

TO: Hearing Panel - Plan Change 1 – Heritage

FROM: Peter Rawson, s42A author

DATE: 6 June 2025

SUBJECT: **PLAN CHANGE 1 – HERITAGE HEARING – REVISED RECOMMENDATIONS**

1. Introduction

This memorandum answers specific questions from the Hearing Panel at the hearing, refer section 2 below. It also outlines amendments I have made to my recommendations after hearing submitters' evidence at the Plan Change 1 Heritage Hearing, refer to the table in Section 3 below.

2. Response to questions from Panel

2.1. Question 1: Does the Archway Lecture Theatre reduce the heritage values of the adjacent Gothic complex?

Answer to Question 1:

The DCC Heritage Advisors have addressed this question in a separate memorandum to the Panel.

2.2. Question 2: What is the blue plaque on the wooden 1876 Holy Cross building? Is there other heritage recognition of this building?

Answer to Question 2:

The Holy Cross building complex is located at 93 Church Street, Mosgiel. The plaque is located on the c1870s Burns residence (weatherboard villa) but is badly faded and it is difficult to read the inscription (see next page). We have contacted HNZPT but they do not have the text of the plaque. The building is not on the HNZPT List.

The Burns residence is the earliest building within the Holy Cross Seminary complex. We have been able to decipher the following from the plaque:

The house was built c.187... for Arthur John Burns... the founding ... of the ... opened as a Catholic Seminary ... Cross ... from ...



2.3. Question 3: Proposed protection of Holy Cross College, 93 Church Street Mosgiel

Which of the two structures is intended to be protected? Is the wooden structure, the brick structure or both? Can the committee have a copy of COC-2024-14?

Answer to Question 3:

The notified 'protection required' in the 2GP for the former Holy Cross College (BX120) at 93 Church Street, Mosgiel is:

"Entire external building envelope of Burns Residence and associated residential wings, c.1901 chapel, dining room, and auditorium; Verdon Chapel; dormitory."

The heritage assessment for the site clarified that the Burns Residence is the "large two-storeyed timber villa", while the other structures are brick and tiled buildings¹. Therefore, all buildings on the site are proposed to be scheduled buildings. The aerial photo below shows the different parts of the buildings proposed to be protected (in red):

¹ Pages 3 & 4 of heritage assessment: [Heritage-Assessment-93-Church-Street.pdf](#)



A copy of COC-2024-14 has already been provided to the Panel². Appendix 1 of this certificate of compliance, reproduced below, shows that all buildings at 93 Church Street, Mosgiel, are proposed to be demolished, except for the Burns Residence. (Note this COC doesn't apply to the Vernon Chapel on 91 Church Street, which is subject to a separate certificate of compliance to undertake works on the roof).

Appendix One

The Part of Building to be retained on the site and not demolished is shown in red below.



² Refer to pages 63-74 of Attachment 2 of Officers response to Minute 3, here: [Officers-Memorandum-Response-to-Hearing-Panel-Minute-3 Attachment-2.pdf](#)

2.4. Question 4: What requirements are there for government agencies in relation to the Policy for Government Management of Cultural Heritage Places 2022³, particularly in relation to the FENZ and Ministry of Defence buildings added to the schedule through PC1?

Answer to Question 4: This policy is briefly discussed in page 42 of the s42A Report and applies to state sector organisations, which include both FENZ and the Ministry of Defence. The policy is addressed in more detail in the DCC Heritage Advisors' memo.

³ [Policy for Government's Management of its Cultural Heritage Places | 2022](#)

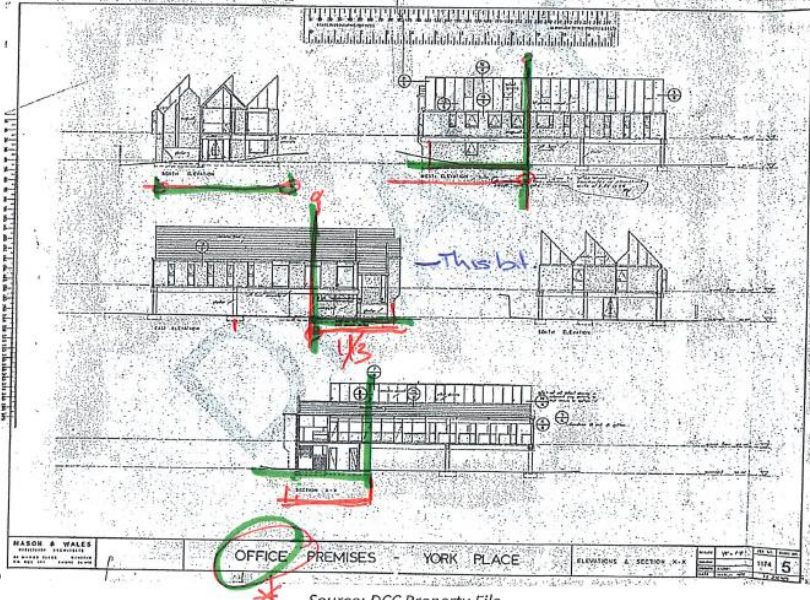
3. Section 42A Report writer's revised recommendations

The table below gives my amended recommendations after hearing submitter's written and verbal evidence provided at the Heritage Hearing held on 20th and 22nd May 2025.

