



29 June 2021

Central Otago District Council  
C/- Oli Monthule-McIntosh  
1 Dunorling Street  
**ALEXANDRA 9340**

By email: [oli.mcintosh@codc.govt.nz](mailto:oli.mcintosh@codc.govt.nz)

Dear Oli

**RC 190154: VISUAL SIMULATION PLANS AND BUILDING PLATFORM PLAN**

- 1 We refer to your our letter of 13 May 2021 containing our client's response to the Request for Further Information (**RFI**) letter issued by the Council regarding RC 190154 being a consent application for subdivision at Terrace Street, Bannockburn.
- 2 Our letter included among other matters a Landscape & Visual Amenity Effect Assessment prepared by Rough and Milne Landscape Architects (the **Landscape Assessment Report**).

**Visual simulations and building platform plan**

- 3 The Landscape Assessment Report refers to visual simulations<sup>1</sup> and a building platform plan<sup>2</sup> however due to an accidental omission these documents were not included in the Report.
- 4 Your office has recently drawn our attention to this omission. The purpose of this letter is to provide you with these documents in the interests of enabling a full and detailed assessment of the proposed subdivision by the Council.
- 5 Accordingly please find **attached** visual simulations and a building platform plan referred to in the Landscape Assessment Report.
- 6 We request that this letter and the above documents be posted to the Council website so that it is available to submitters for their consideration as part of our client's proposal.

**Procedural matters**

- 7 For the reasons discussed below we are firmly of the view that the provision of this information does not cause any procedural issues or need for re-notification of the application.
- 8 Re-notification of a resource consent application is required when the application is changed during the consent processing in a manner whereby the alterations are beyond scope of the original notified application.
- 9 There is considerable authority from multiple Court decisions addressing this matter. The applicable principles arising from those authorities have been distilled by recent decisions of the Environment Court and can be summarised as follows<sup>3</sup> (emphasis added):

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<sup>1</sup> At pages 11, 12 and 13

<sup>2</sup> At pages 3, 4, and 16

<sup>3</sup> *HIL Limited v Queenstown-Lakes District Council* [2014] NZEnvC 45

"(1) A **change** to a notified application is within the jurisdiction of the Court if its ambit is **fairly and reasonably within the scope of the original notified application**:

(2) Particular factors to be considered include;

- scale, intensity and character of the **altered activity**;
- the **altered** scale, intensity and character of the effects or impacts of the proposal;
- potential prejudice to both parties and the public;

- 10 We have applied these principles in our evaluation of the additional information included in this correspondence.
- 11 Regarding the visual simulations, the first point to mention is that these documents do not change or alter the proposal in any way. The visual simulations are for the purpose of assessing the visual effects of the proposal only. As such, they do not alter the scope of the application and therefore no issue as to re-notification arises.
- 12 Regarding the building platform plan, the key point is that this document does not increase the level of potential adverse effects of the proposal. Instead, this additional information alters the proposal by clarifying a mitigation measure that will reduce potential adverse effects of the proposal by limiting the location of buildings to the least visible areas within lots 26-35.<sup>4</sup> As such, the building platform plan does not cause any increase in the scale, intensity or character of effects arising from the proposal and therefore no issue as to re-notification arises.
- 13 In light of the above, there is no potential prejudice to the Council or the public arising from provision of these documents because they do not cause an increase in potential adverse effects of the proposal. Therefore no issues as to procedural unfairness arises.
- 14 Please contact us if you have any questions or would like to discuss any matters arising from the above.

Yours faithfully  
**ADDERLEY HEAD**



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<sup>4</sup> Referred to in the Landscape Assessment Report