

In the Environment Court
At Christchurch

ENV-2025-CHC-

I te Kōti Taiao o Aotearoa
Ki Ōtautahi

Under the	Resource Management Act 1991 (RMA)
In the matter	of an appeal under clause 14(1) of the First Schedule of the RMA
Between	NEW ZEALAND DEFENCE FORCE Appellant
And	DUNEDIN CITY COUNCIL Respondent

NOTICE OF APPEAL

27 August 2025



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To: The Registrar
Environment Court
Christchurch

INTRODUCTION

1. The New Zealand Defence Force (**NZDF**) appeals against a decision of the Dunedin City Council (**Council**) on Plan Change 1 (**PC1**) to the Second Generation Dunedin City District Plan (**Plan**).
2. The NZDF made a submission on PC1 (referenced as submission number S292).
3. The NZDF is not a trade competitor for the purposes of section 308D of the RMA.
4. The NZDF received notice of the Council's decision on 17 July 2025 (**Decision**).
5. The Decision was made by an Independent Hearings Panel appointed by the Council.
6. The NZDF is appealing the part of the Decision that listed the following properties owned by the NZDF in Schedule A1.1 of the Plan as Scheduled Heritage Buildings (**Heritage Schedule**):
 - (a) Kensington Drill Hall at 24 Bridgman Street – entire external building envelope and parade ground, excluding any ACM roof cladding (site number BX036); and
 - (b) Mobilisation Store and Office and (former) RNZNVR Divisional Headquarters at 211 St Andrew Street – entire external building envelope, including Hall and former P.W.D Workshop (site numbers BX037 and BX038).

(together, the **NZDF Properties**)

REASONS FOR THE APPEAL

7. The general reasons for this appeal include that the inclusion of the NZDF Properties on the Heritage Schedule:

- (a) will not promote sustainable management of resources, nor will it achieve the purpose and principles of the RMA;
- (b) does not manage the use and development of natural and physical resources in a way that enables people and communities to provide for their social, economic and cultural wellbeing;¹
- (c) will not achieve the integrated management of the effects of the use, development or protection of land and associated natural and physical resources;²
- (d) will not ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the Dunedin district;³
- (e) will not achieve the efficient use and development of natural and physical resources;⁴
- (f) is not the most appropriate way to achieve the purpose of the RMA;⁵
- (g) does not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions, in particular the assessment of the benefits and costs of the effects that are anticipated from the implementation of the Decision;

1 RMA, section 5.

2 RMA, section 31(1)(a).

3 RMA, section 31(1)(aa).

4 RMA, section 7.

5 RMA, section 32(1)(a).

- (h) will not give effect to the Proposed Otago Regional Policy Statement 2021 (**pORPS**) or the Otago Regional Policy Statement 2019 (**ORPS**);⁶ and
 - (i) is not the most appropriate way to achieve the objectives and policies of the Plan.
8. The amendment of the Plan to remove the NZDF Properties from the Heritage Schedule is required to address the above matters and ensure that the Plan achieves the purpose of the RMA.
9. Without limiting the generality of the above reasons, the further reasons for the appeal are that:
- (a) there is insufficient evidence to establish that the NZDF Properties have “significant heritage values”. Including the NZDF Properties in the Heritage Schedule therefore does not implement policy 2.4.2.1;
 - (b) the NZDF disagrees with the Decision’s characterisation of the NZDF Properties as having “substantial historic, social and design significance”;⁷
 - (c) the Decision does not identify the historic or social significance, the spiritual/cultural significance, the design significance or the technological/scientific significance of the NZDF Properties for the purposes of policy 2.4.2.1;
 - (d) none of the NZDF Properties have been entered into the New Zealand Heritage List/Rārangi Kōrero;

6 RMA, section 75(3)(c).

7 Decision Report Dunedin City Council, Plan Change 1 - Minor Improvements (PC-2024-1), 17 July 2025 at [062], [067] and [072].

- (e) in relation to the Kensington Drill Hall at 24 Bridgman Street:
 - (i) the property is subject to designation D159 in the Plan (**Drill Hall Designation**);
 - (ii) that other equivalent Drill Halls in other main centres across New Zealand have been demolished does not necessarily mean that the Kensington Drill Hall has significant heritage values or meets the criteria in policy 2.4.2.1 of the Plan;
 - (iii) that other equivalent Drill Halls elsewhere in New Zealand or Dunedin City have been identified as having historic heritage values is not necessarily evidence of the Kensington Drill Hall having significant heritage value or meeting the criteria in policy 2.4.2.1 of the Plan;
- (f) in relation to the Mobilisation Store and Office and (former) RNZNVR Divisional Headquarters at 211 St Andrew Street:
 - (i) the property is subject to designation D161 in the Plan (**St Andrews Street Designation**);
 - (ii) the association of the buildings with the response to South African War and naval training does not necessarily mean that it has significant heritage values or meets the criteria in policy 2.4.2.1 of the Plan;
 - (iii) that other defence buildings elsewhere in New Zealand or Dunedin City have been identified as having historic heritage values is not necessarily evidence of the buildings having significant heritage values or meeting the criteria in policy 2.4.2.1 of the Plan;

- (g) the Decision had regard to a “concern” that the NZDF Properties “may be disposed of and end up in private ownership without having any heritage protection”, which is not relevant to whether the NZDF Properties have significant heritage value or meet the criteria in policy 2.4.2.1 of the Plan;
- (h) the NZDF does not consider that including the NZDF Properties in the Heritage Schedule is the most efficient or effective way to achieve the objectives of the Decision. This is because:
 - (i) the Drill Hall Designation and St Andrews Street Designation authorise the use of the NZDF Properties for defence purposes. At present:
 - A. activities carried out under the Drill Hall Designation and St Andrews Street Designation are therefore not subject to section 9(3) of the RMA;⁸
 - B. including the NZDF Properties on the Heritage Schedule is of no practical consequence in so far as the NZDF Properties are used for defence purposes;
 - (ii) if the NZDF Properties were no longer required for defence purposes in the future, their inclusion on the Heritage Schedule may mean that it is uneconomic or not feasible for the NZDF Properties to be used for other purposes;
- (i) the Decision did not have appropriate regard to:
 - (i) other reasonably practicable options for protecting any historic heritage values associated with the NZDF Properties, including as a result of any process for the disposal of the NZDF Properties under the Public Works Act 1981; and

8 RMA, section 176(1)(a).

- (ii) the economic costs of including the NZDF Properties on the Heritage Schedule, including the risk that the NZDF Properties would be abandoned.

RELIEF SOUGHT

10. The NZDF seeks the following relief:

- (a) that the NZDF Properties are not included in the Heritage Schedule or any alternative relief of the like effect; and
- (b) such other orders, relief or other consequential amendments as are considered appropriate or necessary by the Court to address the concerns set out in this appeal.

11. The NZDF also seeks costs of and incidental to the appeal.

12. The NZDF attaches the following documents to this notice:

- (a) a copy of its submission (**Appendix 1**);
- (b) a copy of the Decision (**Appendix 2**); and
- (c) a list of names and addresses of persons to be served with a copy of this notice (**Appendix 3**).

- 13.** The NZDF agrees to participate in mediation or other alternative dispute resolution of these proceedings.

DATED at Auckland this 27th day of August 2025



Sarah Mitchell / Chris Ryan
Counsel for the New Zealand Defence
Force

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must:

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in Form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see Form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's further submission and the relevant decision. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Appendix 1: the NZDF's submission

Submission on Dunedin Plan Change 1 - Minor Improvements to the Partially Operative Second Generation Dunedin City District Plan 2024

Clause 6 of First Schedule, Resource Management Act 1991

To: Dunedin City Council
By Email: districtplansubmissions@dcc.govt.nz

Submitter: New Zealand Defence Force
Contact Person: Rebecca Davies, Principal Statutory Planner

Address for Service: New Zealand Defence Force
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Preliminary Matters

1. This is a submission by the New Zealand Defence (“NZDF”) on Dunedin Plan Change 1 - Minor Improvements to the Partially Operative Second Generation Dunedin City District Plan 2024 (“PC 1”).
2. The specific aspects of PC 1 that NZDF’s submission relates to are¹:
 - a. Change ID SHB3 (Scheduled Heritage Buildings);
 - b. Change ID PHS6 and TA3 (noise and vibration); and
 - c. Change ID CP1 (high trip generators).

Scheduled Heritage Buildings

3. Relevant to NZDF, PC 1 proposes to include the following NZDF sites as Scheduled Heritage Buildings in the Partially Operative Second Generation Dunedin City District Plan 2024 (“2GP”):
 - a) Kensington Drill Hall at 24 Bridgman Street - entire external building envelope and parade ground, excluding any ACM roof cladding (site number BX036); and
 - b) Mobilisation Store and Office/RNZNVR Divisional Headquarters (former) (collectively referred to as “RNZNVR Divisional Headquarters”) at 211 St

¹ Including all changes related to those Change IDs or alternatives within the associated ‘purpose of proposal and scope of change’.

Andrew Street - entire external building envelope, including Hall and former P.W.D Workshop (site numbers BX037 and BX038).

4. The Kensington Drill Hall and RNZNVR Divisional Headquarters ("Defence properties") are currently utilised by NZDF, and contribute to the ability of NZDF to meet statutory Defence purposes under section 5 of the Defence Act 1990. Defence purposes include the defence of New Zealand, the provision of assistance to the civil power either in New Zealand or elsewhere in times of emergency, and the provision of public service when required.
5. NZDF is opposed to inclusion of the Defence properties as Scheduled Heritage Buildings in the 2GP for the reasons outlined below.

Reasons for NZDF's submission

6. NZDF, as a Crown agency, is subject to government heritage policies, including the Policy for Government Management of Cultural Heritage Places 2022. NZDF implements government heritage policy through its own heritage policy. NZDF's heritage policy includes keeping a Heritage Register which confers protection on identified buildings. The Defence properties are included in the NZDF Heritage Register.
7. While NZDF recognises the heritage significance of the Defence properties, neither are included in the Heritage New Zealand Pouhere Taonga (HNZ) register, nor currently included as Scheduled Heritage Buildings in the 2GP.
8. NZDF currently utilises both properties, though are intending to consolidate into one lease site in Dunedin. Once this new lease site is operational, it is likely NZDF will have no further requirement for the Defence properties at Bridgman Street and St Andrew Street and they will then be disposed of in accordance with the Public Works Act 1981 (PWA).
9. The disposal process requires NZDF to notify and consult with HNZ. HNZ will assess whether there are any historic heritage values that need protection before the land is transferred to another agency or disposed of. The Policy for Government Management of Cultural Heritage Places 2022 sets out factors that NZDF should consider when disposing of land that may have heritage values.
10. NZDF's position is that inclusion of the Defence properties as Scheduled Heritage Buildings in the 2GP is unnecessary, and are not the most appropriate, efficient or effective way to achieve heritage objectives because:
 - a. Heritage issues associated with the property will be appropriately considered as part of the PWA disposal process;
 - b. It will not result in improved heritage protection outcomes for the Defence properties and will duplicate heritage considerations under (and potentially impede) the PWA disposal process; and
 - c. Will create an inflexible constraint on future development or use of the Defence properties and create a risk that the buildings will eventually be abandoned.

11. In summary, inclusion of the Defence properties as Scheduled Heritage Buildings is not the most appropriate way to achieve the purpose of the Resource Management Act 1991. A better outcome in terms of heritage protection and enabling the ongoing use of the Defence properties as heritage buildings will be achieved through HNZ engagement in the disposal process, as it will allow flexibility for management of the buildings to be retained.
12. Accordingly, **NZDF seeks the following decision from the Dunedin City Council:**
- a. That the following properties are not included as Scheduled Heritage Buildings/Items in the 2GP:
 - i. Kensington Drill Hall at 24 Bridgman Street - entire external building envelope and parade ground, excluding any ACM roof cladding (site number BX036); and
 - ii. Mobilisation Store and Office/RNZNVR Divisional Headquarters (former) (collectively referred to as "RNZNVR Divisional Headquarters") at 211 St Andrew Street - entire external building envelope, including Hall and former P.W.D Workshop (site numbers BX037 and BX038).

Noise and Vibration/Military Exercises

13. The 2GP contains provisions for military exercises, including specific noise provisions applying to such exercises (Rule 4.5.4.4). NZDF seeks to ensure that its ability to undertake military exercises in accordance with current provisions (including applicable noise and vibration provisions) is not compromised by proposed changes or associated changes and clarifications under PC 1.
14. Military exercises are an activity in the temporary activities category in the 2GP, and are included in the Activity Status table for Temporary Activities (4.3.2). PC 1 includes proposed changes to temporary activities definitions regarding construction and investigation activities. NZDF understands that the proposed changes to definitions do not affect "military exercises" as a category of temporary activity.
15. Proposed changes to noise and vibration rules, including Rule 4.5.4.1, (Change ID PHS6 and TA3) are relevant to military exercise provisions because Rule 4.5.4.4 (a)(i) cross-references Rule 4.5.4.1, as below:
- 4.5.4.4 Military exercises*
- a) Noise from military exercises must not exceed the following limits:*
- i) for mobile noise sources, the noise limits for construction set out in Rule 4.5.4.1 apply.*
-
16. Although the intent of proposed changes to noise and vibration rules appears mainly focussed on corrections and alignment in relation to long-term duration construction, due to the cross-reference in Rule 4.5.4.4, NZDF seeks to ensure that NZDF's ability to undertake military exercises is not compromised by the proposed changes.
17. PC 1 also proposes to introduce high trip generator rules to manage traffic effects (Change ID CP1). As with noise and vibration, NZDF seeks to ensure that NZDF's ability to undertake military exercises, and to operate from, or at its sites is not compromised by the proposed changes.

18. Accordingly, **NZDF seeks the following decision from the Dunedin City Council:**
That appropriate consideration is given to any potential impact of proposed changes on provisions applying to NZDF activities (including military exercises) to ensure that NZDF's ability to undertake military exercises or activities is not compromised.

NZDF **could not** gain an advantage in trade competition through this submission.

NZDF **wishes to be heard** in support of this submission.

If others make a similar submission, **NZDF will consider** presenting a joint case with them at the hearing.



18 December 2024

Person authorised to sign
on behalf of New Zealand Defence Force

Appendix 2: decision being appealed

Decision Report

Dunedin City Council

Plan Change 1 – Minor Improvements (PC-2024-1)
PC1 / Change SHB3
Appendix A1.1 Schedule of Protected Heritage Items and Sites

17 July 2025

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1 Introduction

[001] This Decision Report addresses the heritage building aspects of Plan Change 1 – Minor Improvements (PC-2024-1) to the Partially Operative Second Generation Dunedin City District Plan 2024 (2GP).

2 Appointments

[002] The Dunedin City Council (DCC), acting under section 34A(1) of the Resource Management Act 1991, has appointed a Hearing Panel for PC-2024-1 comprising independent commissioner Rob van Voorthuysen (Chairperson) and councillors Sophie Barker and Jim O'Malley.

[003] The DCC will make the final decision on whether or not to approve PC-2024-1 under clause 17 of Schedule 1 of the RMA.

3 This Decision Report

[004] DCC resolved to conduct the hearing of submissions and further submissions on PC-2024-1 in two stages. The first stage (which DCC refers to as Change SHB3) addressed:

- the proposal to list an additional 146 buildings in the 2GP Appendix A1.1 Schedule of Protected Heritage Items and Sites (**the heritage schedule**)¹;
- adding provisions to manage the development of proposed scheduled heritage buildings in any zone chapters that do not yet contain these provisions (e.g., Dunedin Hospital Zone); and
- the deletion of the 22 buildings² the heritage schedule of character-contributing buildings, only if they are to be included for scheduling as scheduled heritage building.

[005] The second stage will address the remainder of the matters covered by PC-2024-1.

[006] This Decision Report only addresses Change SHB3. We note that Change SHB3 did not amend any of the provisions of Chapter 13 Heritage of the 2GP.

[007] The Hearing for Change SHB3 was held in the Dunedin Art Gallery on 20 and 22 May 2025.

4 Process Issues

4.1 Submissions

[008] The submissions and further submissions were summarised in various sections of the Section 42A Report³ and we adopt those summaries.