Where there has been no change in the recommendation from the Section 42A Report the submitters are not mentioned in the table below and my recommendation in the Section 42A Report remains.

Building number, name, address	Submitter, who attended hearing, relief sought	Section 42A recommendation	Discussion & amended recommendation after hearing evidence
BX001- Former Anderson's Bay Presbyterian Church at 76 Silverton Street	Submitter Campbell Paton (S264.001) Rose Bergamin (S274.004) Brent Patterson (S249.001) on 29 May 2025 withdrew his submission Who attended hearing • Campbell Paton On behalf of Campbell Paton • Emma Peters - Solicitor • Bruce Chisholm, Civil & Structural Engineer Relief sought Remove building BX001 (Anderson's Bay	The assessment of benefits and costs in Appendix C has concluded that scheduling the church has a high overall benefit, but high additional costs of maintaining the building, and that once the COC for demolition of the church expires, the scheduling will impact on known development plans. Because of this, I consider that the benefits and costs of scheduling the church are finely balanced.	Discussion Evidence presented at the hearing included: • From Mr Chisholm, that the Anderson's Bay Presbyterian Church requires a new roof, new windows and window frames and replacement brickwork and plaster equivalent to the total renewal of the exterior of the building. • From Campbell Paton, that the cost of repairing the Church roof is 'north' of \$1 million plus GST, with the cost of earthquake strengthening likely to be \$1.5 million plus GST. Scaffolding for a 12-month period would be approximately \$150,000 plus GST. Mr Paton didn't provide evidence on the cost of repairing the exterior of the church. • From Emma Peters (paragraph 18 of her evidence): 1. <i>It is open to the Hearings Panel to accept the submission of Mr Paton and not schedule BX001 as a heritage building because of the following facts:</i> ○ <i>Based on Mr Chisholm's expert evidence that much of the exterior of BX001 requires renewal:</i> i. <i>The best categorisation of the condition of the exterior of BX001 is 'poor to failing'; and</i> ii. <i>The cost benefit analysis with respect to scheduling BX001 as a heritage building is in fact weighted to not doing so.</i> ○ <i>Mr Paton has obtained a certificate of compliance to demolish BX001 and intends to exercise his right to demolish BX001 prior to the lapse date of 27th March 2030.</i>

Building number, name, address	Submitter, who attended hearing, relief sought	Section 42A recommendation	Discussion & amended recommendation after hearing evidence
	Presbyterian Church (former)) at 76 Silverton Street from the schedule of protected heritage items and sites (S264.001)	No recommendation.	I agree with Ms Peters and find the evidence regarding the condition of the church compelling. I consider that the costs of scheduling the former Anderson's Bay Presbyterian Church outweigh the benefits, and it should not be scheduled as a heritage building. Amended Recommendation Accept submissions S264.001 and reject submissions S274.004 and FS9.001 and remove building BX001 (Anderson's Bay Presbyterian Church (former)) at 76 Silverton Street, from the schedule of protected heritage items and sites and from the 2GP Planning Maps.
BX014 – Mason & Wales Architects' Studio at 46 York Place	Submitter Mason & Wales Architects (Hamish Muir) - S293.001, S293.002 and S293.003. Who attended hearing Hamish Muir Relief sought Amend Rule 18.3.6.17 and Rule 18.3.6.18 as it applies to building BX014 (Mason & Wales Architects' Studio) at 46 York Place so that earthquake strengthening and all other additions and alterations (including signs) are a permitted	Reject submissions S293.001, S293.002 and S293.003. However, if the Hearing Panel is minded to accept submissions S293.001 and S293.002, possible amendments to the 2GP to facilitate this. Refer to pages 48 & 49 of the Section 42A Report.	Discussion Mr Muir discussed the history of Mason & Wales Architects in Dunedin, the construction and refurbishment of the building and his views of the scheduling of this building, including amendment of the 'protection required' to the building, which, as notified, is: <i>'Entire external building envelope excluding rear elevation.'</i> The amendment proposed by Mr Muir, tabled at the hearing, is shown below:

