

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

Decision No. [2026] NZEnvC 71

IN THE MATTER

of the Resource Management Act 1991

AND

an appeal clause 14 of the First
Schedule to the Act

BETWEEN

HEALTH NEW ZEALAND – TE
WHATU ORA

(ENV-2025-CHC-70)

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: 9 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 amendment of the Second Generation
Dunedin District Plan to delete the former Dunedin Hospital
Administration Block (reference BX055) from Appendix 1.1 to the

¹ Resource Management Act 1991.



Second Generation Dunedin District Plan; 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 Health New Zealand – Te Whatu Ora (Health NZ) against parts of the Stage 1 decision of the Dunedin City Council (DCC) on Plan Change 1 to the partially operative Second Generation Dunedin District Plan (2GP).

[2] Health NZ appealed the decision to include the former Dunedin Hospital Administration Block (DHAB) (reference BX055) in Appendix A1.1 Schedule of Protected Heritage Items and Sites of the 2GP (Heritage Schedule).

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

Background

[4] Prior to DCC's decisions on Plan Change 1, Health NZ's planning witness and (then) legal counsel advised DCC that the Dunedin Hospital zone does not include a rule triggering a consent for activities affecting a heritage listed building in this zone.

[5] Plan Change 2 (Review of heritage provisions and design of multi-unit development (PC-2024-2)), which included amendments to address this gap, was initiated by DCC on 20 August 2024 and was planned to be notified in 2025. This work has however been suspended due to the "Plan Stop" provisions, in the Resource Management (Consenting and Other System Changes) Amendment Act

2025.

[6] DCC is now unable to notify any further plan changes before 31 December 2027. Therefore, even if the former DHAB is listed in the Heritage Schedule, there is no ability to add a rule triggering the requirement for a resource consent to demolish or materially alter the building.

Agreement reached

[7] DCC advised that it recognises that in the absence of a rule framework that requires resource consent for activities that affect heritage listed buildings in the Dunedin Hospital zone, listing a building in this zone in the Heritage Schedule would not serve any Resource Management purpose.

[8] DCC therefore has concluded that if the former DHAB is to be listed on the Heritage Schedule this should be initiated in parallel with a change to the Dunedin Hospital zone rules to introduce a rule framework for activities that affect heritage listed buildings.

[9] DCC therefore consents to Health NZ's appeal.

Consideration

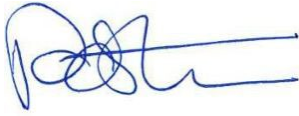
[10] I have read and considered the consent memorandum of the parties dated 14 January 2026 which proposes to resolve the appeal.

[11] 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

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

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