4.2 Site visit

[009] We undertook a site visit on Wednesday 21 May 2025 accompanied by DCC Policy planner Bede Morrissey. We primarily viewed the heritage buildings that had been notified for scheduling that were the subject of submissions in opposition.

4.3 Out of Scope submissions

[010] "Appendix A – Out of Scope Submissions" of the Section 42A Report tabulated submissions that were considered to be 'out of scope' by the DCC officers. Out of scope submissions are either not 'on' Change SHB3 (namely they address aspects of the 2GP that are not affected by PC-2024-1) or they address matters related to the executive or operational functions of the Council. Out of scope submissions fall outside the jurisdiction of the Hearing Panel.

[011] Importantly, as we noted earlier, Change SHB3 did not amend any of the provisions of Chapter 13 Heritage of the 2GP. Submissions addressing those provisions are consequently not 'on' Change SHB3.

¹ PC-2024-1 also removed a number of commercial and residential buildings from the 'Character – Contributing Buildings' portion of the heritage schedule

² Listed in Table 3 of the Section 32 Report.

³ Plan Change 1 – Minor Improvements, Heritage, Section 42A Report. Authored by Peter Rawson, DCC Senior Policy Planner.

- [012] In section 7 of Direction 1 we set out a process whereby the tabulated ‘out of scope’ submitters were provided with an opportunity to explain to the Hearing Panel why they did not consider their submissions to be out of scope. No submitters took that opportunity.
- [013] Consequently, we find that the submissions tabulated in Appendix A of the Section 42A Report are ‘out of scope’ and they are rejected.

5 Determining Buildings for Scheduling

- [014] Excluding the buildings proposed to be scheduled through Change SHB3, the 2GP lists 784 scheduled heritage buildings, 50 heritage structures, and 41 scheduled archaeological sites. It also has ten commercial heritage precincts and nine residential heritage precincts, which together contain over 925 character-contributing buildings.
- [015] Change SHB3 as notified would add 146 buildings to the heritage schedule. Only five (Otago Pioneer Women’s Association Memorial Hall - BX002, former Dunedin Hospital Administration Block - BX055, Archway Theatre – BX080, Hudson/Petherbridge House - BX112, and Church of the Holy Name - BX113) have interior aspects protected.
- [016] Submissions opposed the scheduling of 46 of the 146 buildings.
- [017] Appendix “C.7.A Heritage” of the Section 32 Report for Change SHB3 outlined the process used to identify buildings with significant heritage value that were notified for inclusion in the Heritage Schedule. The buildings were identified and assessed against the significance criteria of 2GP Strategic Directions Policy 2.4.2.1.b which are:
- historic and social significance;
 - spiritual/cultural significance, including significance to Māori;
 - design significance; and
 - technological/scientific significance
- [018] The assessment involved one, or in some instances a combination of, the following methods:
- Buildings that had been listed as a historic place by Heritage New Zealand Pouhere Taonga (HNZPT) in accordance with the criteria in Section 66(3) of the Heritage New Zealand Pouhere Taonga Act 2014 since the last District Plan variation;
 - Buildings identified as character contributing within a heritage precinct that demonstrated heritage significance in their own right in addition to their contribution to the heritage precinct;
 - Buildings that demonstrated underrepresented themes as identified in the Dunedin Contextual Thematic History;
 - Buildings that were provided with financial assistance from the Dunedin Heritage Fund and the grant funding was conditional on DCC completing a heritage assessment to determine if the place warranted inclusion in the Heritage Schedule;
 - Buildings that were located on large land parcels and subject to the intensification provisions introduced as part of Variation 2 (e.g. in General Residential 2 Zone) and subject to increased development pressure;
 - Buildings that were located in areas suggested as a heritage precinct through the public submission process at the time the 2GP was notified in 2015 and the precinct was rejected by the Hearing Panel;
 - Buildings that were advanced by heritage advocates, members of the public, or building owners after the 2GP submissions period closed in 2015; and
 - Buildings that were identified by the DCC Heritage Advisor or Team Leader Advisory Services as having a high level of risk or importance to Dunedin.
- [019] If there was no existing research or heritage assessment for a building, the research and assessment was completed by either the DCC Heritage Advisor or an external consultant. The proposed list of buildings was peer reviewed by Mark Mawdsley, the DCC’s Team Leader Advisory Services.

- [020] We note that in order to achieve an appropriate balance between the ‘public good’ of heritage protection and the ‘private costs’ resulting from scheduling a building, DCC’s approach was to primarily identify ‘protected parts of the exterior of a building’, particularly parts that are visible from the public domain. Some interior spaces of buildings were proposed for protection where they had notable qualities, were publicly accessible, or had been nominated by the building owner.
- [021] We consider that DCC’s approach was reasonable.
- [022] Nevertheless, we have carefully considered the matters raised by submitters, particularly where additional heritage assessments were provided by qualified experts. In doing so we had regard to the factors listed in Strategic Directions Policy 2.4.2.2 which are:
- a) importance as part of the relationship between two or more heritage buildings and adding value to the overall heritage value of the group;
 - b) importance in providing a foreground to, and views of, key heritage buildings or groups of buildings; or
 - c) significant heritage values in their own right in terms of the criteria outlined in Policy 2.4.2.1.
- [023] Importantly, we also acknowledge that including a building in the heritage schedule generates public benefits but imposes private costs on the building owners. The public benefits are subjective⁴ and difficult to quantify.
- [024] We agree with the Mr Rawson that buildings that are more visible, such as landmark buildings and those in high traffic (including pedestrian) areas, will arguably result in more public benefits than less obvious buildings and structures (including houses in residential areas) which may have primarily local or neighbourhood benefits.
- [025] Private costs incurred by building owners can be quantified in general terms as set out in the Market Economics Report⁵ and the evidence of its author Greg Akehurst. Those costs include a loss in property value; the loss of development potential; and increased insurance, maintenance and repair costs resulting from the need to comply with the 2GP provisions for scheduled buildings.
- [026] We observe that the Market Economics Report stated that mechanisms such as compensation, voluntary conservation incentives, or adaptive zoning flexibility can reduce the financial burden on the owners of scheduled buildings. However, those mechanisms are largely unavailable in Dunedin, apart from the limited grant funding from the Heritage Fund for restoration, repair or maintenance works that DCC and HNZPT (the fund administrators) deem to be in the public good.
- [027] Consequently, we have borne in mind the costs faced by building owners when a building is included in the Heritage Schedule. This includes matters such as of bringing buildings up to a healthy and habitable standard and avoiding demolition by neglect.
- [028] We now address particular buildings that were the subject of Change SHB3.
- [029] Where there were no submissions opposing the scheduling of a building, we have decided that it is included in the Heritage Schedule.
- [030] In sections 5.2 and 5.3 of this Report we assess the buildings that were addressed in section 6.2 of the Section 42A Report where submissions opposed the listing of a building.
- [031] Before doing so we note the evidence of David Kiddey, Andrew Simms and David Murray, who all spoke about the importance of a building’s contribution to the heritage streetscape of an area. In our view that is an important point to consider and why in many cases the redevelopment of a heritage building aims to retain the street facing façade while modernising or redeveloping the interior. It is the street facing façade that is generally visible to the public and in many cases that is what is important to protect in terms of achieving the public benefit associated with heritage buildings. In that regard we find the issue ‘streetscape’

⁴ Enhanced neighbourhood amenity and more intangible benefits such as cultural preservation, altruistic, and existence values.

⁵ Plan Change 1: Dunedin Heritage Protections, Economic Impact of Heritage Protections on Selected Properties, m.e consulting, 18 March 2025.

highlighted by these three submitters (and others we heard from) aligns with the matters described in Strategic Directions Policy 2.4.2.2(a) and (b).

5.1 Building CC060 / BX070

- [032] The character-contributing building CC060 at 18 Princes Street is deleted from the list of Character-Contributing Buildings in Appendix A1.1 of the 2GP.

5.2 Buildings to be Scheduled

- [033] Having considered the matters raised in submissions and evidence, the buildings listed in Appendix 1 of this Report are to be included in the Heritage Schedule. Our reasons being that we find in favour of Mr Rawson's reasoning that he set out in his respective 'Discussion' sections of the Section 42A Report for each of those buildings.

- [034] However, for the benefit of submitters, in sections 5.2.1 to 5.2.21 we discuss the buildings that we have decided to include in the Heritage Schedule where the owners opposed that scheduling, including for those submitters who chose to attend the Hearing and present their views to the Hearing Panel.

5.2.1 BX005 Arthur Street School Infant Department (former) at 26 Arthur Street

- [035] In their submission the Ministry of Education Te Tāhuhu o Te Mātauranga (S268.003) opposed the scheduling, primarily because the building was located within a Designated site.

- [036] The Ministry did not attend the Hearing.

- [037] No submissions specifically supported the scheduling.

- [038] We note Mr Rawson's advice that there are several schools in Dunedin that have both scheduled heritage buildings and a designation for educational purposes. In this case the Arthur Street building has HNZPT Category 2 listing and is a landmark building that has engendered a high degree of public interest. In terms of Strategic Directions Policy 2.4.2.1(b), we find that the building has social and historical significance.

- [039] Our decision is:

- a) submission 268.003 Ministry of Education Te Tāhuhu o Te Mātauranga is rejected; and
- b) BZ005 Arthur Street School Infant Department (former) at 26 Arthur Street is included in the Heritage Schedule as notified.

5.2.2 BX013 Cargill Court Apartments at 27 Arthur St

- [040] In their submission Gerard and Barbara Wilkins (S80.001) opposed the scheduling, on the basis that the building is not at risk of demolition or major deterioration.

- [041] The Wilkins did not attend the Hearing.

- [042] Three submitters, DOCOMOMO New Zealand (S121.002), Jane Batchelor (S48.001) and Liz Angelo-Roxborough (S231.002) supported the proposed scheduling. DOCOMOMO and Ms Batchelor did not attend the Hearing.

- [043] Ms Angelo-Roxborough, a resident of the building for some 14 years, did attend the hearing and spoke in support of the scheduling and described the buildings design significance and contribution to both streetscape and cityscape, being located on a highly prominent site readily visible to the general public.

- [044] We agree with Mr Rawson that scheduling the building provides a safeguard against future activities that may adversely affect the building's heritage values. We note that all internal work, for example insulation to improve the warmth and comfort of the flats, can be undertaken as a permitted activity. In terms of Strategic Directions Policy 2.4.2.1(b), we find that the building has social and design significance.

- [045] Our decision is:

- a) submission 80.001 Gerard and Barbara Wilkins is rejected;
- b) submissions 121.002 DOCOMOMO New Zealand, 48.001 Jane Batchelor and 231.002 Liz Angelo-Roxborough are accepted, and

- c) BX013 Cargill Court Apartments at 27 Arthur St is included in the Heritage Schedule as notified.

5.2.3 BX014 Mason & Wales Architects' Studio at 46 York Place

- [046] In their submission Mason & Wales Architects (S293.001, S293.002, S292.003) supported the inclusion of the building in the heritage schedule, provided the protection is limited to the street elevation and the rules applying to the building are amended so that earthquake strengthening and 'all other additions and alterations' are permitted activities, provided any such works are designed and coordinated by a registered architect.
- [047] Significant works were undertaken in 2005 and 2023, including exterior and interior repairs, restoration and upgrades to protect and preserve the building and extend its life as a fit for purpose modern workplace.
- [048] DCC proposed to list the building because of its association with Mason & Wales Architects who designed the building and have occupied it since 1972.
- [049] At the Hearing Hamish Muir, a current principal in the firm Mason and Wales and a building owner, advised that he supported scheduling the street facing façade and the first one third of the building (excluding the back portion of the building that spanned a car park).
- [050] In terms of Strategic Directions Policy 2.4.2.1(b), we find that the building only has design significance. In that regard we consider Mr Muir's suggestion to be an appropriate response. Mr Rawson's Reply Report advised that Mr Muir had provided further plans showing the extent of the building that should be scheduled. Mr Rawson recommended that the reference in the Heritage Schedule should read:

The York Place façade and the first 10m of the north-east and south-west wall (between the York Place façade and the undercroft carparking).

- [051] We find that to be appropriate.
- [052] We also agree with Mr Rawson⁶ that controlled and restricted discretionary resource consent processes for earthquake strengthening and additions and alterations, respectively, to that limited portion of the building are not unduly onerous. Consequently, we do not propose any bespoke rules on those matters. Having said that, we acknowledge and commend the extensive and careful renovations that the building owners have undertaken to preserve the building's original fabric and aesthetic.
- [053] Our decision is:
- a) Submissions Mason & Wales Architects 293.001, 293.002 and 292.003 are accepted in part; and
 - b) BX014 Mason & Wales Architects' Studio at 46 York Place is included in the Heritage Schedule with the protection required being "The York Place façade and the first 10m of the north-east and south-west wall (between the York Place façade and the undercroft carparking)".

5.2.4 BX030 S & F Bowman House (former) at 10 Claremont Street

- [054] The building owner Alastair Hepburn (S143.001) opposed the proposed scheduling. Mr Hepburn attended the Hearing and disputed the residential building's historical and social significance, which he considered was based solely on former occupants whom he considered had not contributed greatly to Dunedin's history. We understand that a Mr Chin resided in the house prior to him becoming Mayor. Mr Hepburn described the extensive renovations undertaken to the rear of the house and the difficulty in repairing lead light windows and the slate tile roofing.
- [055] Mr Hepburn suggested that only the street facing façade was worthy of protection.
- [056] No submitters specifically supported the scheduling.
- [057] In terms of Strategic Directions Policy 2.4.2.1(b) and in light of Mr Hepburn's evidence, we find that the building has no spiritual, cultural, technological or scientific significance and limited social and historical significance. It has some design significance as its architect Basil Hooper is one of New Zealand's most

⁶ As set out in his original Section 42A Report.

acclaimed Arts and Crafts architects. Consequently, we find that only the street facing façade should be scheduled, along with the fence and gateway.

[058] Our decision is:

- a) Submission 143.001 Alastair Hepburn is rejected, and
- b) BX030 S & F Bowman House (former) at 10 Claremont Street is included in the Heritage Schedule with protection required being “Claremont Street façade and the Claremont Street boundary fence and gateway”.

5.2.5 BX036 Kensington Drill Hall at 24 Bridgman Street

[059] In their submission the building owner New Zealand Defence Force (S292.001) opposed the scheduling. NZDF intends consolidating its activities into a single site in Dunedin and so it will likely not have use for the Drill Hall, which will be disposed of in accordance with the Public Works Act 1981.

[060] NZDF did not attend the Hearing.

[061] Submitters Brent Patterson (S249.002), Charles Boyes (S256.001), David McBride (S129.001) and Rose Bergamin (S274.001) supported the scheduling. None of these submitters attended the Hearing.

[062] In terms of Strategic Directions Policy 2.4.2.1(b), we find that the building has substantial historic, social and design significance. We share Mr Rawson’s concern that the building may be disposed of and end up in private ownership without having any heritage protection, which risks its heritage values being lost through significant redevelopment or demolition.

[063] Our decision is:

- a) submission 292.001 NZDF is rejected;
- b) submissions 249.002 Brent Patterson, 256.001 Charles Boyes, 129.001 David McBride and 274.001 Rose Bergamin are accepted; and
- c) BX036 Kensington Drill Hall at 24 Bridgman Street is included on the Heritage Schedule as notified.

5.2.6 BX037 Mobilisation Store and Office at 211 St Andrew Street

[064] In their submission the building owner New Zealand Defence Force (S292.002) opposed the scheduling. NZDF intends consolidating its activities into a single site in Dunedin and so it will likely not have use for the Mobilisation Store and Office, which will be disposed of in accordance with the Public Works Act 1981.

[065] NZDF did not attend the Hearing.

[066] Submitters Brent Patterson (S249.003), Charles Boyes (S256.002), David McBride (S129.002) and Rose Bergamin (S274.002) supported the scheduling. None of these submitters attended the Hearing.

