastern boundary of the site. This section of Wakari Road is classified as a Local Road under the 2GP's Road Classification Hierarchy. The subdivision will include the provision of three new legal roads, a stormwater/reserve area, and three access lots. The applicant has prepared an Integrated Traffic Assessment (ITA) to address matters raised by DCC Transport with respect to the subdivision design.

The site is subject to Rule 15.8.14 of the 2GP – Helensburgh Structure Plan Mapped Area Performance Standards.

A copy of the Helensburgh Structure Plan Mapped Area is included as Appendix 1, and the current scheme plan for this proposal is attached as Appendix 2.

We have reviewed the proposal, including the initial traffic report provided by Mr Grant Fisher on behalf of the applicant together with the response to the request for further information (RFI) and set out our response on the transport elements of the subdivision, below, as requested. The proposal is assessed as a non-complying activity.

PROPOSED TRANSPORT NETWORK/CONNECTIVITY:

It is noted that the site is located within the Helensburgh Structure Plan Mapped Area and as such, the following provision (15.8.14.2.a) is applicable to the proposal:

- ii. *In addition to the requirements set out in Rule 6.8.1, each resultant site must have direct or indirect access to an internal roading network that serves the whole structure plan mapped area and provides for all sites to have access through the structure plan mapped area to a minimum of two roading connection points from the structure plan mapped area directly or indirectly to Wakari Road.*

- iii. *Activities that contravene this performance standard are non – complying activities.*

The applicant notes that they have secured a second potential vehicle access location, however only a single roading access connection will be constructed as part of the Stage 1 development. Particularly noting that it would not be practical to provide the necessary infrastructure for a second roading connection and that an additional roading connection will be provided as part of future subdivision stages. They further advise that this is an approach consistent with previous subdivision developments within the city that have required multiple stages to achieve a high level of network connectivity.

Whilst this phased approach to the provision of a second access is less than ideal, Transport is amenable to accepting this from a practical perspective on the basis that there is some certainty that a second connection can be achieved by the developer in subsequent stages, which would also be subject to additional traffic assessment as part of any future development. Therefore, for those reasons in the interim, the non-compliance with this subdivision access provision is considered acceptable with any effects considered to be no more than minor.

The application proposes to provide a legal width of 16.6m for the majority of the proposed 'loop road' (Road 1) and a legal width of 16.3m for the remaining legal roads (Roads 2 and 3). It is considered that the proposed legal widths generally enable a compliant cross-section that will be consistent with the requirements of the DCC Code of Subdivision 2010 except for the provision of 1.5m wide footpaths and more significantly, the initial portion of Road 1 where a legal width of only 12.1m is proposed.

The applicant notes that the initial portion of Road 1 is physically constrained by the boundaries of the site which does not enable the provision of a footpath and grass berm on the righthand side of the new road. The applicant considers this to be acceptable on the basis that the road can be crossed by pedestrians safely and efficiently with little to no delay. That notwithstanding, the lack of footpath provision on one side of the road is not considered to be acceptable or an ideal outcome considering that this road will serve as one of the primary entrance points to the wider development area which will have a not insignificant impact on pedestrians and other mode users travelling to and from Wakari Road, and to and from the adjoining reserve. Further noting that the applicant has not considered the number of pedestrians that may seek to walk north along Wakari Road to the Redwoods track and Ross Creek Reservoir which would require crossing over the new road again at the intersection.

The design of the proposed intersection is discussed in the next section while the width of the proposed footpaths is discussed further below.

The applicant proposes to provide a footpath width of 1.5m for all footpaths within the subdivision on the basis that a minimum 1.5m footpath width is considered potentially acceptable under AS/NZS 4404: 2010 and the NZTA Pedestrian Planning and Design Guide. Albeit this is a bare minimum and a footpath width of 2.0m is the standard normally required by the DCC Code of Subdivision. Therefore, the proposal does not comply with this requirement. It is also important to note that the NZTA Pedestrian Planning and Design

Guide sets out that 1.5m wide footpaths are an '*absolute minimum*' that is '*only acceptable in existing constrained conditions and where it is not possible to relocate road space.*' It further emphasizes that 1.8m wide footpaths are desirable in all instances which is necessary to allow two wheelchair users to pass comfortably. On that basis, given that there are no clear physical design constraints that prohibit 1.8m wide footpaths from being provided within the subdivision, this is the minimum footpath width that we are prepared to accept.

