

**From:** [Janet Leong](#)  
**To:** [REDACTED]  
**Cc:** [lgoima](#)  
**Subject:** Resource Consent for St Clair beach LGOIMA 622628  
**Date:** Tuesday, 17 October 2017 09:59:48 a.m.

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Jacob Stevenson

[REDACTED]

Dear Jacob

You requested for 'a copy of a resource consent regarding St Clair beach. Preferably the consent on partial demolition of a structure located within a townscape precinct (remnant wall of St Clair Pavilion), 26 March 2013.'

Please find attached 3 documents consisting of the Application, the Urban Designers Comments and the Decision. These files are available for you to download until 31 October 2017 when the link will expire.

Kind Regards

Janet Leong

Photocopier and Clerical Assistant

Dunedin City Council

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[REDACTED]

[REDACTED]

[REDACTED]



# Memorandum

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**TO:** Karen Bain, Planner

**FROM:** Peter Christos, Urban Designer

**DATE:** 720March 2013

**SUBJECT** **LAND USE CONSENT LUC-2013-69: 16 ESPLANADE,  
DUNEDIN**

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Hello Karen,

The remnants of the Pavilion wall are in a very poor state of repair and have already been identified in the past as being dangerous and in need of repair/demolition (CARS have previously investigated similar work to the wall). The plaster and mortar have deteriorated to the point where bricks are becoming dislodged. The photographs attached to this consent also show proof of the poor condition of the wall. Furthermore, the wall detracts from the general amenity values of the esplanade.

I believe the proposed works will not only physically strengthen the structure but will also create better opportunities to strengthen connections between the Esplanade and the park behind the wall that fronts Bedford Street.

Importantly, the proposal does not call for excavation of the sub surface. This site is known to have likely important artefacts as was discovered during the construction of the Esplanade Hotel.

I believe this proposal will have positive effects on amenity values, is an appropriately light approach to restoration of the wall and, most importantly, will remove the real threat of injury from falling plaster and bricks.

Peter Christos  
**CITY  
DEVELOPMENT**

26 March 2013

DCC Parks and Recreation Services Department  
C/- Mr Nick Bollen  
City Property  
P O Box 5045  
Dunedin 9058

Dear Nick

**RESOURCE CONSENT APPLICATION LUC-2013-69: 16 ESPLANADE, DUNEDIN**

Your application for resource consent for partial demolition of a structure that is located within a townscape precinct was processed on a non-notified basis in accordance with Sections 95A to 95F of the Resource Management Act 1991. The application was considered by a senior planner under delegated authority on 26 March 2013.

The Council has **granted** consent to the application, with one condition. The report underpinning the decision is outlined below, and the decision certificate, which includes details of the consent condition, is attached to this letter.

**DESCRIPTION OF ACTIVITY**

The application seeks resource consent to partially demolish the walls between the public car parking area that is elevated above the St Clair Esplanade and the Council reserve to the north-west of the parking area (the reserve fronts onto Bedford Street). The walls are remnants of the St Clair pavilion (demolished in the 1960s) and the application seeks to demolish them to the sill level of the existing openings in the walls.

The subject site is legally described as Lot 15-17, Part Lot 7-10 and Part Lot 18 Block I Deposited Plan 208, held in Computer Freehold Register OT8C/1398; and has an area of 4294m<sup>2</sup>.

**REASONS FOR APPLICATION**

The subject site is zoned **Local Activity 2** in the Dunedin City District Plan, and is located within the **St Clair Esplanade Townscape Precinct (TH17)**.

The removal or demolition of buildings or parts of buildings located within townscape and heritage precincts other than those listed in Schedule 25.1 is a **restricted discretionary activity** pursuant to District Plan Rule 13.7.3(iii). The Council's discretion is limited to the effect of the removal or demolition on townscape and heritage values.

**PLANNING ASSESSMENT**

**Affected Persons**

No written approvals from affected persons were included with the application. No person or party is considered to be adversely affected by the proposal, for the reasons outlined below in the section headed 'Effects on the Environment'.

## Effects on the Environment

The following assessment of effects on the environment has been carried out in accordance with Section 104(1) of the Resource Management Act 1991. It addresses those assessment matters listed in Section 13.7.3 of the District Plan considered relevant to the proposed activity, and is carried out on the basis that the environment comprises a blend of recreational, residential and commercial activities in a prominent and popular seaside setting.

Any actual or potential effects on the environment of allowing this proposal to proceed will be no more than minor for the reasons set out below.

1. The precinct values the Plan seeks to maintain are:

- *A strong street edge defined by buildings particularly along the Esplanade and Forbury Road.*
- *Buildings shall present a positive scale relationship with pedestrians along the street frontage. This is reflected in the Local Activity 2 Zone with an 8m maximum building height imposed on the front boundary.*
- *The street elevations of buildings shall enhance the public character of the area and may incorporate the use of balconies and extensive use of window glazing (particularly orientated towards the sea).*
- *New building frontages should be visually interesting and integrate human scale elements to enhance the pedestrian character of the area.*
- *Large walls of new buildings shall be visually subdivided into smaller elements or distinguishable modules.*
- *Carparking or vehicle access at ground level of new buildings should not dominate the street frontage. This is reflected in the Local Activity 2 Zone with restrictions on maximum width of a vehicle crossing and the location of uncovered parking areas.*
- *Signs shall not dominate building facades and shall not be easily visible from the beach and surrounding residential area.*

The application suggests that the walls are in a state of disrepair and attract graffiti, and as such that demolition of those parts of the walls that are in the worst condition will tidy the appearance of the area. It notes that while they are of some historical significance, the walls are not recognisable as part of the old St Clair pavilion, and that the proposed demolition will have no adverse effect on the precinct values identified for the St Clair Esplanade Townscape Precinct.

