

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by A
Charlton to establish a residential unit and
accessory building on an undersized rural lot at
1069 Highcliff Road, Dunedin.

Council File: LUC-2016-481

SECOND MINUTE OF HEARING COMMISSIONER A HENDERSON

1. At the hearing of the above application on 17 March 2017, the Applicant relied upon the understanding that the subject site, 1069 Highcliff Road, was a single lot that could be sold independently. This resulted in the Applicant's position being that there was no subdivision consent sought or needed to separate the site from the adjoining property at 1075 Highcliff Road.
2. Following the adjournment of the hearing, I was advised by the Applicant that this in fact was not the case, as the Titles for 1069 and 1075 Highcliff Road are held together as a single site by way of a covenant that restrict the sites from being sold as individual allotments.
3. The Applicant has now advised that she wishes to withdraw the current application (LUC-2016-481), with a view to making a new application to cancel the existing covenant pursuant to section 240 of the Act, and for the necessary land use consents to both establish the new dwelling on 1069 Highcliff Road and provide for the existing dwelling on 1075 Highcliff Road on what would then become an undersized Rural allotment.
4. Upon receipt of this new application, the Council will be required to undertake a new assessment as to whether the application requires public notification, and if publicly notified, appoint a Hearing Commissioner to hear and determine the application.
5. On this basis I direct that:
 - (1) The Applicant provides formal notice to the Council withdrawing LUC-2016-481; and
 - (2) The Council confirm to submitters that the notice of withdrawal has been received from the Applicant.
6. On the basis that the Application is withdrawn, no other directions are necessary. Any queries regarding this Minute should be directed to Mr Campbell Thompson, Senior Planner, at Campbell.Thompson@dcc.govt.nz.



Andrew Henderson
Hearings Commissioner

19 April 2017