INTERSECTION DESIGN:

Rule 6.6.3.4 requires that the minimum distance of vehicle crossings from intersections with Local Roads is 10.0m with the measurement taken from the tangent point of the kerb return. The applicant notes that '*only 5.0m can realistically be achieved due the existing boundary position*' although given the design of the intersection, no separation will be provided between the new road and the shared Right of Way of 175 Wakari Road that serves as access to approximately 13 other existing sites. This is a significant cause for concern from a safety perspective given the number of vehicle movements anticipated to be created as a result of the full development of the site and the existing number of movements generated by the existing Right of Way. Particularly as the proposed intersection design will increase the potential and frequency for confusion, conflict, and unsafe vehicle movements and therefore increases the potential for near misses and crash incidents.

The applicant has responded to this concern advising that in their view that vehicle movements will occur at low speed and most drivers will become familiar with this arrangement over time. They also note that there is sufficient space for pedestrians to wait between the Right of Way and new Legal Road while waiting for vehicles to enter/exit the subdivision. They also consider that the potential for conflicting vehicle movements is low under the assumption that the majority of traffic from both the Right of Way and the new road will turn right out onto Wakari Road towards the city during the morning peak with the reverse occurring in the evening. Although it is noted that the applicant's safe system analysis only focuses on vehicles and does not consider the safety of pedestrians, particularly the potential for confusion while crossing the intersection.

The applicant has also reviewed all crash data within the city related to driveways and intersections using the NZTA Crash Analysis System (CAS) in the most recent 5-year period to determine any relevant crash data trends at intersections/driveway locations and concludes that the proximity of driveways is not (in most circumstances) a causal factor. Notwithstanding this analysis, CAS data is unlikely to provide any meaningful trends given that it is unlikely that there are arrangements within the city similar to the one proposed that would give rise to increased trends in relation to driveways and intersections. It is also acknowledged that CAS only represents Police reported data and does not include near misses that are under-reported. Even serious and minor crashes are known to be significantly under-reported as well as property damage only crashes.

Overall, the applicant's assessment of the intersection raises clear safety concerns, particularly noting the amount of weight placed on the significant assumption that all traffic will enter and exit each existing and new site via the Right of Way and new road in the same direction at the same time with a low potential for conflicting movements. The applicant's analysis also does not consider the potential for confusion for pedestrians waiting to cross

either Wakari Road, the new intersection, or the Right of Way and the difficulty to correctly anticipate whether vehicles are entering the Right of Way or the new road.

It is acknowledged that whilst in the past Transport has accepted instances where one vehicle access serving a single dwelling has been located in close proximity to a new legal road intersection, given that the existing Right of Way serves as access to at least 14 existing dwellings, this dramatically increases the cause for concern and the potential for conflict above levels which could be considered as acceptable. For those reasons, the proposed intersection design is not supported from a traffic safety perspective and an acceptable solution must be provided that achieves compliance with Rule 6.6.3.4.

After internal discussions with the Council's PARS department, it is noted that they are amenable to the location of the new road from the subdivision out onto Wakari Road being moved further north, utilising a portion of the adjacent Bain Reserve in order to achieve compliance with Rule 6.6.3.4. Albeit this would require appropriate land offsetting for the loss of a portion of the reserve. In any case it is considered that this would be an appropriate solution in order to achieve a satisfactory transport outcome. The applicant has been advised of this opportunity but at the present time has not indicated that this is an option that they would necessarily wish to pursue.

PROPERTY ACCESS:

Access Lots 101, 102, and 103 will provide legal and physical access provision to Lots 2-4, 8-9, and 14-16. The remaining resultant lots will be provided with direct frontage and access to the new legal roads.

It is noted that Lots 1, 27, 32, 34, and 36 will be corner sites located in close proximity to a new legal road intersection within the subdivision. It is therefore advised that any future access to corner sites is required to comply with Rule 6.6.3.4 – minimum distances of new vehicle crossings from intersections. It is also noted that as Lot 10 is located directly opposite the intersection of road 1 and 3, access should be obtained via Access Lot 102.

It is considered appropriate that in the event of a satisfactory outcome being achieved in terms of the location of the main access road conditions are imposed on any subsequent consent which require all Access Lots to be constructed in accordance with the minimum requirements of the District Plan. It is also advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

Conditions would also be recommended regarding the requirements insofar as they relate to the design, construction, and certification of Roads 1, 2 & 3.

