

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

Decision No. [2026] NZEnvC 70

IN THE MATTER

of the Resource Management Act 1991

AND

an appeal under clause 14 of the First
Schedule to the Act

BETWEEN

UNIVERSITY OF OTAGO

(ENV-2025-CHC-53)

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 Archway Lecture Theatres from Appendix A1.1 to the Second Generation Dunedin District Plan; and
- (2) the appeal is otherwise dismissed.

¹ Resource Management Act 1991.



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

REASONS

Introduction

[1] This proceeding concerns an appeal by the University of Otago (UO) 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] The UO appealed the decision to include the Archway Lecture Theatres (ALT) (reference BX080) 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.

Agreement reached

[4] DCC met with representatives from UO in October 2025 for an informal discussion regarding the appeal.

[5] Following discussions, DCC has further considered UO's evidence that the ALT are no longer fit-for-purpose for modern teaching methods being employed by UO.

[6] The parties advise that the heritage values claimed for the ALT are in dispute between the parties. Despite that dispute, the parties have agreed that the appeal can be resolved by consent.

Section 32AA evaluation

[7] The rationale for this change to the Heritage Schedule, and the assessment

of the change in terms of ss 32 and 32AA RMA, are explained in the affidavit of Mr Peter Rawson,² DCC's senior policy planner.

[8] In summary, the evaluation concludes that removing the ALT from the Heritage Schedule is the most appropriate option because:

- (a) UO possesses a significant portfolio of heritage, including buildings, structures, landscapes and sites, which helps to achieve Objective 2.4.2.;
- (b) scheduling and retention of the ALT constrain the ability for the effective and efficient operation of the University for tertiary education and research facilities, and therefore, it will be more difficult for Objective 2.3.1(b) to be achieved;
- (c) the ALT being unused within the next two to three years is contrary to the 'maintenance and active use of built heritage' part of Objective 2.4.2; and
- (d) UO's proposal to replace the ALT with a formal garden space connecting the adjacent CAPS building with Union Street and the Gothic heritage buildings of the Clocktower heritage site, will enhance the amenity of the surrounding area. The removal of a building that is no longer fit for purpose will also help to achieve Objective 2.3.1(b).

[9] For these reasons, Mr Rawson considers that in this instance, achieving Objective 2.3.1(b) so that UO is able to operate efficiently and effectively, outweighs the public benefits under Objective 2.4.2 of scheduling the ALT as a heritage building, and accordingly, the ALT should be removed from the Heritage Schedule.

Consideration

[10] I have read and considered the consent memorandum of the parties dated

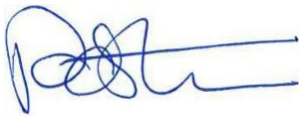
² Affirmed 22 December 2025.

17 December 2025 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