[067] Buildings BX037 and BX038 combine to make a large and impressive building with frontage to St Andrew Street, Anzac Avenue and Bow Lane. Rather uniquely, the combined building extends along the full length of the St Andrew Street. In terms of Strategic Directions Policy 2.4.2.1(b), we find that the combined building has substantial historic, social and design significance. We share Mr Rawson’s concern that the building may be disposed of and end up in private ownership without having any heritage protection, which risks its heritage values being lost through significant redevelopment or demolition.

[068] Our decision is:

- a) submission 292.002 NZDF is rejected;
- b) submissions 249.003 Brent Patterson, 256.002 Charles Boyes, 129.002 David McBride and 274.002 Rose Bergamin are accepted; and
- c) BX037 Mobilisation Store and Office is included on the Heritage Schedule as notified.

5.2.7 BX038 RNZNVR Divisional Headquarters (former) at 211 St Andrew Street

[069] In their submission the building owner New Zealand Defence Force (S292.003) opposed the scheduling. NZDF intends consolidating its activities into a single site in Dunedin and so it will likely not have use for

the RNZNVR Divisional Headquarters, which will be disposed of in accordance with the Public Works Act 1981.

- [070] NZDF did not attend the Hearing.
- [071] Submitters Brent Patterson (S249.004), Charles Boyes (S256.003), David McBride (S129.003) and Rose Bergamin (S274.003) supported the scheduling. None of these submitters attended the Hearing.
- [072] Buildings BX037 and BX038 combine to make a large and impressive building with frontage to St Andrew Street, Anzac Avenue and Bow Lane. Rather uniquely, the combined building extends along the full length of the St Andrew Street. In terms of Strategic Directions Policy 2.4.2.1(b), we find that the combined building has substantial historic, social and design significance. We share Mr Rawson's concern that the building may be disposed of and end up in private ownership without having any heritage protection, which risks it heritage values being lost through significant redevelopment or demolition.
- [073] Our decision is:
- a) submission 292.003 NZDF is rejected;
 - b) submissions 249.004 Brent Patterson, 256.003 Charles Boyes, 129.003 David McBride and 274.003 Rose Bergamin are accepted; and
 - c) BX038 RNZNVR Divisional Headquarters (former) is included on the Heritage Schedule as notified.

5.2.8 BX049 (i) and (ii) Chinese Mission Church and Manse (former) at 58, 60 and 60A Carroll Street

- [074] The building owner Mark Thom (S291.002 and S291.003) opposed the scheduling of BX049(i) and BX049(ii) due to concerns it could significantly affect the buildings' sale price. At the Hearing Mr Thom described the renovation he had undertaken on the buildings and advised that "the buildings were unlikely to change in 100 years".
- [075] No submissions specifically supported the listing.
- [076] Mr Rawson advised that the buildings had historic, social, spiritual, cultural and design significance, due largely to their association with the Presbyterian mission to the Chinese community in the nineteenth and twentieth centuries.
- [077] The protection required for the former Chinese Mission Church and Manse (BX049 (i)) is the "Façade to Carroll Street and northeast elevation" while the protection required for (BX049 (ii)) is the "Façade to Carroll Street".
- [078] We note that the Manse (the rear building at 60 Carroll Street) is not readily visible from the street. It consequently makes little if any contribution to the heritage streetscape. On that basis we do not consider that it should be included in the Heritage Schedule.
- [079] We find that the buildings at 58 and 60 Carroll Street satisfy the criteria in Strategic Directions Policy 2.4.2.1(b) and note that the protection is largely limited to the facades of the building, which we do not consider is unduly onerous and in line with our earlier discussion regarding the importance of the heritage 'streetscape'.
- [080] Our decision is:
- a) Submissions 291.002 and 291.003 Mark Thom are accepted in part; and
 - b) BX049(i) Chinese Mission Church at 58 and 60A Carroll Street is included in the Heritage Schedule but BX049(ii) the Manse at 60 Carroll Street is not.

5.3.9 BX055 Dunedin Hospital Administration Block (former) at 255 Great King Street

- [081] In their submission Health New Zealand Te Whatu Ora (S252.001) opposed the proposed scheduling of the former Dunedin Hospital Administration Block. Mr Rawson offered no recommendation because he was unsure if scheduling the building would enable the hospital to continue to operate efficiently and effectively.

- [082] We received tabled evidence from Health NZ representative Dr Rob Ojala⁷.
- [083] Dr Ojala did not attend the Hearing.
- [084] No submitters supported the scheduling.
- [085] Dr Ojala advised that while Health NZ has not determined that demolition of the Building was necessary to allow the Dunedin Hospital to operate efficiently as a medical training and research facility and to meet the health needs of the community, it remained Health NZ's position that preserving the flexibility to develop its tertiary hospital facilities was essential, and that the proposed scheduling of the building would create significant additional constraints on the ability for Health NZ to make the best use of the Site in future.
- [086] Dr Ojala's conceded that it was possible that the building could be refurbished.
- [087] We note Mr Rawson's advice that if the building were to be assessed under HNZPT criteria, it could meet the threshold for a Category 1 historic place. Additionally, public hospitals are not currently represented in the Heritage Schedule.
- [088] In our view the Dunedin Hospital Administration Block makes a dramatic and important contribution to the heritage streetscape of the area. It clearly has similar architectural qualities as the nearby heritage buildings (namely the Lindo Fergusson, Scott, and Hercus Buildings) on Great King Street.
- [089] In terms of Strategic Directions Policy 2.4.2.1(b), we find that it has design, historic and social significance that merit its inclusion in the Heritage Schedule.
- [090] Our decision is:
- a) submission 252.001 Health New Zealand Te Whatu Ora is rejected; and
 - b) the Dunedin Hospital Administration Block (former) at 255 Great King Street is included in the Heritage Schedule as notified.

5.2.10 BX059 Queen Mary Maternity Hospital (former) at 310 Castle Street

- [091] At the Hearing, University of Otago representative Gordon Roy advised that the University now accepted the scheduling of the former Queen Mary Maternity Hospital (BX059) at 310 Castle Street.
- [092] Our decision is:
- a) Submission 251.002 University of the Otago / Ōtākou Whakakaihu Waka is accepted;
 - b) BX059 Queen Mary Maternity Hospital (former) at 310 Castle Street is included in the Heritage Schedule with the listing being "Entire external building envelope excluding the north (north east) wall of the c.1948 northwest wing, the roof plant, and steel framed windows on the internal elevations (overlooking the original obstetric theatre)"; and
 - c) The diagram shown on page 80 of the Section 42A Report is included in the Heritage Schedule.

5.2.11 BX060 – Dunedin Hospital Nurses' Home (former) at 490 Cumberland Street

- [093] At the Hearing, University of Otago representative Gordon Roy advised that the University now accepted the scheduling of the former Dunedin Hospital Nurses' Home (BX060) at 490 Cumberland Street.
- [094] Our decision is:
- a) Submission 251.003 University of the Otago / Ōtākou Whakakaihu Waka is accepted;
 - b) BX060 – Dunedin Hospital Nurses' Home (former) at 490 Cumberland Street is included in the Heritage Schedule with the listing being "Entire external building envelope including the Cumberland Street boundary wall, but excluding roof plant, external fire escape, steel framed windows on the rear (west) elevation of the c.1948 component, pressed metal roof tiles and masonry chimneys."; and
 - c) The diagram shown on page 84 of the Section 42A Report is included in the Heritage Schedule.

⁷ Regional Head of Infrastructure, South Island Infrastructure and Investment, Health New Zealand

5.2.12 BX071 (i), (iv), (v), (viii), (ix) Cairns' Buildings at 139, 145, 147, 159⁸ and 161⁹, Carroll Street

- [095] In his submission the building owner John Horrocks (S53.001, S53.002, S53.003) opposed the scheduling for a variety of reasons, including that 139 Carroll Street (BX071(i)) required earthquake strengthening, replumbing and had coal dust leaching under floor and into building structure. Several of the older features of the property had been removed. Mr Horrocks wanted to have the ability to replace the building with a modern structure to enhance the city view.
- [096] For 145 Carroll Street (BX071(iv)) Mr Horrocks noted that property was destroyed by fire around the year 2000 and was totally rebuilt. The property has extensive cracking on the adjacent pavement and street. There are nearby subsidence issues.
- [097] For 147 Carroll Street (BX071(v)) Mr Horrocks noted the property has extensive cracking on the adjacent pavement and street. There are nearby subsidence issues and the interior of the building itself is on a lean due to subsidence. The old timber piles of the building are deteriorating. Several of the older features of the property have been removed. The exterior timber cladding on the frontage has, at a later date, been covered with concrete stucco.
- [098] Mr Horrocks did not attend the Hearing.
- [099] Mr Rawson noted that this cluster of buildings are all part of the same historic development of representative nineteenth century working class terraced housing, situated adjacent to existing scheduled heritage buildings namely Gladstone Terrace (Schedule No. B393) at 38-50 Melville Street. Gladstone Terrace is listed with HNZPT as a Category 2 historic place.
- [100] DCC's Heritage evidence advised that the dwellings at 145 and 147 Carroll Street formed part of a group of four terraced cottages. By protecting the roof form and principal elevation of 145 Carroll Street, the overall form and presentation of the terrace row could be managed. However, the Heritage Schedule entry should show that 145 Carroll Street has been rebuilt.
- [101] 139 Carroll Street fronts Carroll Street and has been converted to residential accommodation on both floors. The openings on the ground floor of the street elevation have been altered and infilled. The interior has been altered, including the removal of the original woodstoves and the boarding up of the fireplaces. There is some cracking in the brick exterior walls.
- [102] In terms of Strategic Directions Policy 2.4.2.1(b), we are satisfied that the Cairns' Buildings at 145, 147, 159 and 161 have architectural and aesthetic significance as a group of nineteenth-century workers' dwellings and consequently have social and historic significance that merits their scheduling.
- [103] We are less convinced about 139 Carroll Street which has a quite different aesthetic to the workers dwellings. It is also in a more dilapidated state and has been significantly altered. It adds little to the area's heritage streetscape. We find that 139 Carroll Street should not be scheduled and consider that its eventual replacement with a more modern building would not detract from the remaining cluster of workers dwellings.
- [104] Our decision is:
- a) submission 53.001 John Horrocks is accepted;
 - b) submissions 53.002 and 53.003 John Horrocks are rejected;
 - c) Cairns' Buildings at 139 Carroll Street is not included in the Heritage Schedule;
 - d) Cairns' Buildings at 145, 147, 159 and 161 are included in the Heritage Schedule as notified; and
 - e) The Heritage Schedule for BX071 (iv) incorporates the wording "Note: Building was destroyed by fire and rebuilt in 2003."

⁸ Notified as 157A and amended to 159 by the DCC's submission.

⁹ Notified as 157B and amended to 161 by the DCC's submission

5.2.13 BX067 Salmond Residence (former) at 311 Stuart Street

- [105] In her submission the building owner Amanda Williams (S140.001) opposed the scheduling, due to concerns about property devaluation and increased insurance costs. Ms Williams also considered that scheduling was unnecessary as the building was already protected under the 2GP heritage precinct.
- [106] Ms Williams did not attend the Hearing.
- [107] No submitter supported the scheduling.
- [108] Mr Rawson advised that 311 Stuart Street is a character-contributing building in the York Place - Stuart Street - Arthur Street Residential Heritage Precinct (CCB 460) and so the building is managed for its heritage streetscape character. We consider that to be an important function. Under the proposed scheduling, the building would also be managed for its individual heritage values.
- [109] In terms of Strategic Directions Policy 2.4.2.1(b), we are satisfied that the building merits scheduling on the basis of its social, historic and design significance.
- [110] Our decision is:
- a) submission 140.001 Amanda Williams is rejected; and
 - b) BX067 Salmond Residence (former) at 311 Stuart Street is included in the Heritage Schedule as notified.

5.2.14 BX079 Dunedin's first state house at 11 Wilkinson Street

- [111] In its submission Kāinga Ora - Homes and Communities (Brendon Liggett) (S269.001) opposed scheduling the building. Health New Zealand Te Whatu Ora supported Kāinga Ora's submission.
- [112] We received evidence from Joshua Neville, a Principal Planner at Kāinga Ora – Homes and Communities. He stated that scheduling the building would constrain the ability of Kainga Ora to maintain or efficiently use and develop the property in line with its statutory responsibilities to ensure that its public housing stock remains safe, decent and fit-for-purpose.
- [113] Mr Neville attended the Hearing.
- [114] Mr Neville advised that in Dunedin Kāinga Ora manages a public housing portfolio of nearly 1,500 homes.
- [115] Mr Neville considered that the dwelling at 11 Wilkinson Street had no outstanding or representative historic, architectural, or social values. He considered that any value attributed to the property was primarily associative or amenity based. He advised that Kainga Ora was concerned that the identification of 11 Wilkinson Street to be scheduled appeared to be based solely on the merit of it being the first state dwelling in the suburb of Liberton in Dunedin, not of it being of specific heritage value beyond that novelty. Mr Neville contended the while 11 Wilkinson Street was the first to have furniture moved into it, it had not been established that it was the first to have a tenant agreement drawn, nor occupied by residents.
- [116] Mr Neville considered that the building was not an important nor representative example associated with Dunedin in comparison to the 1000s of similar homes that exist of the same era. Nor in his view did it contribute to the understanding of a significant aspect of New Zealand history.
- [117] He advised that the building had an extensive renovation in 2021 and it now had several non-heritage fabric elements readily visible as part of the exterior building envelope. That included roof top ventilation capping, heat pumps, a modified roof, a modified front gable end and new windows. Also, the chimney had been removed, the porch altered, and the false shutters gone.
- [118] It seems to us that recent renovation somewhat counters Mr Neville's argument that scheduling the building would constrain the ability of Kainga Ora to maintain or efficiently use and develop the property, which on his own evidence is only one of 1,490 state owned homes in Dunedin.
- [119] At the Hearing Mr Neville stated that Kāinga Ora was concerned about the precedent effect of the building being scheduled. We are not concerned about that as any proposals to schedule former state houses in other districts would be assessed on their individual merits.

- [120] In terms of Strategic Directions Policy 2.4.2.1(b), we find the building has significant historical significance as arguably being the first state house in Dunedin. In our view that is a part of Dunedin's history which merits its scheduling. In light of the building's recent renovations, we do not consider that scheduling the building would impose unduly onerous costs on Kainga Ora nor detract from its statutory functions to provide housing given there are 1,489 other Kāinga Ora owned buildings in Dunedin.
- [121] Our decision is:
- a) Submission 269.001 Kāinga Ora - Homes and Communities and further submission FS3.002 Health New Zealand Te Whatu Ora are rejected; and
 - b) BX079 at 11 Wilkinson Street is included on the Heritage Schedule.

5.2.15 BX080 Archway Lecture Theatres at 290 Leith Street

- [122] For this building the Hearing Panel was unable to reach a consensus decision. Councillor commissioners O'Malley and Barker considered that the Archway Lecture Theatres should be included in the Heritage Schedule. Independent commissioner van Voorthuysen considered that the Archway Lecture Theatres should not be included in the Heritage Schedule.
- [123] Consequently, by a majority decision the Archway Lecture Theatres are included in the Heritage Schedule.
- [124] We firstly present Councillor commissioners O'Malley and Barker's majority decision to schedule the building, followed by independent commissioner van Voorthuysen's minority or dissenting view.