PARKING AND MANOEUVRING:

No dwellings for the individual lots are proposed as part of this subdivision. This is not unusual for vacant lot subdivisions. Although compliant on-site manoeuvring space must be provided if the applicant seeks to provide on-site car parking space on any rear site as part of future development of the sites. Overall given the size of each resultant lot, Transport does not foresee any obvious issues with respect to parking and manoeuvring provision on-site.

The applicant notes that they do not wish to define any on-street parking provision at this stage and prefer that this is dealt with at the time of detailed engineering design. In any case there is an expectation that indented parking within the new legal roads will comply with the requirements of the DCC Code of Subdivision which requires one on street car parking space for ever four dwelling units and is therefore acceptable at this stage.

GENERATED TRAFFIC:

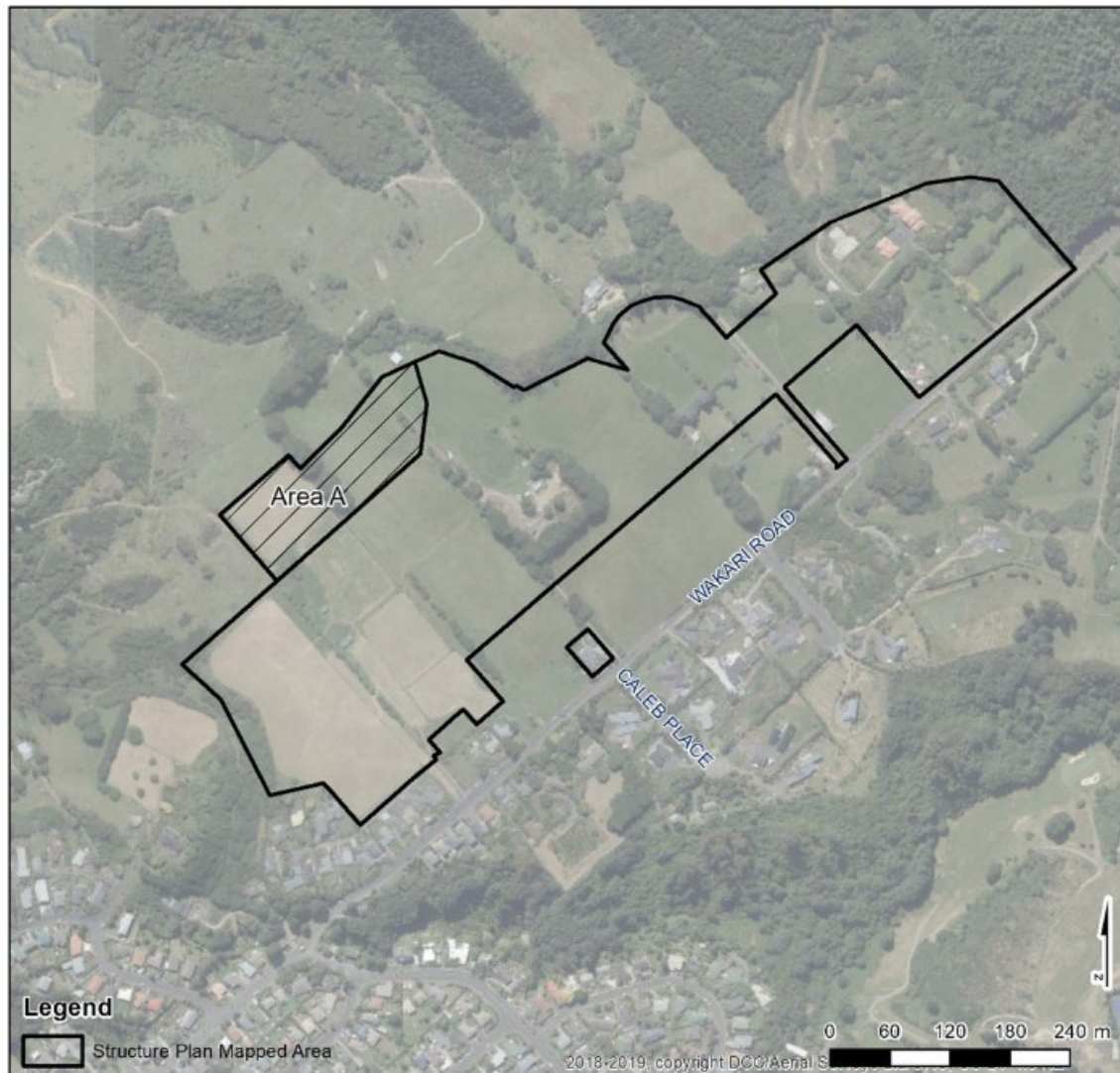
The proposal under Stage 1 will generate in the order of 312 vehicle movements per day or 34 vehicles in the peak hour. On the basis that the density of the proposed development is already anticipated within the zone, this level of traffic generation can likely be absorbed within the current transport network, with no more than minor effect on its safe and efficient operation.

