

TO: Hearing Panel - Plan Change 1 – Heritage

FROM: Peter Rawson, s42A author

DATE: 08 May 2025

SUBJECT: HEARING PANEL MINUTE 3 - QUESTIONS FOR THE OFFICERS

1. Introduction

This memorandum answers the questions in Minute 3 from the Plan Change 1 Hearing Panel.

2. Hearing Panel question

The questions in Minute 3 are reproduced below:

Questions for the Section 42A Report authors

A number of buildings (including BX001, BX023, BX046 and BX069) that are proposed to be included in the 2GP heritage schedule (Appendix A1.1 of the 2GP) have either recently been issued DCC Certificates of Compliance (COC) or otherwise have active consents granted by DCC enabling or authorising the demolition of the buildings.

- 1. Were the demolition COC granted by DCC staff, DCC councillors or independent commissioners?*
- 2. Were the demolition consents granted by DCC staff, DCC councillors or independent commissioners?*
- 3. For each case where a building has a demolition COC or consent, which rules of the 2GP were the decisions made under?*
- 4. In each case did the COC and consent decision-makers have regard to the heritage values of the buildings?*
- 5. If not why not?*
- 6. Can we be provided with copies of the COC and consent decision reports?*

3. Section 42A Report author's answer to questions

Each proposed heritage building, where a COC or resource consent has been issued for its demolition, is discussed below.

3.1. BX001 - Andersons Bay Presbyterian Church (former) at 76 Silverton Street

Refer to sub-section 6.2.2 of s42A Report.

Certificate of compliance COC-2024-20 was granted on 27 March 2025 (lapsing on 27 March 2030) for the demolition of the church and the church hall buildings. Plan Change 1 was notified on 21 November 2024 and the COC application was received two days beforehand, on Tuesday 19 November 2024.

Section 139 of the RMA 'Consent authorities and Environmental Protection Authority to issue certificates of compliance' outlines the statutory requirements concerning COC. Any person may request a consent authority to issue a COC for an activity that can be lawfully undertaken without a resource consent at the particular location. The consent authority must issue the certificate if the activity can lawfully be undertaken.

Section 139(7) states:

(7) The certificate issued to the person must—

- a) describe the activity and the location; and*
- b) state that the activity can be done lawfully in the particular location without a resource consent as at the date on which the authority received the request.*

At the time the COC was lodged the church was not a scheduled heritage building because Plan Change 1 had not been notified. This meant that it was a permitted activity to demolish the building (under Rule 15.3.4.4) and no regard could be had to heritage values.

The COC was granted under delegated authority on behalf of the DCC by a Council resource consents Senior Planner.

A copy of the COC decision is provided.

3.2. BX023– Highgate Presbyterian Church at 580 Highgate

Refer to sub-section 6.2.9, page 56 of the s42A Report.

Building consent ABA-2018-1582 to partially demolish the church was granted on 25th July 2018 under the Building Act. An extension of time application Ext-2024-347 was lodged on 2nd September 2024 and granted on 9th September 2024 for a 6-month extension to ABA-2018-1582. EXT-2024-347 lapsed on 5th February 2025. The church has not been demolished.

A non-complying resource consent is required to demolish a scheduled heritage building under the 2GP (Rule 15.3.4.18).

No application for resource consent or certificate of compliance to demolish the church has been received by DCC to date.

3.3. BX046– Albert House (former) at 45 Beach Street

Refer to sub-section 6.2.15, page 69 of the s42A Report.

A certificate of compliance (COC-2024-15) was granted on 5 November 2024 for the demolition of all the buildings at 45 Beach Street, Dunedin.

This decision was issued before Plan Change 1 was notified on 21 November 2024. I refer to my comments about the Andersons Bay Presbyterian Church - BX001 (above), regarding the permitted activity status of demolition at the time the COC was granted, which also applies to BX046.

This COC was granted under delegated authority on behalf of the DCC by a Council resource consents Senior Planner.

A copy of the COC decision is provided.

3.4. BX069– Inglewood at 62 Queen Street

Refer to sub-section 6.2.21, page 87 of the s42A Report.

Resource consent LUC-2024-336 was granted on 15 November 2024 (prior to the notification of Plan Change 1) for the establishment of a new dwelling on the site. No consent was required for demolition, which was a permitted activity under Rule 15.3.4.4 at the time. Heritage values were not considered as there was no requirement or ability under the 2GP to do so.

The resource consent was granted under delegated authority on behalf of the DCC by a Council resource consents Senior Planner. A copy of the resource consent decision is provided.

The resource consent document states that the consent purpose is “The demolition of an existing dwelling and establishment of a new dwelling with a side yard breach”. I have clarified with Resource Consents staff that despite the document referring to ‘demolition’, as a permitted activity it was not considered during the consent processing.

3.5. BX117 – Lookout Point Fire Station at 182 and 184 Mornington Road, Kenmure

Refer to sub-section 6.2.32, page 118 of the s42A Report.

A certificate of compliance (COC-2024-9) was granted on 15 October 2024 for the demolition of all the buildings at 182 and 184 Mornington Road, Dunedin.

This decision was issued before Plan Change 1 was notified on 21 November 2024. I refer to my comments about the Andersons Bay Presbyterian Church - BX001 (above), regarding the permitted activity status of demolition at the time the COC granted, which also applies to BX117.

This COC was granted under delegated authority on behalf of the DCC by a Council resource consents Senior Planner.

A copy of the COC decision is provided.

3.6. BX120 – Holy Cross College (former) at 93 Church Street, Mosgiel

Refer to sub-section 6.2.34, page 122 of the s42A Report. Two COCs have been granted, as follows:

- COC-2024-11, for 91 Church Street, Mosgiel. Granted on 9 October 2024 for alterations to the roof and internal roof structure of St Mary’s/Verdon Chapel.
- COC-2024-14, for 93 Church Street, Mosgiel. Granted on 10 October 2024 for the demolition of the buildings at 93 Church Street.

Both COC decisions were issued before Plan Change 1 was notified on 21 November 2024. I refer to comments about the Andersons Bay Presbyterian Church (BX001), which also apply to BX120.

These COCs were granted under delegated authority on behalf of the DCC by a Council resource consents Senior Planner.

A copy of these COC decisions is provided.

3.7. *Buildings demolished before notification of Plan Change 1*

Two buildings were demolished shortly before notification of Plan Change 1. As above, in both cases demolition was a permitted activity and no regard could be had to the effect on heritage values. The buildings are:

- BX099, the former P Hayman & Co Warehouse building at 180 Rattray Street. Refer to sub-section 6.2.30, page 114 of the s42A Report. Building consent ABA-2022-1298 was issued on 2nd August 2024 for demolition of this building.
- BX118, the former Lodge St. John at 25 Gordon Road, Mosgiel. Refer to sub-section 6.2.33, pages 119-120 of the s42A Report. Resource consent LUC-2024-289 was granted on 23 October 2024 to establish a two-unit residential duplex and carry out associated earthworks on this site.

Copies of these consents are provided.