5.2.15.1 Majority Decision

- [125] The University of Otago (S251.013) opposed the scheduling of the Archway Lecture Theatres.
- [126] DOCOMOMO New Zealand (S121.005) supported the scheduling, but did not attend the Hearing.
- [127] We received evidence from University of Otago representatives and witnesses Chris Alcock, Carmen Taylor, Ian Butcher, Gordon Roy, Grant Roberston, and legal submissions from counsel Phil Page.
- [128] Mr. Alcock made three points for removal of the ALT.
- [129] The first is that the ALT block access to/from Union Street, which affects the connection between the campus' east and west. Union St East is a pedestrianized area which is narrowest at the top of the Union Street crest. The plans for the garden as supplied in Mr. Alcock's written evidence do not widen the pedestrian access at the crest of Union St. We are not convinced that the demolition of the ALT changes the Union St. corridor pedestrian activity.
- [130] The second is that the building is of its time and outside the character of the surrounding buildings. The key heritage values that define the campus' character at Union Street are the gothic buildings and the ALT are completely out of character. We note that the ALT is indeed of its time and has been recognised as such with an enduring architecture award. The CAPS building is of the same architectural design as those across Union Street which are part of the mapped heritage area. However, it is the only building of this architectural type on the South side of Union Street. The ALT is one of many buildings of different design on the South and East section of the site. It is also in a viewing line with two other Ted McCoy buildings. We do not agree that the ALT are completely out of character with the south side of Union Street.
- [131] The third is that by 2010 new teaching pedagogies lead to *"a strong sense that whilst they were useful as a short-term measure in the 1970s, by 2010 the Archway Lecture Theatres had 'had their day'"*. On our site visit we noted all four lecture theaters were booked throughout the teaching week. The University has not supplied any data showing the underutilisation of the ALT. It is difficult to put weight on an argument that, due to the new pedagogy, the ALT are surplus to need and have *"had their day"* when 15 years after they were first assessed at being surplus to requirements they are still in use.
- [132] Mr. Alcock described this conversation with Mr. McCoy at the time of the development of the 2010 Campus Plan. He was instructed by the chair of the committee to consult with Mr. McCoy about the suggestion that the ALT should be demolished. During that meeting Mr. Alcock says that Mr. McCoy said *"I'm fine if you want to get rid of them"*. However, there is no context as to where in the process of the development of the 2010 Campus Plan the conversation was held and we have no way of understanding what Mr. McCoy's

position would have been given he only had one vote on a committee. While it is submitted as endorsement of the demolition of the ALT, Mr. McCoy's statement is hearsay and not provided to us as expert evidence, and we can only give it limited weight.

- [133] Ms. Taylor argued that the ability to demolish the ALT is consistent with the intention of the Campus Zone objectives of the District Plan. In as much it is allowing the University to execute its development plan as desired and, in doing so, operate efficiently and effectively. The ALT is a building of learning which also gives effect to the campus zone objectives and is certainly not contrary to them. The issue of whether they are being used efficiently and effectively must be considered alongside the fact that at present they are being used.
- [134] When referring to the relevant policy framework, Ms. Taylor referenced Policy 2.2.4.2 and Policy 13.2.1.1 stating that while they are not directly relevant to the proposed heritage scheduling, they outline that the underlying strategic goal is to ensure that the urban areas of the city are compact, resilient and that expansion is sustainable. Policy 2.2.4.2 and Policy 13.2.1.1 describes methods for the continuous use of a heritage building. It is unclear how these policies relate to protection from demolition by heritage protection. Demolition is not mentioned in these policies, nor in Policies 13.2.1.2-13.2.1.4 which reference Policy 13.2.1.1. It is our opinion that demolition is contrary to these policies. We also agree that these policies are not directly relevant to the proposed heritage scheduling of the ALT.
- [135] Ms. Taylor also referenced Policy 2.4.1.4. Policy 2.4.1.4 is a height policy that relates to the view from the Central City and Inner Hill suburbs towards the Harbour and the Peninsula and to manage the height of buildings in the CBD. The campus zone is not in the CBD. Regardless, the ALT are not any taller than the surrounding buildings and still would comply with 2.4.1.4. However, this is moot given that Policy 2.4.1.4 is only for CBD.
- [136] Ms. Taylor also referenced Policy 2.4.3.2 including its provision of a pedestrian experience. This policy is also specific to the CBD. The ALT are not in this zone and we consider this policy is not of relevance.
- [137] Mr Butcher presented evidence for the University as an architectural expert. In his written statement he states that he has read and agree to comply with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023). Having done so, when describing his report Mr. Butcher states that *"This is not a field report; it is a qualitative and subjective critique that clarifies why ALT was a mistake that needs to be rectified..."* This statement clarifies that in Mr. Butcher's own words his report is qualitative and subjective, and not a "field report" which we take to mean informed by site observations.
- [138] Mr. Butcher's assessment of the views of James Stevens Curl and Branko Mitrović and their criticism of modernism which includes statements such as a) *"...examples of pretentious and incompetent philosophical posturing..."*, b) *"No one knew how long this revolution would last, but its effects were profound as the hippie culture of the baby boomer generation took over..."* and referring to comments in the Heritage Assessment as c) *"Here's an example of the nonsense Mitrović rails against..."* are just three examples which can be found throughout Mr. Butcher's submission. The use of terms such as pretentious, incompetent and nonsense are not consistent with the independent evaluation we would expect of an Expert Witness.
- [139] Mr. Butcher also took issue with the use of the term "speaks" when used in the Heritage Assessment. *"...Archway speaks the Brutalist language of its near McCoy-designed neighbours..."* and the NZIA citation, *"...concrete panels and external spiral stairs speak to a moment in our architectural history..."*. He states, *"But ALT doesn't 'speak'. It is a solid stationary object."* That is a particularly narrow interpretation of how the word "speaks" was used in this context.
- [140] Mr. Butcher makes it clear that the ALT represents a type of architecture he dislikes. It is also clear that Mr. Butcher very much likes the neo-Gothic architecture of the CAPS building and those nearby. However, we struggle to find expert evaluation of heritage values against the 2GP heritage criteria. We therefore do not prefer Mr. Butcher's assessment that the ALT is not worthy of protection.
- [141] With assessing the historical and social components in Policy 2.4.2.1.b Mr. Butcher states:
"ALT's bizarre planning, and being the source of resentment in neighbours, and confusing thousands of students are not attributes that make a positive contribution to the gothic setting as we have explained in

Section 2-3 Doublespeak and Section 2-4 Paradox of our Evaluation & Critique document. ALT therefore does not meet HISTORIC/SOCIAL criteria."

- [142] We feel this assessment is narrow and does not pay account of the many thousands of students who have attended lectures in those theatres over the past 60 years.
- [143] Mr. Roy states the University currently has too much floor space than it requires and that the execution of the University's Strategy Plan entitled Pae Tata requires the University to achieve greater efficiency in space utilisation. To achieve this the University is pursuing space optimisation on multiple fronts including a demolition program to exit end of life buildings where ongoing investment is no longer economical.
- [144] Mr. Roy stated the University has observed a change in its teaching pedagogy which has lowered the demand for tiered lecture theatres. However, no metrics supporting this assertion were submitted. Mr. Roy assessed that the ALT represents the four poorest quality lecture theatres of the 19 theatres the University has. This is not surprising when considering the University has a policy of minimal maintenance of buildings that it has plans to demolish. The ALT has been on that list for 15 years therefore it is not surprising that it is in poor quality.
- [145] Mr. Roy stated that these buildings are not well suited to adaptive use and have a potential to become an unreasonable burden if they become empty. We acknowledge the buildings are not well suited for adaptive reuse. However, Mr. Roy's assertion that they will be empty within three years must be considered against Mr. Alcock's statement that as far back as 2010 due to the same changes in teaching pedagogy the ALT had had their day. Yet in the intervening 15 years they have remained in use and are still in use today. Without formal evidence we believe it is premature to assert that the ALT is surplus to the University's requirements for teaching.
- [146] To ask an owner to occupy an empty building is an unreasonable burden. If it was to transpire that the ALT were indeed empty and surplus to need then the argument for lifting a heritage protection and proceeding to demolition would be stronger. However, this has not yet transpired and to make a decision on the functional utility of a building based on the stated pedagogical plans of the University is premature.
- [147] The Vice Chancellor Hon. Mr. Grant Robinson's stated in his submission that he has publicly announced that as part of a change of use on the Clocktower Building the University's senior executive functions are being moved to the CAPS building. It is noted that the immediate presence of the ALT has the potential to detract from the enjoyment of the newly fitted CAPS building and a garden would enhance the enjoyment of that building. However, the issue which the Hearing Panel is considering is the heritage value of the ALT.
- [148] After accepting the evidence Mr Alcock, Mr Roy, Mr Robertson and Ms Taylor, Mr Rawson has noted that the University may face more than moderate expense if the ALT is scheduled for heritage protection especially if they become redundant within the next three years. Therefore, he recommended that the ALT not be scheduled. However, for the reasons outlined above we have rejected the evidence in submission 251.013 and are not swayed by Mr Rawson's opinion.
- [149] We note that when standing on the Crest of Union Street bridge it is possible to see University College the ALT and the Richardson building in one straight line. From this vantage point it is possible to see the transition in form over time from the first Ted McCoy building built in 1969 to the last built in 1979.
- [150] The ALT is one of a set of three buildings designed by the same architect in direct proximity to each other. They have been given an Enduring Architecture award in 2020 Southern Architecture Awards. Their removal by demolition will be a loss of a recognized example of the modern style during this period of time.
- [151] This must be balanced with the University's position that the demolition of the ALT provides an opportunity to enhance the Gothic revival heritage value of the Union St. East area.
- [152] In our evaluation given the positioning of the ALT to the South and East of the Gothic revival area its presence is less negative on the Gothic revival heritage value on Union Street than its loss would be to the record of late 20th century teaching architecture.
- [153] Therefore, we conclude that the architectural value of the ALT is worthy of heritage protection.
- [154] The decision (by majority) of the Hearing Panel is that:

- (a) submission 251.013 University of the Otago / Ōtākou Whakakaihu Waka is rejected;
- (b) submission 121.005 DOCOMOMO New Zealand is accepted; and
- (c) the Archway Lecture Theatres at 290 Leith Street are included in the Heritage Schedule

5.2.15.2 Minority or Dissenting View

- [155] The University of Otago (S251.013) opposed the scheduling of the Archway Lecture Theatres.
- [156] DOCOMOMO New Zealand (S121.005) supported the scheduling but did not attend the Hearing.
- [157] We received evidence from University of Otago representatives and witnesses Grant Robertson¹⁰, Gordon Roy¹¹, Chris Alcock¹², Ian Butcher¹³ and Carmen Taylor¹⁴ and legal submissions from counsel Phil Page.
- [158] Mr Robertson advised that the University was consolidating its building portfolio so that it can invest in those buildings that best fit the University's identity and future needs and that those needs did not include the Archway Lecture Theatres.
- [159] Mr Roy advised that changes in teaching pedagogy meant that the University will have no use for the quantity of teaching space provided by the Archway Lecture Theatres. Their method of construction with tiered precast floor units means that the building would have no functional adaptive reuse within the University context. Mr Roy also noted that the building was cold and austere, the seating was uncomfortable, the lecture theatres had a confusing configuration and poor acoustics.
- [160] Mr Robertson advised that the Clocktower Building, and the other neo-Gothic buildings nearby (Allen Hall, Marama Hall, the Geology Buildings and the Consumer and Applied Sciences (CAPS) building) were a distinctive and important part of the campus. He considered that the Archway Lecture Theatres were a barrier to Union Street entrance to the campus and detracted from the Gothic heritage precinct.
- [161] Mr Alcock noted that the University Campus Master Plan had a particular focus on reinforcing the Union Street entrance as the urban spine connecting eastern facilities with the heart of the campus at the crest of the Union Street hill. The Master Plan recommended removing the Archway Lecture Theatres. As submitted by Mr Page, removing the Theatres presents a substantial opportunity to enhance the Gothic revival heritage values of the Union Street East entry to campus.
- [162] Interestingly and relevantly in my view, Mr Alcock advised that the Archway Lecture Theatres' designer Ted McCoy had used words to the effect of "*I'm fine if you want to get rid of them*" when told that the University wished to demolish the building. I have no reason to question the veracity of Mr Alcock's evidence.
- [163] Mr Butcher disputed the categorisation of the Archway Lecture Theatres as an example of 'brutalist architecture' and considered that the Theatres disrupted the aesthetic of the existing scheduled Gothic style heritage buildings referred to by Mr Robertson. As submitted by Mr Page, removing the Theatres will remediate that undesirable and adverse "disturbance effect".
- [164] The University proposes to replace the Archway Lecture Theatres with a formal garden space connecting the CAPS building with Union Street and the Gothic heritage buildings of the Clocktower precinct. The University witnesses considered that would result in a substantial enhancement of the University's heritage campus. We were provided with illustrations showing the proposed formal garden space and upgraded Union Street entrance. It is evident to me that should the Archway Lecture Theatres be removed and the formal garden space developed, then the aesthetics of the existing scheduled Gothic style heritage buildings will be considerably enhanced.
- [165] On that point I note that the DCC Heritage advisors considered that the aesthetic qualities of the Theatres did not significantly detract from the established heritage significance of the individually scheduled Neo-Gothic buildings, although it did interfere with the legibility of the CAPS building. However, I prefer the

¹⁰ Vice-Chancellor of the University of Otago.

¹¹ Architect.

¹² Masterplan consultant.

¹³ Heritage Architect.

¹⁴ Planner.

University's evidence on that point given the University witnesses' more intimate knowledge and understanding of the University campus.

- [166] Carmen Taylor considered that the proposed scheduling impinged on the ability to celebrate the broader area's existing protected built heritage (namely the University's Gothic complex), and the ability for the University to maintain and enhance the distinctive character and overall amenity of the campus.
- [167] Ms Taylor also considered that the scheduling of the Archway Lecture Theatres would be contrary to the relevant 2GP Strategic Directions (Objective 2.3.1, Policy 2.3.1.6, Objective 2.4.1, Policy 2.4.1.4 and Objective 2.4.2), as well as subsequent Campus Zone objectives (Objectives 34.2.1 and 34.2.2). The crux of her argument being that the Campus was a 'major facility' and the 2GP provisions sought to enable such facilities to be able to continue to operate efficiently and effectively as a tertiary education and research facility, while maintaining the distinctive character and overall amenity of the campus.
- [168] I acknowledge Ms Taylor's expert planning advice and find that the University's formal garden space proposal would give better effect to the overall scheme of the 2GP that she outlined, than would the scheduling and retention of the Archway Lecture Theatres.
- [169] In that regard I accept Mr Page's submissions that protecting a building that does not contribute to the University's identity and does not enable the University to operate efficiently does not represent integrated management. I also accept his submission that the costs of scheduling outweigh any potential benefits, for the reasons that he listed¹⁵.
- [170] Mr Rawson did not make a recommendation in his initial Section 42A Report.
- [171] However, and importantly in my view, in his Reply Report Mr Rawson advised that he accepted the collective evidence of Mr Alcock, Mr Roy, Mr Robertson and Ms Taylor that scheduling and retaining the Theatres would constrain the University's ability to operate efficiently and effectively. Mr Rawson also advised that the costs to the University of scheduling the building could be high instead of moderate¹⁶, particularly as the University witnesses advised that the Theatres were projected to become redundant within the next two to three years, and after that, remain unused.
- [172] Mr Rawson concluded that the costs of scheduling the Archway Theatres outweighed the benefits, and it should not be scheduled as a heritage building.
- [173] I concur with Mr Rawson's expert planning conclusion and I find that not scheduling the Archway Lecture Theatres and thereby better enabling the University to operate effectively and efficiently and achieve its intended formal garden space proposal will have greater benefits for the City's heritage values than would scheduling the Theatres, primarily as that would enhance the aesthetics of the existing scheduled Gothic buildings.
- [174] In terms of Strategic Directions Policy 2.4.2.1(b) and the evidence presented I find that no substantive weight should be afforded to the building's historic, social, spiritual, technological or scientific significance. Consequently, I find that it would be unduly onerous to include the building on the Heritage Schedule solely in reliance of its disputed design significance.
- [175] I conclude that submission 251.013 University of the Otago / Ōtākou Whakakaihu Waka should be accepted; submission 121.005 DOCOMOMO New Zealand should be rejected; and the Archway Lecture Theatres at 290 Leith Street should not be included in the Heritage Schedule. However, that is not the majority finding of the Hearing Panel. Consequently, it is Councillor commissioners O'Malley and Barker's majority finding that forms the Hearing Panel's decision.

5.2.16 BX091 Mosgiel Knitwear House (former) at 5 Melville Street

- [176] In their submission South Link Health Services Limited (S194.001) opposed the scheduling on the basis that it would inhibit and constrain the potential for South Link Health to expand its future operations.
- [177] DOCOMOMO New Zealand (Julia Gatley) (S121.006) supported the proposed scheduling.

¹⁵ Legal Submissions, paragraph 21.

¹⁶ Moderate costs were initially indicated in the assessment of benefits and costs in Appendix C of the Section 42A Report.

