

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ

Decision No. [2026] NZEnvC 74

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14(1) of the
First Schedule to the Act

BETWEEN NEW ZEALAND DEFENCE
FORCE

(ENV-2025-CHC-73)

Appellant

AND DUNEDIN CITY COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 13 April 2026

CONSENT ORDER

A: Under s279(1)(b) RMA,¹ the Environment Court, by consent, orders that:

- (1) the appeal is allowed subject to deletion of the Drill Hall at 24
Bridgman Steet, Dunedin (site number BX036) and the Mobilisation
Store and Office and (former) RNZNVR Divisional Headquarters at

¹ Resource Management Act 1991.



211 St Andrew Street, Dunedin (site numbers BX037 and BX038) from Schedule A1.1 of the Second Generation Dunedin District Plan (2GP); and

(2) the appeal is otherwise dismissed.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by the New Zealand Defence Force (NZDF) against Dunedin City Council's (DCC) Plan Change 1 (PC1) to the partially operative Second Generation Dunedin District Plan (2GP).

[2] DCC's decisions on PC1 added the Kensington Drill Hall at 24 Bridgman Street, Dunedin and the Mobilisation Store and Office and (former) RNZNVR Divisional Headquarters at 211 St Andrew Street, Dunedin (together the Buildings) to the list of Scheduled Heritage Buildings in Schedule A1.1 of the 2GP (Heritage Schedule).

[3] NZDF had previously lodged a submission on PC1 opposing the inclusion of the Buildings in the Heritage Schedule.

[4] The sites on which the Buildings are located are subject to designations which authorise their use for defence purposes (Designations).

Appeal

[5] On 27 August 2025, NZDF appealed the inclusion of the Buildings in the Heritage Schedule on the basis that NZDF considered that:

- (a) there was insufficient evidence that the Buildings have significant heritage values;
- (b) the decision by DCC was not the most efficient or effective way of achieving the objectives of PC1; and
- (c) DCC's decisions on PC1 did not have appropriate regard to other options for protecting any historic heritage values associated with the Buildings, including as a result of disposal of the Buildings under the Public Works Act 1981.

[6] No other person has given notice of an intention to join the appeal under s274 RMA.

Agreement reached

[7] Representatives from DCC and NZDF met in October 2025 for an informal without prejudice discussion on the appeal.

[8] The parties have reached an agreement that, subject to the court's approval, resolves the appeal in its entirety. The parties advised that they have entered into a separate side agreement in which the NZDF agrees:

- (a) that while it continues to own the Buildings it will not demolish them for any purpose other than for defence purposes as permitted under the Designations; and
- (b) in the event that it elects to dispose of the Buildings, it will follow its usual disposal process, which involves notification of, and engagement with, Heritage New Zealand Pouhere Taonga about whether heritage protections should be applied to the Buildings prior to disposal.

[9] The agreement reached by the parties relies on the affidavit of Ms Emma

Christmas,² senior policy planner at DCC.

[10] The affidavit of Ms Christmas contains a further evaluation of the agreed amendments pursuant to ss 32 and 32AA RMA. In summary, the evaluation concludes:³

19. The intent of 2GP Policy 2.4.2.1, and Objective 2.4.2 under which it sits, is to protect significant heritage values through appropriate management of heritage items. I am satisfied that the requirements outlined in the side agreement fulfil the intent of these provisions. I therefore consider that removing buildings BX36, BX37 and BX38 from the 2GP heritage schedule and planning maps is appropriate for the purposes of the assessment required under section 32AA.

20 The only changes to the plan required to implement the Parties' agreement is the removal of buildings BX36, BX37 and BX38 from the 2GP heritage schedule and planning maps. No consequential changes are required.

Consideration

[11] I have read and considered:

- (a) the consent memorandum of the parties dated 27 March 2026; and
- (b) the affidavit of Ms Christmas affirmed 2 April 2026.

[12] The parties advise that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

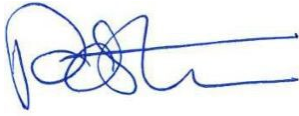
Outcome

[13] All parties to the proceeding have executed the memorandum requesting

² Affirmed 2 April 2026.

³ Affidavit of Ms Christmas at [19]-[20].

the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



P A Steven
Environment Judge