CONCLUSION

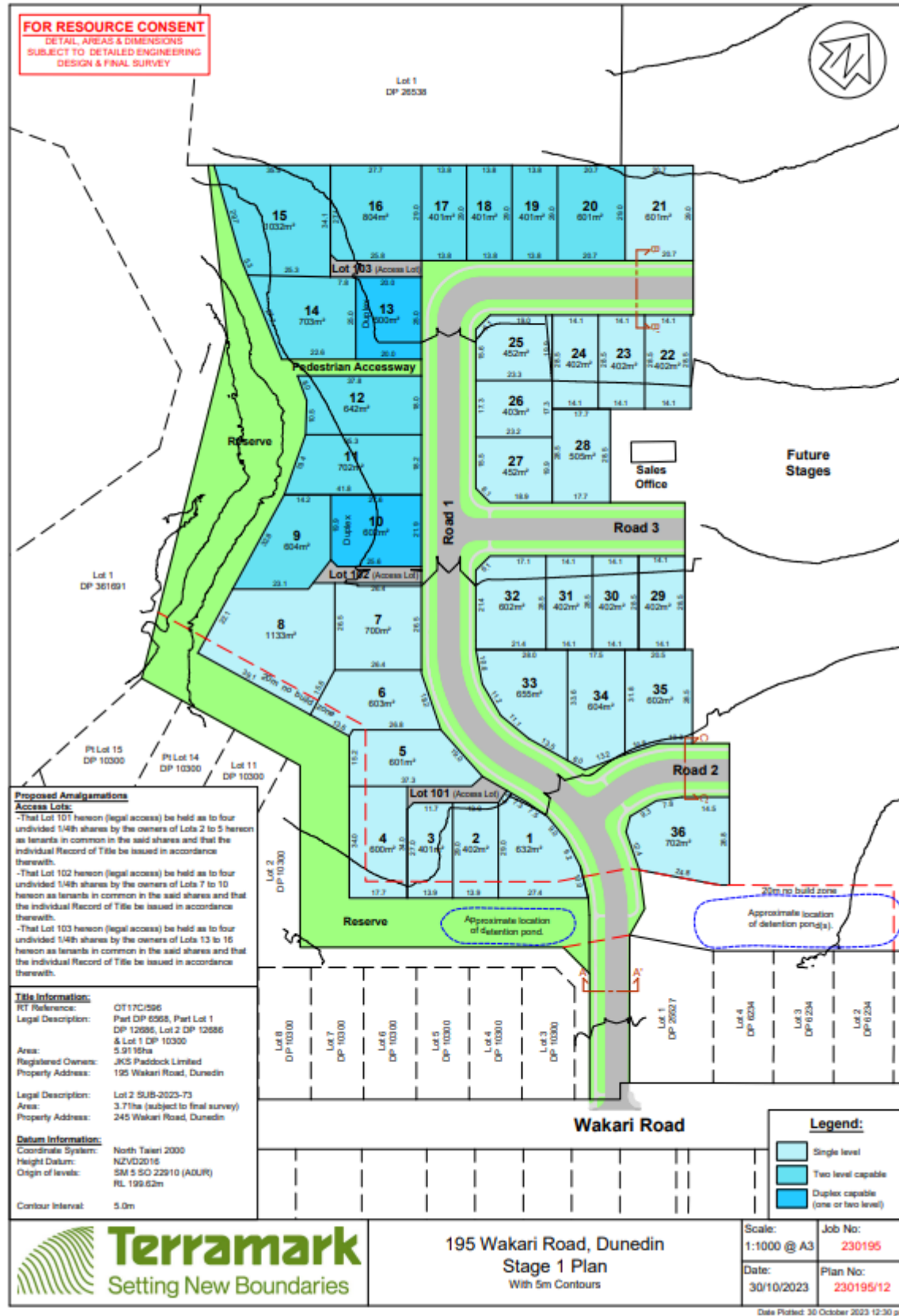
The proposed subdivision generally takes a form that has been anticipated by the zoning of the site. The specific issue of the proximity of the proposed legal roading layout to the adjacent Right of Way owned by 175 Wakari Road has been raised within this assessment as a significant concern from a traffic safety perspective and as a result increases the potential of adverse effects on the safe and efficient operation of the transportation network, particularly the potential for near misses and traffic collisions between vehicles and pedestrians as a result of confusion. For those reasons, we do not consider the access arrangements as proposed to be acceptable and therefore the effects of the proposed development in its current form on the transportation network are considered to be more than minor.