- [178] Neither submitter attended the Hearing.
- [179] We consider that the building is a landmark building in a very prominent site. We note Mr Rawson's advice that the scheduling would not constrain office activity being established. Instead, it is the existing non-complying activity status in the PPH Zone (2GP Rules 18.3.4.15 and 18.3.4.16) that does that.
- [180] In terms of Strategic Directions Policy 2.4.2.1(b), we find the building has significant historical and design significance, accentuated but it's highly visible location on a prominent corner site. It is a strong contributor to heritage streetscape.
- [181] Our decision is:
- a) Submission 194.001 South Link Health Services Limited is rejected;
 - b) Submission 121.006 DOCOMOMO New Zealand is accepted; and
 - c) BX091 Mosgiel Knitwear House (former) at 5 Melville Street is included on the Heritage Schedule as notified.

5.2.17 BX093 Brinsley Residence (former) at 169 Forbury Road

- [182] In their submissions Isabelle Ang and Petrus Yen, the building owners, opposed the scheduling of this building for reasons including limited public benefit (architectural significance overstated, weak historical associations), significant financial impacts (increased maintenance costs, higher insurance premiums, and devaluation of property) and loss of redevelopment opportunities. Four other submissions also opposed the scheduling, stating that the property lacked unique architectural or historic significance and there is no community association with or attachment to the property.
- [183] No submissions specifically supported the scheduling.
- [184] None of the submitters attended the Hearing.
- [185] However, in his tabled statement Mr Yen considered that the justifications for scheduling relied on associations so broad that they could capture a vast number of older properties in Dunedin. He said the building was of a Revival style, being a recreation of earlier forms, and did not reflect any significant innovation or advancement in New Zealand's architectural history.
- [186] The Council's Heritage Assessment noted the building was one of several designed by prominent architectural partnership Miller and White in 1931. The architectural quality of the dwelling was comparable to, or greater than, early twentieth and interwar houses listed by HNZTP in other regions. The assessment also outlined that the building had been occupied by various families over time, some of them being notable Dunedin families.
- [187] In terms of Strategic Directions Policy 2.4.2.1(b) we find the building has no spiritual, technological or scientific significance. However, we find that it has social, historic and design significance that merits it being scheduled. Our finding is accentuated by the building's prominent location on a corner site, making it highly visible to the public, despite the fence and vegetation surrounding much of the site. It contributes positively to the heritage streetscape in the area. In that regard we concur with DCC's Heritage evidence that the overall form and composition of the dwelling, use of quality materials and restrained decoration all contribute to a magnificent presence on a substantial corner site.
- [188] We accept the Mr Rawson's recommendation that the scheduling should exclude the L shaped garage to the east of the dwelling. That will enable some limited development potential to be realised.
- [189] Our decision is:
- a) The submissions of 124.001 Isabell Ang, 113.001 Marcel Choo, 270.001 Weta Family Trust, 125.001 Petrus Yen and 119.001 Sharmaine Pang are rejected; and
 - b) Brinsley Residence (former) at 169 Forbury Road is included in the Heritage Schedule with the listing stating "Entire external building envelope of the c.1931 dwelling, excluding the L shaped garage to the east of the dwelling."

5.2.18 BX112 Hudson/Petherbridge House at 9 Alton Avenue

- [190] David Petherbridge, the building owner, attended the Hearing and supported the proposed scheduling but asked that the interior of the kitchen and the flat off it, and the two external car garages are able be remodeled or adapted with only 'planning consultation'. Mr Petherbridge also advised that the asbestos roof needed to be replaced to protect the house and for health and safety reasons.
- [191] Mr Rawson advised that 2GP Rule 15.3.4.17 requires a restricted discretionary resource consent process for additions and alterations that affect a protected part of a scheduled heritage building. The author said that addressed the request made by Mr Petherbridge that there be 'planning consultation'. However, in our view that is drawing a long bow as requiring a resource consent is more onerous than mere consultation.
- [192] We find that the elements of the building addressed by Mr Petherbridge should be excluded from the listing in the Heritage Schedule. Mr Petherbridge spoke at the Hearing and we asked him to confirm that he was in agreement with the wording of the heritage listing proposed by Mr Rawson. Mr Petherbridge advised that he agreed with that wording.
- [193] Our decision is:
- a) Submission 56.001 David Petherbridge is accepted; and
 - b) BX112 Hudson/Petherbridge House at 9 Alton Avenue is included in the Heritage Schedule with the listing stating "The entire external building envelope and interior excluding the recent fireplace insert in the breakfast room, the kitchen, the later bathroom fittings to the upstairs ensuite, the former maid's flat (identified on the original plans adjacent to the kitchen) and the free-standing garage. The roof is excluded to the extent that it can be replaced with either a membrane or corrugated steel (that matches the corrugated profile of the existing roofing material). The protection includes the iron gates and posts at the entry, and the garden fountain."

5.2.19 BX121(i) and (ii) Terraced Houses at 22 and 24 Clyde Street, Dunedin

- [194] In his submission the building owner Mark Thom (S291.004 and S291.005) opposed the proposed scheduling of the terraced row houses BX121(i) and BX121(ii) due to concerns that it would significantly affect their sale price. However, at the Hearing Mr Thom seemed more sanguine about the proposed scheduling of these buildings than he did for other buildings that he owned (BX049 and BX087). He advised that the terraced row houses "would never be demolished".
- [195] We are satisfied that the buildings satisfy the criteria in Strategic Directions Policy 2.4.2.1(b) and that listing the buildings will not give rise to significantly increased maintenance costs nor jeopardise development potential. The buildings contribute strongly to the heritage streetscape of the area.
- [196] Our decision is:
- a) Submissions Mark Thom 291.004 and 291.005 are rejected; and
 - b) BX121(i) and (ii) – Terraced Houses at 22 and 24 Clyde Street are included in the Heritage Schedule

5.2.20 BX122 (i), (ii), (iii), (iv) Terraced Houses at 14, 16, 18, 20 Clyde Street

- [197] In her submission the building owner Barbara Kennedy (S102.001, S102.002, S102.003, S102.004) opposed the proposed scheduling due to increased costs for maintenance, insurance and compliance, along with limitations on alterations and a reduced market value.
- [198] Ms Kennedy did not attend the hearing.
- [199] No submitter supported the scheduling.
- [200] 14 to 20 Clyde Street are part of a single terraced row, which includes 22 – 32 Clyde Street. In our view the entire row of these terraced houses satisfies the criteria in Strategic Directions Policy 2.4.2.1(b) and that listing the buildings will not give rise to significantly increased maintenance costs nor jeopardise development potential. The buildings contribute strongly to the heritage streetscape of the area.
- [201] Our decision is:
- a) Submissions Barbara Kennedy 102.001, 102.002, 102.003 and 102.004 are rejected; and

- b) BX122 (i), (ii), (iii), (iv) – Terraced Houses at 14, 16, 18, 20 Clyde Street are included in the Heritage Schedule as notified.

5.2.21 BX127 Allan Residence (former) at 46 Gordon Road, Mosgiel

- [202] In their submission the building owners Ian and Shona Harvey (S57.001) oppose the proposed scheduling. Their reasons included maintenance costs, restrictions on what can be done with the property, reduced property values, and lack of compensation or incentives.
- [203] The Harvey's did not attend the Hearing.
- [204] Submitter Andrew Simms (S60.007) supported scheduling and he attended the Hearing.
- [205] The proposed scheduling excludes the rear elevation, freestanding garage, an outbuilding to the rear of the dwelling, the gate posts and iron entry gates. In terms of Strategic Directions Policy 2.4.2.1(b) we find that the building has historic and design significant that merits scheduling.
- [206] Our decision is:
- a) Submission Ian and Shona Harvey 57.001 is rejected;
 - b) Submission 60.007 Andrew Simms is accepted; and
 - c) BX127 Allan Residence (former) at 46 Gordon Road, Mosgiel is scheduled as notified.

5.3 Buildings Not to be Scheduled

- [207] Having considered the matters raised in the original submissions and the evidence presented at the Hearing, we find that a number of buildings that were notified for inclusion in the Heritage Schedule should not be included. We were particularly cognisant of the costs that scheduling a building imposes on the building owner for what is almost entirely, and at times a subjective, public benefit.
- [208] We also had regard to situations where a Certificate of Compliance or a resource consent has been granted by DCC for the demolition of a building. We formed the view that not scheduling such buildings might provide 'a stay of execution' as in most cases the demolition approvals had five years to run. During that time the current owners may have a change of heart or the building might be sold to someone who is willing to retain and preserve the building.
- [209] Conversely, scheduling such buildings might hasten their demise as owners looked to exercise their demolition authorities before they expired.
- [210] Consequently, the existence of a Certificate of Compliance or a resource consent for the demolition of the building weighed strongly in favour of not including a building in the Heritage Schedule.
- [211] We address specific buildings in the sub-sections 5.3.1 to 5.3.15 of this Report that follow.

5.3.1 BX001 Andersons Bay Presbyterian Church (former) at 76 Silverton Street

- [212] The former Andersons Bay Presbyterian Church is a Category 2 Historic Place (no 9695) with HNZPT. However, a certificate of compliance (COC-2024-20) was granted on 27 March 2025 for the demolition of the church and the church hall buildings. There is also an existing resource consent for a multi-unit development on the site (LUC-2022-54) and associated subdivision consent (SUB-2022-14), both of which were granted on 11 May 2022.
- [213] Campbell Paton (S264.001), the building owner, opposed the scheduling and he attended the Hearing. He considered that the building was unsuitable for scheduling due to the unviability of adaptive re-use, heritage conservation, and restoration of the building. The site photographs provided by Mr Paton confirmed that to be the case, as did our own site visit. Mr Rawson acknowledged that the potential costs associated with earthquake strengthening and upgrading the church may be high and the scheduling will impact on known development plans.
- [214] The scheduling was supported by two submitters Brent Patterson (S249.001) and Rose Bergamin (S274.004). Those two primary submissions were supported by further submitter NZHPT. None of these three submitters attended the Hearing.

- [215] On 29 May 2025 Brent Patterson withdrew his submission.
- [216] Mr Rawson initially considered that the benefits and costs of scheduling the church were finely balanced and so made no recommendation.
- [217] However, in his Reply Report Mr Rawson advised that on the basis of the evidence of Campbell Paton, Bruce Chisholm and Emma Petters he now recommended that building BX001 (Anderson's Bay Presbyterian Church (former)) at 76 Silverton Street be removed from the Heritage Schedule.
- [218] In terms of Strategic Directions Policy 2.4.2.1(b), and in light of the evidence received, we disregard any social and spiritual significance attributed to the building. Nor does it have any technological or scientific significance. Consequently, we find that it would be unduly onerous to include the building on the Heritage Schedule and we agree with Mr Rawson that it should not be scheduled.
- [219] Our decision is:
- a) submission 264.001 Campbell Paton is accepted;
 - b) submissions 249.001 Brent Patterson and 274.004 Rose Bergamin and further submission 9.001 Heritage New Zealand Pouhere Taonga are rejected; and
 - c) BX001 Andersons Bay Presbyterian Church (former) at 76 Silverton Street is not included in the Heritage Schedule

5.3.2 BX015 Rutherford House (former) at 38 Michie Street

- [220] In his submission the building's owner Vaughn Malkin (S214.001) opposed the inclusion of the building in the Heritage Schedule. In common with other submitters, he was concerned about a lowering of the property's value and increased insurance and compliance costs.
- [221] DOCOMOMO New Zealand (S121.003) supported the proposed scheduling because the dwelling was designed by Warren and Mahoney in 1959. DOCOMOMO did not attend the Hearing.
- [222] DCC's heritage evidence states that the building has design significance because it is an early design by Warren and Mahoney. However, the building's social and historic significance is minor.
- [223] We note that the private dwelling is screened from public view by a modern concrete block wall, a wooden fence and a large hedge. It is largely obscured from public view and in that regard contributes little to the heritage streetscape of the area.
- [224] At the Hearing Mr Malkin expressed concern with the process by which his dwelling was selected for scheduling. He also disputed the veracity of the heritage assessment with its focus on the interior of the dwelling. He accepted that the house had architectural merit, but contended that architectural (or design) significance did not make a significant contribution to Dunedin's heritage.
- [225] In terms of Strategic Directions Policy 2.4.2.1(b), we agree with Mr Malkin that the dwelling lacks significant historic or social significance. Nor does it have spiritual, technological or scientific significance. Consequently, we find that it would be unduly onerous to include the building on the Heritage Schedule solely in reliance of design significance given that matter would not be readily discernible by the general public.
- [226] Our decision is:
- a) submissions 214.001 and further submission 4.001 Vaughn Malkin are accepted;
 - b) submission 121.003 DOCOMOMO New Zealand is rejected; and
 - c) BX015 Rutherford House (former) at 38 Michie Street is not included in the Heritage Schedule

5.3.3 BX018 JS & MW Campbell House (former) at 58 Grendon Street

- [227] In his submission the building owner John Matheson (S50.004) opposed the scheduling. Mr Matheson attended the Hearing and advised that the property was purchased in 1982 and had undergone extensive renovations both prior to purchase and thereafter. We understand Mr Matheson's main concern to be a

loss in value should the property be sold. He advised that the property was on two titles, but developing the back lot would necessitate demolishing the garage to provide access.

- [228] We agree with Mr Matheson that the residential building does not have the same visual appeal as other residential dwellings proposed for scheduling. It is not a landmark building and does not occupy a high-profile site. It contributes little to heritage streetscape.
- [229] No submissions specifically supported the scheduling.
- [230] In terms of Strategic Directions Policy 2.4.2.1(b), in light of Mr Matheson's evidence, we find that the building has no historical, social, spiritual, cultural, or scientific significance. It has some technological and design interest as it was constructed by Messrs Ellis and Glue using their Simplex method of hollow concrete construction. However, we find that it would be unduly onerous to include the building on the Heritage Schedule solely on that basis given those matters would not be readily discernible by the general public.
- [231] Our decision is:
- a) submission 50.004 John Matheson is accepted;
 - b) BX018 JS & MW Campbell House (former) at 58 Grendon Street is not included in the Heritage Schedule

5.3.4 BX021 W & E Scoular House (former) at 421 Highgate

- [232] In his submission the building owner Stephen Christensen (S31.002) opposed the scheduling. Mr Christensen attended the Hearing and we understand his main concern to be the potential loss in value should the residential dwelling be sold. Mr Christensen considers that apart from the visual aspect of street appeal, the building had few attributes that would warrant scheduling.
- [233] No submitters specifically supported the scheduling.
- [234] Mr Rawson considered that the building had modest historic values, but demonstrated technological significance due to the use of James Annand's patented concrete construction system used in the house. While that may be the case, in terms of Strategic Directions Policy 2.4.2.1(b), we find that it would be unduly onerous to include the building on the Heritage Schedule solely in reliance of technological significance, especially because as Mr Christensen noted, the construction elements of interest are hidden from view and would not be readily apparent to the general public.
- [235] Our decision is:
- a) submission 31.002 Stephen Christensen is accepted;
 - b) BX021 W & E Scoular House (former) at 421 Highgate is not included in the Heritage Schedule

5.3.5 BX023 Highgate Presbyterian Church at 580 Highgate

- [236] In their submission the Highgate Presbyterian Parish (S38.001), who are the building's owners, opposed the proposed scheduling.
- [237] No submissions specifically supported the scheduling.
- [238] Dr John Milnes tabled a statement of evidence for and on behalf of the Highgate Parish Council. He advised that the building was "a very real seismic threat" and "previous seismic reports have indicated that the building has critical structural weakness". Dr Milnes considered that there was a considerable question mark over whether the Parish would be able to fund remedial work to bring the building up to the standard required under the Building Code to make it usable within the strictures of a heritage listed building. He noted that the Congregation had resolved to demolish the structure in a vote supported by over 80% of the members.
- [239] Dr Milnes stated that the adjoining church hall, which had previously served as a community hub and hosted a range of community events was currently unable to be used due to the seismic risk presented by the church building. Demolition of the church building would allow the hall to be utilised by the Parish and the Māori Hill Community and would enable development of the site for the benefit of both.