Building number, name, address	Submitter, who attended hearing, relief sought	Section 42A recommendation	Discussion & amended recommendation after hearing evidence
	activity when works undertaken are designed and coordinated by a registered architect, and with Mason & Wales Architects (S293.001 & S293.002) Amend the schedule of protected heritage items and sites as it relates to building BX014 (Mason & Wales Architects' Studio) at 46 York Place, so that the protection required excludes the east, west, and south elevations (S293.003)		 Mr Muir has also provided further plans to DCC, as shown below:

Building number, name, address	Submitter, who attended hearing, relief sought	Section 42A recommendation	Discussion & amended recommendation after hearing evidence
			Ground Floor Plan Upper Floor Plan East Elevation West Elevation North Elevation Proposed Protection No Protection The DCC Heritage Advisors, in consultation with Mr Muir, have recommended that the protection required be amended in accordance with these plans, to read: <i>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).</i>

Building number, name, address	Submitter, who attended hearing, relief sought	Section 42A recommendation	Discussion & amended recommendation after hearing evidence												
			After considering Mr Muir's evidence, I support the revision of the 'protection required', and the amendments to the 2GP outlined in the Section 42A Report, reproduced below. Amended Recommendation Accept submissions S293.001, S293.002 and S293.003 in part. 1. Amend the table of Scheduled Heritage Buildings, Appendix A1.1 Schedule of Protected Heritage Items and Sites, as follows: <table><tr><th>Site Number</th><th>Item/Building Name</th><th>Address</th><th>HNZPT Category</th><th>HNZPT List Number</th><th>Protection Required</th></tr><tr><td>BX014 {Change SHB3}</td><td>Mason & Wales Architects' Studio</td><td>46 York Place</td><td></td><td></td><td><u>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).</u> Entire external building envelope excluding rear elevation</td></tr></table> 2. I also support the amendments outlined in pages 48 and 49 of the Section 42A Report.	Site Number	Item/Building Name	Address	HNZPT Category	HNZPT List Number	Protection Required	BX014 {Change SHB3}	Mason & Wales Architects' Studio	46 York Place			<u>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).</u> Entire external building envelope excluding rear elevation
Site Number	Item/Building Name	Address	HNZPT Category	HNZPT List Number	Protection Required										
BX014 {Change SHB3}	Mason & Wales Architects' Studio	46 York Place			<u>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).</u> Entire external building envelope excluding rear elevation										
BX046 – Albert House	Submitter	Reject submissions S69.001 and S117.001.	Discussion Evidence tabled at the hearing about the former Albert House at 45 Beach Street, included:												

Building number, name, address	Submitter, who attended hearing, relief sought	Section 42A recommendation	Discussion & amended recommendation after hearing evidence
(former) at 45 Beach Street	Patersons (Jared Brensell) (S117.061) Who attended hearing Jared Brensell Relief sought Remove building BX046 (Albert House (former)) at 45 Beach Street, Saint Clair, from the schedule of protected heritage items and sites.		• a building report that concluded that the building has not been maintained for 20 years and has several significant issues. • a Dangerous and Insanitary Building Status report, which recommends that the building be demolished due to safety reasons. A certificate of compliance (COC-2024-15) was granted on 5 November 2024 for the demolition of all the buildings on the site. BlueSky (developers) intend to demolish the building and are working with Mason and Wales Architects on a concept design for the site. I find the evidence regarding the poor condition of the building compelling. The assessment of benefits and costs in Appendix C of the Section 42A Report has concluded that scheduling the house has a moderate overall benefit, high additional cost of maintaining the building and, once the COC expires, will impact on development plans. I consider that the costs of scheduling the former Albert House at 45 Beach Street, Saint Clair outweigh the benefits, and it should not be scheduled as a heritage building. Amended Recommendation Accept submissions S69.001 and S117.069. and remove building BX046 (Albert House (former)) at 45 Beach Street, Saint Clair, from the schedule of protected heritage items and sites and from the 2GP Planning Maps.
BX069 – Inglewood at 62 Queen Street	Submitter Terramark Limited (Darryl Sycamore) (S188.005) Who attended hearing Did not attend but, an email from Mr Sycamore was tabled Relief sought	The assessment of benefits and costs in Appendix C has concluded that scheduling the buildings will have a low overall benefit, moderate additional cost of maintaining the buildings and once the resource	Discussion The Hearing Panel asked if DCC officers could find out the owner’s intention with respect to the building (e.g. demolition or retention). An email from Mr Sycamore during the hearing (Response-to-question-from-the-Panel 62-Queen-Street.pdf) stated: <i>The applicants have indicated to me that the house needs significant maintenance work, so they are balancing up whether to retain the dwelling and spend the money or not.</i> <i>The Plan Change has expedited that discussion and in my client’s view, has forced their arm to make that decision which is why they obtained consent enabling the demolition and new dwelling.</i>