Appendix 3/G

Figure 15.8.14A: Helensburgh structure plan



Appendix 3/H



Appendix 3/I – Relevant Emails re Rule 6.6.3.4

From: Trevor Watson
Sent: Thursday, 11 April 2024 3:44 p.m.
To: Lianne Darby <Lianne.Darby@dcc.govt.nz>
Cc: Reese Martin <Reese.Martin@dcc.govt.nz>; Ian Martin <Ian.Martin@dcc.govt.nz>; Mike Perkins <Mike.Perkins@dcc.govt.nz>; Antoni Facey <antoni@avanzar.co.nz>
Subject: RE: Wakari Road

Hi Lianne,

The issue (as I understand it) is that with two accesses so close together, there is a risk that a pedestrian walking along the footpath on Wakari Road may assume that a vehicle turning left is turning into one of the accesses and start crossing the other one. Whereas the vehicle is in fact entering the one the pedestrian has started to cross. Hence the safety concerns / conflicts. Ian has advised that this issue is not clearly addressed in the further Transport information that the applicant has recently supplied, hence the need for us to consider matters further before reaching a final Transport view in terms of safety effects.

I have now just set up a meeting with Ian, Antoni, Reese, and myself to discuss further on Wednesday of next week at 12.00 . so just thinking as I type this e mail if you are available, you would be welcome to join us. So, if that works for you, let me know and I can send you through the meeting invitation. Mike for info and you would be welcome to join us too if you feel this would be of help.

Finally Paul F has come back today re the justification for the 2GP / the previous District Plan rule, and put simply having done some detailed research for is not able to help further in terms of providing us with any detailed background as to the reasoned justification for the rule having been introduced into the District Plan in the first place.

Trevor

From: Lianne Darby <Lianne.Darby@dcc.govt.nz>
Sent: Thursday, 11 April 2024 11:25 a.m.
To: Trevor Watson <Trevor.Watson@dcc.govt.nz>
Subject: RE: Wakari Road

Thank you Trevor.

There will be a footpath between the driveway and road, will there not? How would pedestrian safety be compromised?

L.

From: Trevor Watson <Trevor.Watson@dcc.govt.nz>
 Sent: Thursday, 11 April 2024 11:12 a.m.
 To: Lianne Darby <Lianne.Darby@dcc.govt.nz>; Reese Martin <Reese.Martin@dcc.govt.nz>
 Cc: Ian Martin <Ian.Martin@dcc.govt.nz>; Mike Perkins <Mike.Perkins@dcc.govt.nz>
 Subject: RE: Wakari Road

Hi Lianne,

Yes, having looked at this in more detail this was one of the issues at the forefront of my mind. i.e that there is no specific rule requiring the separation of a new access from an existing ROW, so not I don't think that you are splitting hairs.

My current view is that the applicants may now have provided sufficient justification and argument, certainly as it relates to vehicle movements / conflicts, that this may well be quite difficult to counter. That said Ian, Reese and I have had a further chat re this this morning and Ian has confirmed that his most significant concern is in relation to issues of pedestrian safety.

In the circumstances Ian, Reese and I will seek to have a further discussion on the issues with Antoni, early next week with a view to reaching a final Transport view.

Hopefully, this of help and we will keep you updated.

Trevor

From: Lianne Darby <Lianne.Darby@dcc.govt.nz>
 Sent: Thursday, 11 April 2024 8:21 a.m.
 To: Trevor Watson <Trevor.Watson@dcc.govt.nz>; Reese Martin <Reese.Martin@dcc.govt.nz>
 Subject: RE: Wakari Road

Thanks Trevor,

Looking at Rule 6.6.3.4 again, I don't think we can rely on that rule anyway. It is in respect of new vehicle crossings from existing roads; not new roads from existing vehicle crossings. It might be hair splitting, but that is what the rule says and that's when it is applied. There is no rule saying a new road must be xm from a vehicle crossing.