- [240] DCC's heritage evidence stated that the building had historic, design, and spiritual significance. In light of Dr Milnes evidence, we place little if any weight on the building's spiritual and social significance.
- [241] Mr Rawson considered that the benefits and costs of scheduling the church were finely balanced and so made no recommendation.
- [242] In terms of Strategic Directions Policy 2.4.2.1(b), in light of Dr Milnes' evidence, we find should disregard any social or spiritual significance attributed to the building. Nor does it have technological or scientific significance. Consequently, we find that it would be unduly onerous to include the building on the Heritage Schedule.
- [243] Our decision is:
- a) Submission 38.001 Highgate Presbyterian Parish (John Milnes) is accepted; and
 - b) BX023 Highgate Presbyterian Church at 580 Highgate is not included in the Heritage Schedule.

5.3.6 BX028 Melrose House at 24 Melrose Street

- [244] In his submission Craig Smith (S235.001), the building owner, opposed the proposed scheduling.
- [245] No submissions specifically supported the scheduling.
- [246] At the Hearing Mr Smith described the alterations made to the building which included the removal of notable features. He stated that while the dwelling had some architectural merit, being designed by the firm Mason and Wales, both of those gentlemen were deceased when the house was designed. In his view it therefore lacked architectural significance. Hamish Muir, currently a principal of Mason and Wales, agreed with Mr Smith. Mr Smith also disputed the social significance of the dwelling, stating that the lesser brother Thomas Glendining occupied it, not the more renowned brother Robert Glendining.
- [247] The DCC heritage evidence conceded that the loss of the garden setting negatively affected the overall significance of the building.
- [248] Mr Rawson considered that the benefits and costs of scheduling the building were finely balanced and so made no recommendation.
- [249] In terms of Strategic Directions Policy 2.4.2.1(b), in light of Mr Smith's evidence, we find should disregard any design significance. We also consider it fanciful to suggest that possible "restoration of the dwelling" should be given weight¹⁷. The building has no spiritual, technological or scientific significance and debatable design and social significance. Consequently, we find that it would be unduly onerous to include the building on the Heritage Schedule.
- [250] Our decision is:
- a) Submission 235.001 Craig Smith is accepted; and
 - b) BX028 Melrose House at 24 Melrose Street is not included in the Heritage Schedule.

5.3.7 BX034 Kaikorai Presbyterian Church at 127 Taieri Road

- [251] In his submission Conrad Anderson (S186.001), on behalf of The Synod of Otago and Southland and Southern Presbytery, opposed the proposed scheduling.
- [252] No submissions specifically supported the scheduling. During his presentation to the hearing David Murray spoke strongly about the importance of the church as a landmark. However, as he did not submit on BX034 we have not afforded substantive weight to his comments.
- [253] Mr Anderson attended the Hearing and stated that the building is currently vacant and is surplus to requirements. In terms of possible repurposing, Mr Anderson considered that the costs associated with conversion, ongoing repairs and maintenance were prohibitive. He advised that the roof was in a very poor state and it would cost between \$550,000 to \$680,000 to repair it. A draft seismic report had concluded

¹⁷ As suggested in the Section 42A Report.

that the building required additional costly work to bring it up to the necessary Building Code standard. Even if those works were completed the current owners would not wish to reoccupy the building.

- [254] Mr Anderson contended the building was not a high-profile site, being located next to a busy intersection in a largely commercial area and so contributed little to the area's heritage streetscape. We find it inappropriately speculative to suggest that the building could be sold and redeveloped¹⁸.
- [255] Mr Rawson considered that the benefits and costs of scheduling the building were finely balanced and so made no recommendation.
- [256] In terms of Strategic Directions Policy 2.4.2.1(b), in light of Mr Anderson's evidence, we find we should disregard any social or spiritual significance. The building has no technological or scientific significance. Consequently, we find that it would be unduly onerous to include the building on the Heritage Schedule.
- [257] Our decision is:
- a) Submission 186.001 the Synod of Otago and Southland and Southern Presbytery (Conrad Anderson) is accepted; and
 - b) BX034 Kaikorai Presbyterian Church at 127 Taieri Road is not included in the Heritage Schedule.

5.3.8 BX046 Albert House (former) at 45 Beach Street

- [258] In his submission the building owner Peter McIntyre (S69.001) opposed the scheduling as it imposed significant logistic, financial and time related impositions on any future improvement or redevelopment of the property. Patersons (Jared Brensell) (S117.061) also opposed the proposed scheduling, due to an assessment of the building indicating it has not been properly maintained for approximately 30 years, and it would be difficult to make the building safe again.
- [259] No submissions specifically supported the scheduling.
- [260] 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.
- [261] At the Hearing Mr Brensell advised that property developers Blue Sky now owned the building and intended to demolish it. As part of the building pre-dated 1900 the developers were currently undertaking the necessary consultation with NZHTP.
- [262] In his Reply Report Mr Rawson advised that in light of the evidence received he considered that the costs of scheduling the building outweighed the benefits, and it should not be scheduled. We agree.
- [263] In terms of Strategic Directions Policy 2.4.2.1(b), we consider there was no evidence of the building having any historic, social, spiritual, technological or scientific significance. Consequently, we find that it would be unduly onerous to include the building on the Heritage Schedule solely in reliance of design significance, particularly in light of its demonstrable dilapidated state and the current owner's imminent intention to demolish it.
- [264] Our decision is:
- a) Submissions 69.001 Peter McIntyre and 117.061 Patersons are accepted; and
 - b) BX046 Albert House (former) at 45 Beach Street is not included in the Heritage Schedule.

5.2.9 BX049 (i) and (ii) Chinese Mission Manse (former) at 60 Carroll Street

- [265] The building owner Mark Thom (S291.002 and S291.003) opposed the scheduling of BX049(i) and BX049(ii). In section 5.2.8 of this Decision Report, we concluded that the Manse (the rear building at 60 Carroll Street) is not readily visible from the street and it made little if any contribution to the heritage streetscape. On that basis we considered that it should not be included in the Heritage Schedule.
- [266] Our decision is:
- a) Submissions 291.002 and 291.003 Mark Thom are accepted in part; and

¹⁸ As was suggested by the Section 42A Report author.

- b) BX049(ii) 60 Carroll Street is not included in the Heritage Schedule.

5.3.10 BX069 Inglewood at 62 Queen Street

- [267] In their submission Terramark Limited (Darryl Sycamore S188.05) opposed the scheduling of this dwelling. Mr Sycamore did not attend the Hearing.
- [268] No submissions specifically supported the scheduling.
- [269] The building is the subject of land use consent LUC-2024-366, which authorises demolition of the dwelling and its replacement with a new dwelling.
- [270] Mr Rawson considered¹⁹ that scheduling the building would have a low overall benefit and would impact on the owner's development plans and consequently he made no recommendation. In his Reply Report he stated that it would be a perverse outcome if scheduling the building encouraged its demolition, and because scheduling is of low public benefit and moderate cost to the landowner, he concluded that it should not be scheduled. We agree.
- [271] In terms of Strategic Directions Policy 2.4.2.1(b), there was no evidence of the building having any historic social, spiritual, technological or scientific significance. Consequently, we find that it would be unduly onerous to include the building on the Heritage Schedule.
- [272] Our decision is:
- a) Submission S188.05 Terramark Limited (Darryl Sycamore) is accepted; and
 - b) BX069 Inglewood at 62 Queen Street is not included in the Heritage Schedule.

5.3.11 BX076(i) Paired Dwellings at 54 Manor Place

- [273] In his submission the building owner Michael Krekeler (S8.001) opposed the proposed scheduling, due mainly to the increased costs that would be imposed as a result. Mr Krekeler did not attend the Hearing.
- [274] No submitters supported the scheduling.
- [275] Mr Rawson advised that the dwelling would be categorised as Group C and it would be unlikely to meet the threshold for a HNZPT Category 2 historic place. Scheduling the building would yield a low overall public benefit. On that basis we do not consider that the building merits scheduling under Strategic Directions Policy 2.4.2.1(b).
- [276] We note that Mr Rawson did not make a recommendation for this building.
- [277] Our decision is:
- a) Submission 8.001 Michael Kreker is accepted; and
 - b) BX076(i) Paired Dwellings at 54 Manor Place is not included in the Heritage Schedule.

5.3.12 BX078 Cintra at 217 Musselburgh Rise

- [278] In her submission the building owner Pauline Geddes (S221.001) opposed the proposed scheduling. She was of the view that several parts of the house (the back profile, upstairs and front porch) were no longer original, and so could not be considered as historical. Ms Geddes was concerned that scheduling would restrict further alterations when a large number had already been allowed over the years.
- [279] Ms Geddes did not attend the Hearing.
- [280] No submissions specifically supported the scheduling.
- [281] Mr Rawson considered that the alterations should be included in the scheduled protection afforded to the dwelling as they had been done in an "arts and craft style". That may be so, but it does not equate to historical design significance in our view. It was also noted that the dwelling has an association with architect Edmund Anscombe and the use of his patented OK Dry Wall System construction system.

¹⁹ In his initial Section 42A Report.

- [282] We note that the building has limited heritage streetscape appeal, as it sits atop a high retaining wall and is largely obscured from public view by a tall hedge. We find it fanciful to suggest that some of the alterations (such as the aluminum windows and the infilling of the porch) would be reversed if the building was scheduled.
- [283] In terms of Strategic Directions Policy 2.4.2.1(b), we find that the building has limited historic and social significance and no spiritual or scientific significance. Consequently, we find that it would be unduly onerous to include the building on the Heritage Schedule solely in reliance of its design significance.
- [284] Our decision is:
- a) Submission 221.001 Pauline Geddes is accepted; and
 - b) BX078 – Cintra at 217 Musselburgh Rise is not included in the Heritage Schedule.

5.3.13 BX087 Hanna Residence (former) at 56 Carroll Street

- [285] In his submission the building owner Mark Thom (S291.001) opposed the scheduling of BX087 due to concerns it could significantly affect the sale price. At the Hearing he advised that the dwelling currently operates as a boarding house. He would like to set the building up as a series of unit titles. The building is in need of repairs and Mr Thom said he would like to renovate it and it was in no danger of being demolished. He also advised that the building was situated on a large section that had subdivision potential. Mr Thom said he was nearing retirement age and would like to sell the building at some stage.
- [286] Of the several sites proposed for listing that he owned, Mr Thom was most concerned about this one, due largely we understand to its development potential.
- [287] No submissions specifically supported the scheduling.
- [288] Mr Rawson advised that the protection afforded to the building was the “entire external building envelope excluding rear elevation”, which meant the proposed scheduling did not restrict development affecting the building’s rear elevation and there were no restrictions on internal renovations.
- [289] In terms of Strategic Directions Policy 2.4.2.1(b) we note that the building was proposed for scheduling due to its historical and social significance. However, the DCC heritage evidence stated that the significance was derived from the association of the community with the place, and it was acknowledged that the heritage values were not as tangible or legible as other buildings proposed for scheduling. We observe that the building has no spiritual, cultural, design, technological or scientific significance. Consequently, we find that it would be unduly onerous to include the building on the Heritage Schedule solely in reliance of largely social significance.
- [290] Our decision is:
- a) submission 291.013 Mark Thom is accepted; and
 - b) BX087 Hanna Residence (former) at 56 Carroll Street submission is not included in the Heritage Schedule.

5.3.14 BX099 P Hayman & Co Warehouse (former) at 180 Rattray Street and BX118 former Lodge St. John at 25 Gordon Road, Mosgiel

- [291] Dunedin City Council (S197.004 and S197.00) opposed the proposed scheduling of BX099 and BX118 because these buildings were demolished before Plan Change 1 was notified.
- [292] Andrew Simms (S60.004) supported the proposed scheduling of BX118 and attended the Hearing.
- [293] Our decision is:
- a) submissions Dunedin City Council 197.004 and 197.005 are accepted;
 - b) submission Andrew Simms 60.004 is rejected; and
 - c) BX099 and BX118 are not included in the Heritage Schedule.

5.3.15 BX117 Lookout Point Fire Station at 182 and 184 Mornington Road, Kenmure

- [294] The building owner, Fire and Emergency New Zealand (S257.001) opposed the proposed scheduling.
- [295] DOCOMOMO New Zealand (S121.009) supported the scheduling, but did not attend the Hearing.
- [296] In his submission planner Kurt Bowen advised that investigation and design work completed to date had indicated some reasonably substantial modifications to the existing building would be necessary for it to continue to be fit for purpose as a fire station.
- [297] 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 Road²⁰.
- [298] Mr Bowen pre-circulated written evidence for the Hearing. We note some of his main points were:
- FENZ is subject to legal requirements to provide a high standard emergency response capability. To meet these requirements, FENZ needs to be able to upgrade its facilities, including its fire station buildings, to enable the service to remain fit for purpose;
 - Listing the building in the Heritage Schedule will prevent the facility being able to be upgraded to the standard required for an emergency response operation. It could ultimately result in Lookout Point Fire Station becoming a redundant asset;
 - In 2023 DCC advised that the building was earthquake prone with its earthquake rating being assessed at 22% (NBS). Current earthquake prone building legislation directed that all operational facilities, such as fire stations, that provide post-disaster functions must be strengthened to meet at least 34% NBS;
 - In 2013 FENZ engaged Aurecon to investigate upgrade options which at that time ranged from \$546,000 to \$887,000 plus GST²¹;
 - The fire station also needed upgrades to accommodate larger fire engines and has commissioned reports on renovation options. Mr Bowen tabled architectural plans for a modern, fit for purpose replacement facility that would not be achievable should the existing building be listed in the Heritage Schedule;
 - Relocating the fire station to an alternative site has been considered but was not feasible for a variety of reasons, including cost and finding an alternative site in the local Lookout Point neighbourhood;
 - FENZ categorically does not support DCC's view that that fire stations have heritage values simply because they are fire stations. The Mornington Road station provides a community amenity value, however, that in itself does not extend to a significant heritage value; and
 - FENZ does not dispute who designed the Station²² nor the era that it was designed in, but FENZ considers that the values attached to the design of the Station are not sufficient to outweigh the need for the property to be renovated to best serve FENZ's functional requirements.
- [299] Mr Bowen and FENZ representative Steven Hill attended the Hearing.
- [300] We acknowledge Mr Bowen's evidence and find there is significant the public benefit in having a serviceable fire station in the Lookout Point neighbourhood.
- [301] FENZ representative Steven Hill advised that the building's main doors were too small to accommodation new fire appliances. It was not practical to enlarge the doorways due to the concrete beam construction of the building.
- [302] Mr Rawson advised that a separate freestanding accommodation block located on 182 Mornington Road, which is part of the same facility, is not proposed to be included in the Heritage Schedule. He initially recommended that the fire station building at 184 Mornington Road be scheduled.

²⁰ Mr Bowen provided us with a copy of the COC. We asked for a received a copy of the COC decision document from DCC.

²¹ Mr Bowen tabled a copy of the 2013 Aurecon Report.

²² Mandeno, Fraser and Galbraith

- [303] In his Reply Report Mr Rawson enabling provision of a fit-for-purpose fire station is of importance in terms section 5 of the RMA. He considered that scheduling 184 Mornington Road as a heritage building might restrict FENZ from achieving a fit-for-purpose fire station and have the perverse outcome of encouraging FENZ to demolish the building, in accordance with the approved certificate of compliance.
- [304] Mr Rawson recommended removing building BX117 (Lookout Point Fire Station) at 184 Mornington Road from the Heritage Schedule.
- [305] In terms of Strategic Directions Policy 2.4.2.1(b) we find we should not give any weight to the building's heritage, social, spiritual, technological or scientific significance. Consequently, we find that it would be unduly onerous to include the building on the Heritage Schedule solely in reliance of its design significance. Doing so would inhibit the ability of FENZ to exercise its functions which have a high degree of public benefit. In that regard we concur with Mr Rawson's revised advice.
- [306] Our decision is:
- a) submission 257.001 Fire and Emergency New Zealand is accepted;
 - b) submission 121.009 DOCOMOMO New Zealand is rejected; and
 - c) the Lookout Point Fire Station at 182 and 184 Mornington Road, Kenmore is not included in the Heritage Schedule.