Building number, name, address	Submitter, who attended hearing, relief sought	Section 42A recommendation	Discussion & amended recommendation after hearing evidence
	Remove building BX069 (Inglewood) at 62 Queen Street from the schedule of protected heritage items and sites.	consent expires, if the building has not been demolished, it will impact on development plans. No recommendation.	<i>They don't want to demolish the house (and economically that may be the most prudent option), but they want to retain their options. Not scheduling the dwelling will increase its chances of being retained hence the submission which I urge the Panel to adopt.</i> The DCC Heritage Advisors consider that the building may likely meet the HNZPT Category 2 threshold (Group B) and the summary assessment of benefits in Appendix C of the s.42A Report has assessed that the building is only partly visible from a public place, and is not a landmark building or in a high traffic area. Overall, the benefits to the public of scheduling are assessed as low. The assessment of costs in Appendix C of the s42A Report concluded that the exterior of the building is in a fair/poor condition, the exterior materials/ design of the building will likely result in a higher impact on costs, with overall a moderate additional cost to the landowner as a result of scheduling. I consider that it would be a perverse outcome if scheduling this building encourages its demolition, and because scheduling is of low public benefit and moderate cost to the landowner, I consider it should not be scheduled as a heritage building. Amended Recommendation Accept submission S188.005 and remove building BX069 (Inglewood) at 62 Queen Street from the schedule of protected heritage items and sites and from the 2GP Planning Maps.
BX080- Archway Lecture Theatres at 290 Leith Street	Submitter University of Otago (S251.013) Who attended hearing On behalf of the University of Otago:	At this stage, I do not have enough information to make a recommendation. The relevant matters for the Panel to consider are whether the protection	Discussion There is disagreement between the DCC Heritage Advisors and Mr Butcher about the heritage significance of the Archway Theatres building. As I am not an expert, I provide no comment. The University is of a view that the Archway Theatres building is no longer fit for its education and research purpose and refurbishment of the building is not practicable and so

Building number, name, address	Submitter, who attended hearing, relief sought	Section 42A recommendation	Discussion & amended recommendation after hearing evidence
	- Mr Butcher, Heritage expert - Ms Carmen Taylor, Planner - Mr Alcock, developed the 2010 Campus Master Plan - Mr Roy, University Architect - Mr Robertson, University Vice-Chancellor - Mr Page, Counsel Relief sought Remove building BX080 (Archway Lecture Theatres) at 290 Leith Street from the schedule of protected heritage items and sites.	of the Archway Theatres is consistent with Objective 2.4.2 and Policy 2.4.2.1 (refer section 2.1.6), would also enable Objective 2.3.1 and Policy 2.3.1.6 to be achieved, or whether there is a conflict. The University of Otago is clearly of the view that there is a conflict between these objectives and policies.	its scheduling and resulting retention will constrain their ability to operate efficiently and effectively. I accept Mr Alcock, Mr Roy, Mr Robertson and Ms Taylor's evidence in this regard. I also consider that the University of Otago's evidence indicates that the costs to the University of scheduling the building could be high instead of moderate as indicated in the assessment of benefits and costs in Appendix C of the Section 42A Report. This is particularly because the Archway Theatres building is projected to become redundant within the next two to three years, and after that, remain unused⁴. Therefore, I consider that the costs of scheduling the Archway Theatres building outweigh the benefits, and it should not be scheduled as a heritage building. Amended Recommendation Accept University of Otago submission S251.013. Remove building BX080 (Archway Lecture Theatres) at 290 Leith Street from the schedule of protected heritage items and sites and the 2GP Planning Maps.
BX117- Lookout Point Fire Station at	Submitter Fire and Emergency New Zealand (FENZ) (S257.001)	Reject submission S257.001.	Discussion The purpose of the RMA (section 5) is the sustainable management of natural and physical resources, in a way that enables people and communities to provide for their health and safety. I consider that enabling provision of a fit-for-purpose fire station is of importance in

⁴ Paragraph 20, page 7 of Mr Roy's evidence

Building number, name, address	Submitter, who attended hearing, relief sought	Section 42A recommendation	Discussion & amended recommendation after hearing evidence
184 Mornington Road, Kenmure.	Who attended hearing • Kurt Bowen (Planner) • Stephen Hill (FENZ) Relief sought Remove BX117 – Lookout Point Fire Station at 182 and 184 Mornington Road, Kenmure	Amend the table of Scheduled Heritage Buildings, Appendix A1.1 Schedule of Protected Heritage Items and Sites to remove 182 Mornington Road	achieving this outcome. Scheduling 184 Mornington Road as a heritage building may 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. Amended Recommendation Accept Fire and Emergency New Zealand submission S257.001. Remove building BX117 (Lookout Point Fire Station) at 184 Mornington Road from the schedule of protected heritage items and sites and from the 2GP Planning Maps.