I think you are going to have to argue the separation distance is/is not acceptable based purely on a safety assessment. And you are going to have to determine why the ITA submitted by the applicant, concluding that, '... the likelihood of conflict and the severity of crashes are assessed as being minimal,' is wrong.

L.

From: Trevor Watson <Trevor.Watson@dcc.govt.nz>

Sent: Wednesday, 10 April 2024 6:06 p.m.

To: Reese Martin <Reese.Martin@dcc.govt.nz>; Lianne Darby <Lianne.Darby@dcc.govt.nz>

Subject: RE: Wakari Road

Hi Lianne,

In case Reese hasn't answered your second question, yes our strong preference is for a decent separation between the existing ROW and the new road, which would be facilitated through the reserve option.

And yes we may need to chase Paul as I appreciate we need to respond further to Kurt in a timely manner.

Trevor

From: Reese Martin <Reese.Martin@dcc.govt.nz>

Sent: Wednesday, 10 April 2024 2:19 p.m.

To: Lianne Darby <Lianne.Darby@dcc.govt.nz>

Cc: Trevor Watson <Trevor.Watson@dcc.govt.nz>

Subject: RE: Wakari Road

Kia Ora Lianne,

We are waiting on Paul to advise us on why Rule 6.6.3.4 is written in the way that it is written etc. Without that information we can't make a final call at this stage (as we discussed yesterday).

Ngā mihi,

Reese Martin

TRANSPORT PLANNER/ENGINEER
TRANSPORTATION

P 03 477 4000 | E reese.martin@dcc.govt.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz

From: Lianne Darby <Lianne.Darby@dcc.govt.nz>
Sent: Wednesday, 10 April 2024 2:06 p.m.
To: Reese Martin <Reese.Martin@dcc.govt.nz>
Subject: Wakari Road

Hi Reese,

Kurt has asked me to check with you where you are at with this one. So I am.

Another question from Kurt, is the reserve land swap Transport's preferred option?

Thanks.

L

End of emails in Appendix 3/I

Appendix 4 – Information From DCC 3Waters Supporting Their Fee of \$5727.08



Memorandum

TO:	Phil Marshall – Senior Planner
FROM:	Jared Oliver – Planning Manager, 3 Waters
DATE:	05 March 2025
SUBJECT:	Fee Objection – SUB-2023-143 & LUC-2023-420 land at 195 WAKARI ROAD, DUNEDIN

Appendix 4 – Information From DCC 3Waters Supporting Their Fee of \$5727.08

Background

JKS Paddock Ltd received consent for a subdivision creating 36 residential lots, new road, reserve, and access lots at 195 Wakari Road, being Stage 1 of Helensburgh Structure Plan Mapped Area in June 2024.

A fee objection under section 357 of the RMA was received on 9 July 2024. This objection relates to the time charges levied by both Transport and Three Waters in processing this application. The applicant seeks the withdrawal of the current invoice and a new invoice being issued less all of the recorded time charged by Three Waters and Transport.

3 Waters Details

In response to the fee objection by Marc Bretherton relating to the development site, 195 Wakari Road, below is an account of costs incurred from 3 Waters for the Stormwater related work.

As a result of the 2GP zoning outcomes, this site and surrounding area has a New Development Mapped Area (NDMA) overlay applied to it. As part of this overlay, this development requires a comprehensive Stormwater Management Plan (SWMP) to be produced and is required to meet the 2GP 9.9.3 Stormwater Management rules which are more extensive for sites within an NDMA.

Due to the complexity of the site and need to meet the NDMA requirements, applications with an associated NDMA require specialised assessment. In these circumstances DCC utilise external resources for technical review.

This package of work initially went to the City Growth Team as per normal internal processes. Due to the stormwater management requirements within an NDMA it was subsequently handed over to the 3 Waters Engineering Services Team for technical review of the SWMP.

We understand some of the assessment performed by the City Growth Team consultant (cost \$6,327) was not used in the final assessment performed by the Engineering Services Team consultant (\$13,500) to determine the feasibility and acceptability of the SWMP. The full cost to DCC for use of external consultants in assessing this subdivision was \$19,827 however DCC has taken a pragmatic stance and have decided to only invoice the applicant for the staff time and consultant cost incurred by the City Growth Team that being \$6,327. Refer to the table for breakdown of costs.

3 Waters consider the cost to the applicant to be very reasonable.

Memo Ends.