5.3.16 BX120 Holy Cross College (former) at 91 and 93 Church Street, Mosgiel

- [307] The Verdon Chapel is located at 91 Church Street and the former Holy Cross College at 93 Church Street.
- [308] In their submission the Roman Catholic Bishop of the Diocese of Dunedin (S250.001) opposed the proposed scheduling.
- [309] Andrew Simms (60.006) supported the proposed scheduling and attended the Hearing. DCC submitted in support but sought an amendment to include the address for the Verdon Chapel, 91 Church Street.
- [310] A Certificate of Compliance (COC) have been issued for demolition of the entire main building at 93 Church Street except for the central part of the building comprising the 1870's wooden Burns residence. A COC has been issued for reroofing the Verdon Chapel. No COC is held for the demolition of the Verdon Chapel.
- [311] Conrad Anderson represented the Diocese and he attended the Hearing. He advised that the buildings were not a landmark within its context, they were unlikely to be needed for church use for much longer, conversion to accommodate an alternative use suited to its location in the General Residential 1 Zone was likely to be difficult and so its maintenance and active reuse would be unlikely to be achievable into the future.
- [312] Mr Rawson recommended scheduling both 91 and 93 Church Street, stating that 91 Church Street was omitted in error. He suggested that while demolition of the buildings at 93 Church Street can legally occur, it is possible that the Diocese's plans may change and the buildings are retained. In light of Mr Anderson's evidence we find that to be unlikely.
- [313] The DCC heritage evidence considered that the buildings were significant as they were New Zealand's only national training seminary for Catholic Priests, which we understand to represent both historic and spiritual significance.
- [314] In terms of Strategic Directions Policy 2.4.2.1(b) we find that the buildings have no technological or scientific significance. In light of Mr Anderson's evidence we find we should not afford weight to the buildings' spiritual significance. The Holy Cross College buildings are large and visually impressive but have not notable design significance that we are aware of. They have some historical significance due to their association with the Catholic Church. However, we find it would be unduly onerous to schedule them solely on that basis.
- [315] Conversely, we find that the Verdon Chapel has both historical and design significance that merit its inclusion on the Heritage Schedule.

[316] That leaves the 1870's wooden Burns residence. Given its past recognition and exclusion from the demolition COC, we consider it should be retained in the Heritage Schedule

[317] Our decision is:

- a) submission 250.001 Roman Catholic Bishop of the Diocese of Dunedin is accepted in part;
- b) submission 60.006 Andrew Simms is rejected;
- c) submission 197.006 Dunedin City Council is accepted;
- d) BX120 Holy Cross College (former) at 93 Church Street, Mosgiel is not included in the Heritage Schedule; and
- e) BX120 Verdon Chapel and Burns residence respectively situated at 91 and 93 Church Street, Mosgiel, are included in the Heritage Schedule.

6 Other Matters

[318] Several submitters attended the Hearing and spoke in general terms about the importance of heritage building preservation. In terms of issues raised, we agree that a collaborative approach balancing heritage preservation with practical ownership considerations is important. However, it is beyond our scope to consider matters relating to financial rates relief, compliance cost sharing or increased Heritage Fund funding support, however desirable those measures may be. Those matters may wish to be considered further by DCC.

7 Statutory Instruments

7.1 The 2GP

[319] Change SHB3 did not add any objectives to Chapter 2 Strategic Directions or Chapter 13 Heritage of the 2GP. Consequently, with regard to our obligations under s32 of the RMA, we needed to consider whether or not adding the building to the heritage schedule is the most appropriate way to achieve the relevant objectives of the 2GP which are:

Objective 2.4.2 Heritage: Dunedin's heritage is central to its identity and is protected and celebrated as a core value of the city, through the heritage conservation and retention of important heritage items, and the maintenance and active use of built heritage.

Objective 13.2.1: Scheduled heritage buildings and structures are protected.

[320] It is axiomatic that including a building on the heritage schedule would achieve Objective 2.4.2. The obvious risk of not acting²³ in that regard would be the potential loss of the heritage aspects through modification of demolition.

[321] Consequently, where we have found on the evidence that a building merits inclusion on the heritage schedule, we are satisfied that doing so is the most efficient and effective²⁴ means of achieving Objective 2.4.2 and that other practicable options²⁵, such as relying on the voluntary actions of building owners, would be less appropriate.

[322] However, as we noted in section 5 of this Report, when deciding whether or not to include a building in the heritage schedule, we have also had regard to Strategic Directions Policy 2.4.2.1(b) and the evidence received on the matters listed in that policy which reads:

- b. *Identify heritage buildings and structures based on the following criteria:*
 - i. *historic and social significance;*
 - ii. *spiritual/cultural significance, including significance to Māori;*

²³ Section 32(2)(c)

²⁴ Section 32(1)(b)ii)

²⁵ Section 32(1)(b)(i)

- iii. *design significance; and*
- iv. *technological/scientific significance*

[323] In some cases, as set out in sections 5.3.1 to 5.3.15 of this report, in light of evidence received, we have found that the particular circumstances of a building notified for scheduling do not meet the criteria of Policy 2.4.2.1(b) to a sufficient degree to outweigh the costs and practical limitations associated with scheduling.

7.2 Other Statutory Instruments

- [324] The Section 42A Report and some submitter evidence outlined the relevant provisions of the Operative Otago Regional Policy Statement 2019 and the Proposed Otago Regional Policy Statement 2021. We have had regard to those provisions, in particular Objective HCV-HH-O3, Policy HCV-HH-P4 and APP8 of the 2021 document, when undertaking the assessments and making our decisions that are set out in Section 5 of this Report.
- [325] RPS APP8 lists criteria for archaeological, architectural, cultural, historic, scientific, social, spiritual and technological. The 2GP's Strategic Directions Policy 2.4.2.1(b) includes these criteria²⁶, other than architectural which we equate to "design significance".
- [326] The Section 42A Report also addressed the Heritage New Zealand Pouhere Taonga Act 2014 and the nature of "Category 1 places of special or outstanding historical or cultural heritage significance or value" and "Category 2 places of historical or cultural heritage significance or value". We note that inclusion on the New Zealand Heritage List / Rārangi Kōrero does not provide protection to a heritage item. Protection is generally provided through the scheduling of a building in a district plan.

7.3 Non Statutory Instruments

- [327] The Section 42A Report discussed the Ōtepoti Dunedin Heritage Action Plan November 2023 (Revised 2024) and the Dunedin Heritage Fund. We note that the Action Plan states that including significant historic buildings in the Schedule of Protected Items and Sites in the 2GP provides a framework for managing them. The Heritage Fund supports the conservation and the continued use of Dunedin's key heritage places.
- [328] These non-statutory instruments form useful background information. The Heritage Fund is not large enough to be considered a reasonably practicable option for achieving the 2GP heritage objectives. Namely, it is insufficient to purchase the buildings proposed for inclusion in the Heritage Schedule and is not sufficient to offset the range of costs faced by individual building owners if a building is scheduled.

8 Section 32AA Assessments

- [329] A detailed Section 32 Report was produced by the Council.
- [330] In terms of section 32AA, where we have decided that a building should not be included on the Heritage Schedule as notified, we are satisfied that our assessments in section 5.3 of this Report correspond to the scale and significance of the changes that we have made in light of the evidence received.

9 Decisions Outside Scope of PC1 / Change SHB3

- [331] As part of the Hearing, we received submissions and presentations that highlighted concerns about the increased costs imposed on building owners once a building was scheduled. Many of those costs, such as increased maintenance and insurance costs and decreases in property value, fall outside the scope of what DCC can reasonably address.
- [332] However, one matter that DCC can address is the cost of compliance, namely the costs of gaining resource consents and more complex building permits associated with alterations and significant maintenance and repairs to scheduled buildings.

²⁶ Archaeological is not relevant here.

- [333] Buildings are included in the Heritage Schedule because there is public benefit in doing so. However, the associated costs of that fall on the building owner.
- [334] We strongly urge DCC to consider waiving resource consent fees and building consent fees (namely reducing them to zero) for alterations and significant maintenance and repairs to scheduled buildings, where the need for the consent or building permit arises solely from the fact that the building has been placed on the Heritage Schedule.
- [335] We also recommend that DCC considers:
- a) increasing the amount available for the Dunedin Heritage Fund; and
 - b) providing rates relief for Heritage Scheduled buildings as one means of offering more support to the owners of scheduled buildings.

10 Decisions on PC1 / Change SHB3

- [336] Under the powers delegated to us by the Dunedin City Council under section 34A of the Resource Management Act 1991, pursuant to clause 10 of Schedule 1 to the RMA, the Council:
- a) **amends** the 2GP Appendix A1.1 Schedule of Protected Heritage Items and Sites as shown in Appendix 1;
 - b) **amends** the 2GP Appendix A1.1 Schedule of Protected Heritage Items and Sites by deleting the 22 buildings listed in Appendix 2 from the schedule of character-contributing buildings;
 - c) **accepts in part** the submission points listed in section 6.1.1 of the Section 42A Report which support Change SHB3 in its entirety;
 - d) **accepts in part** the submission points listed in section 6.1.2 of the Section 42A Report which support Change SHB3 in its entirety with amendments;
 - e) **accepts in part** the submission points listed in section 6.1.3 of the Section 42A Report which oppose Change SHB3 in its entirety or seek amendments;
 - f) **accepts** the submission points listed in section 6.1.4 of the Section 42A Report which supported the inclusion of specific buildings in the heritage schedule and where no original submissions were received in opposition to the scheduling;
 - g) **rejects** the submissions opposing the scheduling of the specific buildings addressed in section 5.2 of this Report and **accepts** submissions supporting that scheduling;
 - h) **accepts** the submissions opposing the scheduling of specific buildings addressed in section 5.3 of this Report and **rejects** the submissions supporting that scheduling; and
 - i) **accepts, accepts in part or rejects** further submissions not specifically covered by decisions (a) to (h) in accordance with the decisions on the original submissions to which those further submissions relate.

Signed by the commissioners:



Councillor Sophie Barker



Councillor Jim O'Malley



Independent Commissioner Rob van Voorthuysen
Dated: 17 July 2025

Appendix 1: Amendments to the Heritage Schedule

Additions as a result of our decision are shown underlined; deletions as strikethrough. We note that the following Table omits the pictures of the buildings that were included in the Council's "Summary of Proposed Scheduled Heritage Buildings". We understand those pictures will be included when the 2GP is formally updated in accordance with this Decision.

Notified Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX001	Andersons Bay Presbyterian Church (former)	76 Silverton Street	2	9695	Entire external building envelope excluding the adjacent hall
BX002	Otago Pioneer Women's Association Memorial Hall Currently CC071 in 2GP	362 Moray Place	1	9725	Façade to Moray Place and entrance foyer, main stairs, lobby doors and memorial window
BX003	Scoular House (former) Currently CC848 in 2GP	319 York Place	1	9273	Entire external building envelope
BX004	Truby King Harris Hospital (former)	79 Every Street	1	9659	Entire external building envelope
BX005	Arthur Street School Infant Department (former)	26 Arthur Street	2	9717	Entire external building envelope
BX006	Ralph Hotere's Studio (former)	2 Aurora Terrace, Port Chalmers	1	9762	Entire external building envelope excluding the rear addition (laundry/ workshop) as identified in the heritage covenant
BX007	Emily Siedeberg McKinnon House	75a and 75b York Place	1	9100	Entire external building envelope excluding the rear elevation
BX008	Venard Residence	18 Jubilee Street			Entire external building envelope excluding rear elevation and brick garage with tile roof
BX009	C & J Speight House Currently CC875 in 2GP	362 York Place			Entire external building envelope and stone boundary wall and entrance gates
BX010	Haeata Currently CC808 in 2GP	273 York Place			Entire external building envelope and street boundary fence and entry gate
BX011	Challow Dene Currently CC809 in 2GP	275 York Place			Entire external building envelope and street boundary fence and arched entry gate, and retaining walls

Dunedin City Council
Plan Change 1 – Minor Improvements (PC-2024-1)
Appendix A1.1 Schedule of Protected Heritage Items and Sites

Notified Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX013	Cargill Court Apartments	1-13/27 Arthur Street			Entire external building envelope and boundary fence to Arthur Street and Cargill Street
BX014	Mason & Wales Architects' Studio	46 York Place			The York Place façade and the first 10m of the north-east and south-west wall (between the York Place façade and the undercroft carparking). Entire external building envelope excluding rear elevation
BX015	Rutherford House (former)	38 Michie Street			Entire external building envelope and concrete block/timber fence to road boundary
BX016	Misses Johnstones' Residence (former)	7 Drivers Road			Entire external building envelope and boundary wall and gates to Drivers Road
BX017	Cameron House (former)	54 Grendon Street			Entire external building envelope
BX018	JS & MW Campbell House (former)	58 Grendon Street			Entire external building envelope excluding the rear elevation
BX019	Smith Building (former)	220 King Edward Street			Entire external building envelope
BX021	W & E Scouler House (former)	421 Highgate			Entire external building envelope and stone boundary wall and gates
BX022	St Georges Court	1-8/535 George Street, Dunedin			Entire external building envelope including street-side garages, excluding garage doors and rear elevation; entrance gates on street frontage
BX023	Highgate Presbyterian Church	580 Highgate			Entire external building envelope, excluding the hall and extension to the northwest dating from 1997
BX024	Julier/Sharpe House (former)	130 Aramoana Road, Deborah Bay			Entire external building envelope of the 1881 and c.1895 components of the dwelling, excluding the c.2005 addition
BX025	Hercus Building	50 and 58 Hanover Street			Entire external building envelope including the Richard Gross sculptural relief panel, excluding steel framed windows on the rear elevation, roof plant and aerial walkway
BX026	Haynes House (former)	284 Stuart Street			Entire external building envelope and brick and timber boundary fencing to Stuart Street

Dunedin City Council
Plan Change 1 – Minor Improvements (PC-2024-1)
Appendix A1.1 Schedule of Protected Heritage Items and Sites

Notified Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX028	Melrose House	24 Melrose Street, Dunedin			Entire external building envelope excluding the c.1992 single storey extension
BX029	Hosking House (former)	47 Māori Road			Entire external building envelope excluding the rear elevation; timber entry gates
BX030	S & F Bowman House (former)	10 Claremont Street			Entire external building envelope and boundary wall and entrance gates Claremont Street façade and the Claremont Street boundary fence and gateway
BX031	Te Kauri	70 Grendon Street			Entire external building envelope excluding the rear elevation
BX033	FA Cargill Residence (former)	83 Manor Place			Entire external building envelope excluding the rear elevation
BX034	Kaikorai Presbyterian Church	127 Taieri Road			Entire external building envelope excluding the adjacent hall and link between the two buildings
BX036	Kensington Drill Hall	24 Bridgman Street			Entire external building envelope and parade ground, excluding any ACM roof cladding
BX037	Mobilisation Store and Office	211 St Andrew Street			Entire external building envelope
BX038	RNZNVR Divisional Headquarters (former)	211 St Andrew Street			Entire external building envelope, including Hall and former P.W.D Workshop
BX039	J. Louis Salmond's House (former)	1 - 28 Bellevue Street			Entire external building envelope
BX040	Paired Dwellings	2 and 4 Macnee Street			Facades to Macnee Street and Henderson Street, and iron fence at 2 Macnee Street
BX041	Honeyden	1 Macnee Street			Entire external building envelope excluding the rear elevation
BX043	Kippiehoe Currently CC709 in 2GP	30 Tennyson Street			Entire external building envelope
BX045	Bryndwylt	38 Belgrave Crescent			Entire external building envelope
BX046	Albert House (former)	45 Beach Street, Dunedin			Entire external building envelope excluding the carport and garage on Albert Street

Dunedin City Council
Plan Change 1 – Minor Improvements (PC-2024-1)
Appendix A1.1 Schedule of Protected Heritage Items and Sites

Notified Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX047	Woodhaugh Store (former)	79 Malvern Street, Dunedin			Entire external building envelope
BX049 (i)	Chinese Mission Church and Manse (former)	58 and 60A Carroll Street			Façade to Carroll Street and northeast elevation
BX049 (ii)	Chinese Mission Church and Manse (former)	58 Carroll Street			Façade to Carroll Street
BX050	Haynes Warehouse and Offices (former) Currently CC077 in 2GP	24 and 26 Moray Place			Façade to Moray Place
BX051	Littlebourne House Stables	26 Littlebourne Road			Entire external building envelope
BX052	Pukehiki Library	1051 Highcliff Road			Entire external building envelope
BX053	Pukehiki District Hall	1056 Highcliff Road			Entire external building envelope
BX055	Dunedin Hospital Administration Block (former)	255 Great King Street			Entire external building envelope and central interior stair
BX056	Ocean View Hotel (former)	301 King Edward Street			Entire external building envelope of the two-storey c.1874 component, excluding the single storey additions
BX057	Dunedin North Intermediate School (former)	19 Riego Street			Façades to Riego Street, Albany Street and Anzac Avenue
BX058	Santa Sabina Convent (former)	16/73, 17/73 and 18/73 Buccleugh Street			Entire external building envelope of the former convent only
BX059	Queen Mary Maternity Hospital (former)	310 Castle Street, Dunedin			Entire external building envelope excluding the roof plant, the c.1961 northwest wing, and steel framed windows on the internal elevations. Entire external building envelope excluding the north (north east) wall of the c.1948 northwest wing, the roof plant, and steel framed windows on the internal elevations (overlooking the original obstetric theatre)
BX060	Dunedin Hospital Nurses' Home (former)	490 Cumberland Street			Entire external building envelope <u>including the Cumberland Street boundary wall, but</u> excluding roof plant, external fire escape, steel framed windows on the rear (west) elevation of the c.1948 component, pressed metal roof tiles and masonry chimneys.; Cumberland Street boundary wall

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Notified Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX061	Curtis House (former)	18 Forbury Road			Entire external building envelope excluding rear elevation
BX063	Fraemont	163 Carroll Street			Entire external building envelope and stone and brick wall to Melville Street and Carroll Street
BX064	Taieri Bank Cottage (Higgins' Cottage)	128 Hartfield Road			Entire external building envelope and upright slab schist fence
BX065	Acetylene Buildings (former) Currently CC070 in 2GP	126, 130 and 132 Stuart Street and 29 Bath Street			Entire external building envelope of both the commercial and former workshop buildings, excluding the lower part of the east elevation obscured by the neighbouring building
BX066	Herbert Haynes & Company Building (former) Currently CC109 in 2GP	20 and 26 Princes Street			Façade to Princes Street
BX067	Salmond Residence (former) Currently CC460 in 2GP	311 Stuart Street			Entire external building envelope excluding rear elevation
BX068 (i)	Gun emplacement #1	1 Domain Avenue and Road Reserve			Entire external building envelope
BX068 (ii)	Gun emplacement #2	1 Domain Avenue and Road Reserve			Entire external building envelope
BX068 (iii)	Magazine	14 Centre Road and Road Reserve, Tomahawk			Entire external building envelope
BX068 (iv)	Observation Post	14 Centre Road, Tomahawk			Entire external building envelope
BX069	Inglewood-	62 Queen Street, Dunedin-			Entire external building envelope excluding rear elevation-
BX070	Hallenstein Brothers' Building (former)	18 Princes Street			Entire external building envelope including the "HB" painted sign on the south elevation, but excluding the lower parts of the south and west elevations that are obscured by the neighbouring buildings
BX071 (i)	Cairns' Buildings-	139 Carroll Street-			Entire external building envelope excluding rear elevation-
BX071 (ii)	Cairns' Buildings	141 Carroll Street			Principal (northeast) elevation and roof form
BX071 (iii)	Cairns' Buildings	143 Carroll Street			Principal (northeast) elevation and roof form

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Notified Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX071 (iv)	Cairns' Buildings	145 Carroll Street			Principal (northeast) elevation and roof form <u>Note: Building was destroyed by fire and rebuilt in 2003.</u>
BX071 (v)	Cairns' Buildings	147 Carroll Street			Elevation to Carroll Street, principal (northeast) elevation, and roof form
BX071 (vi)	Cairns' Buildings	155 Carroll Street			Façade to Carroll Street and side wall (northeast)
BX071 (vii)	Cairns' Buildings	157 Carroll Street			Façade to Carroll Street
BX071 (viii)	Cairns' Buildings	157A Carroll Street			Façade to Carroll Street
BX071 (ix)	Cairns' Buildings	157B Carroll Street			Façades to Carrol Street and Melville Street
BX073	Port Chalmers Pioneer Hall	45 George Street, Port Chalmers			Entire external building envelope excluding the rear elevation and external heat pump units
BX074	Glenthorne	39 Melville Street, Dunedin			Entire external building envelope and stone walls and wrought iron fence to Melville Street
BX075	Major Residence (former)	52 Manor Place			Entire external building envelope and stone retaining walls, wrought iron fence and gates
BX076 (i)	Paired Dwellings	54 Manor Place			Façade to Manor Place and east wall
BX076 (ii)	Paired Dwellings	56A and 56B Manor Place			Façade to Manor Place and west wall
BX077	Trengrove Residence (former)	109 Maitland Street			Entire external building envelope excluding the rear elevation
BX078	Cintra	217 Musselburgh Rise			Entire external building envelope
BX079	Dunedin's first state house	11 Wilkinson Street			Entire external building envelope
BX080	Archway Lecture Theatres	290 Leith Street			Entire external building envelope and internal corridor
BX081	Haynes' Residence (former)	5 Smith Street			Entire external building envelope excluding rear elevation; retaining wall and gate to Smith Street
BX082	Harptree	19 Wallace Street, Dunedin			Entire external building envelope excluding the rear extension
BX083	Caledonian Hotel (former)	19 Carroll Street			Façades to Hope Street (including southern end of the building) and Carroll Street, excluding roofing

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Notified Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX084	Congregational Church Manse (former) Currently CC113 in 2GP	4 View Street, Dunedin			Entire external building envelope excluding rear elevation
BX085	Moray Place Congregational Church Sunday School (former) Currently CC116 in 2GP	2 View Street, Dunedin			Entire external building envelope excluding the rear elevation
BX086	Temperance Hall (former)	2 Haig Street			Entire external building envelope
BX087	Hanna Residence (former)	56 Carroll Street			Entire external building envelope excluding the rear elevation
BX088	W Nees and Sons Showroom and Warehouse	266 Hanover Street			Façades to Harrow Street, Hanover Street, and Anzac Avenue
BX089 (i)	Otago Motors Ltd Showroom Currently CC599 in 2GP	462 Princes Street			Façades to Princes Street and Carroll Street and north elevation to the intersection of Princes and Carroll streets
BX089 (ii)	Otago Motors Ltd Workshop	7 Carroll Street			Façades to Carroll Street and Hope Street
BX091	Mosgiel Knitwear House (former)	5 Melville Street, Dunedin			Entire external building envelope excluding additions to the side elevation on Melville Street and excluding the wall along the southern boundary
BX092	Burnside Residence (former)	62 Norfolk Street			Entire external building envelope excluding the rear elevation
BX093	Brinsley Residence (former)	169 Forbury Road			Entire external building envelope of the c.1931 dwelling, <u>excluding the L shaped garage to the east of the dwelling</u>
BX094 (i)	Terrace Houses	107 York Place			Entire external building envelope excluding the rear elevation; stone walling to York Place boundary
BX094 (ii)	Terrace Houses	109 York Place			Façade to York Place and stone walling to York Place boundary
BX094 (iii)	Terrace Houses	111 York Place			Entire external building envelope excluding the rear elevation; stone walling to York Place boundary
BX095 (i)	Roslyn Worsted & Woollen Mills (former)	229-233 Kaikorai Valley Road			Entire external building envelopes of all buildings and structures

Notified Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX095 (ii)	Roslyn Worsted & Woollen Mills (former)	237 Kaikorai Valley Road			Entire external building envelopes of all buildings and structures, excluding any cladding that contains asbestos
BX095 (iii)	Roslyn Worsted & Woollen Mills (former)	293 Kaikorai Valley Road and 72 Stone Street			Façades to the west (Kaikorai Valley Road) and south (Stone Street), excluding the single storey extension to the north
BX096	Reid/Il Rudda Residence (former)	89 Carroll Street			Elevation to Carroll Street, the three storey component of the east elevation, and the three storey component of the west elevation. Excludes the rear elevation of the three storey component and the two storey component at the rear
BX097 (i)	Silverwood Terrace	134 Albany Street			Façade to Albany Street
BX097 (ii)	Silverwood Terrace	136 Albany Street			Façade to Albany Street
BX097 (iii)	Silverwood Terrace	138 Albany Street			Façade to Albany Street
BX097 (iv)	Silverwood Terrace	140 Albany Street			Façade to Albany Street
BX097 (v)	Silverwood Terrace	142 Albany Street			Façade to Albany Street
BX097 (vi)	Silverwood Terrace	144 Albany Street			Façade to Albany Street and east wall
BX099	P Hayman & Co Warehouse (former)	180 Rattray Street			Entire external building envelope
BX102 (i)	Stafford Terraces Currently CC198 in 2GP	816 Cumberland Street			Façade to Cumberland Street
BX102 (ii)	Stafford Terraces Currently CC197 in 2GP	818 Cumberland Street			Façade to Cumberland Street
BX102 (iii)	Stafford Terraces	582 Castle Street			Façade to Castle Street
BX102 (iv)	Stafford Terraces Currently CC202 in 2GP	583 Castle Street			Façade to Castle Street
BX102 (v)	Stafford Terraces	584 Castle Street			Façade to Castle Street
BX102 (vi)	Stafford Terraces Currently CC201 in 2GP	585 Castle Street			Façade to Castle Street

Notified Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX102 (vii)	Stafford Terraces Currently CC200 in 2GP	587 Castle Street			Façade to Castle Street
BX102 (viii)	Stafford Terraces Currently CC199 in 2GP	60 Dundas Street			Façade to Dundas Street
BX103 (i)	Semi-Detached Residence	130 Albany Street			Façade to Albany Street
BX103 (ii)	Semi-Detached Residence	132 Albany Street			Façade to Albany Street
BX104	Grindley Residence (former)	45 Clyde Street, Dunedin			Façades to Albany and Clyde Streets and south wall
BX107	Sussex Hotel (former) Currently CC048	140 George Street, Dunedin			Façade to George Street excluding fibre cement roof cladding
BX111	Mosgiel Woollen Mill Manager's House (former)	68 Factory Road, Mosgiel			Entire external building envelope excluding the rear elevation
BX112	Hudson/Petherbridge House	9 Alton Avenue			Entire external building envelope, freestanding garage, iron gates and posts at driveway, and garden fountain; entire interior excluding recent fireplace insert in the breakfast room and recent bathroom fittings to upstairs ensuite <u>The entire external building envelope and interior excluding the recent fireplace insert in the breakfast room, the kitchen, the later bathroom fittings to the upstairs ensuite, the former maid's flat (identified on the original plans adjacent to the kitchen) and the free-standing garage. The roof is excluded to the extent that it can be replaced with either a membrane or corrugated steel (that matches the corrugated profile of the existing roofing material). The protection includes the iron gates and posts at the entry, and the garden fountain</u>
BX113	Church of the Holy Name	400 Great King Street			Entire external building envelope, forecourt brick walls and entry lobby and nave
BX114	Green Island Civic Centre (former)	222 Main South Road, Green Island			Entire external building envelope and clock tower on the corner of Howden Street and Main South Road

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Notified Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX115	Islington	218 Bush Road, Mosgiel			Entire external building envelope excluding conservatory extension
BX116	Mosgiel Coronation Hall	97 Gordon Road, Mosgiel			Entire external building envelope excluding rear skillion roof component
BX117	Lookout Point Fire Station	182 and 184 Mornington Road, Kenmure			Entire external building envelope for the fire station and the attached accommodation
BX118	Lodge St. John (former)	25 Gordon Road, Mosgiel			Entire external building envelope
BX119	Mosgiel Hotel	160 Gordon Road, Mosgiel			Two storey component of façades to Gordon Road and Bush Road
BX120	Holy Cross College (former)	93 Church Street, Mosgiel			Entire external building envelope of Burns Residence and associated residential wings, c.1901 chapel, dining room, and auditorium; the Verdon Chapel; dormitory
<u>BX120(i)</u>	<u>Vernon Chapel</u>	<u>91 Church Street, Mosgiel</u>			<u>Entire external building envelope</u>
BX121 (i)	Terraced Houses	22 Clyde Street, Dunedin			Façade to Clyde Street
BX121 (ii)	Terraced Houses	24 Clyde Street, Dunedin			Façade to Clyde Street
BX121 (iii)	Terraced Houses	26 Clyde Street, Dunedin			Façade to Clyde Street
BX121 (iv)	Terraced Houses	28 Clyde Street, Dunedin			Façade to Clyde Street
BX121 (v)	Terraced Houses	30 Clyde Street, Dunedin			Façade to Clyde Street
BX121 (vi)	Terraced Houses	32 Clyde Street, Dunedin			Façade to Clyde Street and north wall
BX122 (i)	Terraced Houses	14 Clyde Street, Dunedin			Façade to Clyde Street
BX122 (ii)	Terraced Houses	16 Clyde Street, Dunedin			Façade to Clyde Street
BX122 (iii)	Terraced Houses	18 Clyde Street, Dunedin			Façade to Clyde Street
BX122 (iv)	Terraced Houses	20 Clyde Street, Dunedin			Façade to Clyde Street
BX123	Christian Brothers Residence (former) Currently CC818 in 2GP	295 Rattray Street			Entire external building envelope and stone boundary wall at Rattray Street boundary
BX124	Bishop's Palace (former) Currently CC810 in 2GP	277 Rattray Street			Entire external building envelope and stone boundary wall and gate at Rattray Street and Bishops Place

Notified Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX125	Helensea	262 Main South Road, East Taieri			Entire external building envelope excluding the rear elevation
BX126	Larnach's Byre	1299 Highcliff Road			Entire external building envelope
BX127	Allan Residence (former)	46 Gordon Road, Mosgiel			Entire external building envelope excluding the rear elevation, freestanding garage, and outbuilding to rear of the dwelling; gate posts and iron entry gates

Appendix 2: Buildings Removed from the Heritage Schedule of Character-Contributing Buildings

Site Number	Building Name	Address	Heritage Precinct
CC048	Commercial building	132 George Street Dunedin	George Street Commercial
CC060	Commercial building	18 Princes Street Dunedin	The Octagon Commercial
CC070	Commercial building	126 Stuart Street Dunedin	Stuart Street Commercial
CC071	Pioneer Womens Hall	362 Moray Place Dunedin	Stuart Street Commercial
CC077	Commercial building	24 Moray Place Dunedin	Moray Place - Dowling Street Commercial
CC109	Commercial building	20-26 Princes Street Dunedin	The Octagon Commercial
CC113	Residential building	4 View Street Dunedin	View Street Commercial
CC116	Residential building	2 View Street Dunedin	View Street Commercial
CC197	Residential building	818 Cumberland Street Dunedin	Dundas Street - Castle Street Residential
CC198	Residential building	816 Cumberland Street Dunedin	Dundas Street - Castle Street Residential
CC199	Residential building	60 Dundas Street Dunedin	Dundas Street - Castle Street Residential
CC200	Residential building	587 Castle Street Dunedin	Dundas Street - Castle Street Residential
CC201	Residential building	585 Castle Street Dunedin	Dundas Street - Castle Street Residential
CC202	Residential building	583 Castle Street Dunedin	Dundas Street - Castle Street Residential
CC460	Residential building	311 Stuart Street Dunedin	York Place - Stuart - Arthur Street Residential
CC599	Commercial building	462 Princes Street Dunedin	South Princes Commercial
CC709	Residential building	30 Tennyson Street Dunedin	View Street Commercial
CC808	Residential building	273 York Place Dunedin	City Rise Residential
CC809	Residential building	275 York Place Dunedin	City Rise Residential
CC810	Commercial building	277 Rattray Street Dunedin	City Rise Residential
CC818	Commercial building	295 Rattray Street Dunedin	City Rise Residential
CC848	Residential building	319 York Place Dunedin	City Rise Residential
CC875	Residential building	362 York Place Dunedin	City Rise Residential

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