I concur with the applicant's effects assessment and consider that the above values will be unaffected by the proposed partial demolition.

2. The precinct description for the St Clair Esplanade Townscape Precinct notes:

...

*The beach and Esplanade area at St Clair have been one of the most popular recreational areas for Dunedin residents since the late nineteenth century. Today the area blends recreational pursuits with residential activities and compatible commercial activities. The Esplanade itself continues to provide an important pedestrian experience and is complemented by the amenities of the Salt Water Pool and reserves that are part of the Ocean Beach Domain, which extends along the coast towards St Kilda.*

*The character of the St Clair Esplanade Precinct relies upon the adjacent beach and coastal environment and the response of buildings and people to this environment. This has created a unique environment with an*

*urban character and a strong recreational dimension that is of high public significance within the City attracting people to enjoy the seaside experience. The quality of the townscape can be enhanced through buildings that make a positive contribution to the values in the precinct.*

*The precinct contains a variety of existing buildings with some contributing more to the townscape character than others. ...*

*The St Clair Esplanade Townscape Precinct provides an opportunity for enhancement of the townscape character in a manner that maintains the unique environment.*

The application was referred to the DCC urban designer, who has assessed the proposal against the assessment values set out in the Townscape Section of the Plan and commented as follows:

*The remnants of the Pavilion wall are in a very poor state of repair and have already been identified in the past as being dangerous and in need of repair/demolition (CARS have previously investigated similar work to the wall). The plaster and mortar have deteriorated to the point where bricks are becoming dislodged. The photographs attached to this consent also show proof of the poor condition of the wall. Furthermore, the wall detracts from the general amenity values of the Esplanade.*

*I believe the proposed works will not only physically strengthen the structure but will also create better opportunities to strengthen connections between the Esplanade and the park behind the wall that fronts Bedford Street.*

*Importantly, the proposal does not call for excavation of the sub surface. This site is known to have likely important artefacts as was discovered during the construction of the Esplanade Hotel.*

*I believe this proposal will have positive effects on amenity values, is an appropriately light approach to restoration of the wall and, most importantly, will remove the real threat of injury from falling plaster and bricks.*

Taking the advice of the urban designer into account, it is my view that while demolition of heritage or townscape structures might raise issues of public interest, in this case, the dubious structural condition of the wall is such that its partial demolition is deemed necessary as a matter of public safety. Furthermore, the proposal involves a structure which is not listed in Schedule 25.1.

I concur with the views expressed in the application and by the urban designer, and consider that overall the proposal will have a positive effect on the townscape values of this precinct.

### **CONSENT DECISION**

*That, pursuant to Sections 34A(1), 104 and 104C of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **discretionary (restricted)** activity being the partial demolition of a structure located within a townscape precinct, at 16 Esplanade, Dunedin, legally described as Lot 15-17, Part Lot 7-10 and Part Lot 18 Block I Deposited Plan 208 (Computer Freehold Register OT8C/1398), **subject to** the condition imposed under Section 108 of the Act, as shown on the attached certificate.*

## **REASONS**

### **Effects**

In accordance with Section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activities have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor.

### **District Plan – Objectives and Policies**

In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the District Plan were taken into account when assessing the application. The proposal is considered to be consistent with the following objectives and policies:

- **Objective 4.2.1 and Policy 4.3.1 (Sustainability Section)** that seek to enhance and maintain the amenity values of the Dunedin area.
- **Objective 13.2.5 and Policies 13.3.4 and 13.3.5 (Townscape Section)** which seek to ensure that the character of significant townscape and heritage precincts is maintained or enhanced.
- **Policy 13.3.6 (Townscape Section)** which seeks to avoid the demolition of buildings and other structures of townscape or heritage value.
- **Objective 13.2.6 and Policy 13.3.9 (Townscape Section)** which seek to ensure that development (including alterations and additions to buildings) does not adversely affect the character and amenity of the central City precincts.

The proposal is also considered to be consistent with the precinct values of Section 13.5.7, for the reasons outlined under the heading 'Effects on the Environment' above.

### **RIGHTS OF OBJECTION**

In accordance with Section 357A of the Resource Management Act 1991, the consent holder may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

Senior Planner - Enquiries  
Dunedin City Council  
PO Box 5045  
Moray Place  
Dunedin 9058

Yours faithfully

Karen Bain  
**Planner**

**CONSENT TYPE:** Land Use

**CONSENT NUMBER:** LUC-2013-69

**LAPSE DATE:** 26 March 2018, unless the consent has been given effect to before this date.

**LAND USE CONSENT LUC-2013-65:**

*That, pursuant to Sections 34A(1), 104 and 104C of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **discretionary (restricted)** activity being the partial demolition of a structure located within a townscape precinct, at 16 Esplanade, Dunedin, legally described as Lot 15-17, Part Lot 7-10 and Part Lot 18 Block I Deposited Plan 208 (Computer Freehold Register OT8C/1398), **subject to** the condition imposed under Section 108 of the Act, as shown below.*

Condition

- 1 *The proposed activity shall be undertaken in general accordance with the information and plans provided with the resource consent application received by the Council on 26 February 2013, and with the approved plans attached as Appendix 1.*

**Advice Notes:**

- 1 In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through Sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
- 2 A resource consent is pertinent to the property to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
- 3 The lapse period specified above may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
- 4 It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.

Issued at Dunedin on 26 March 2013

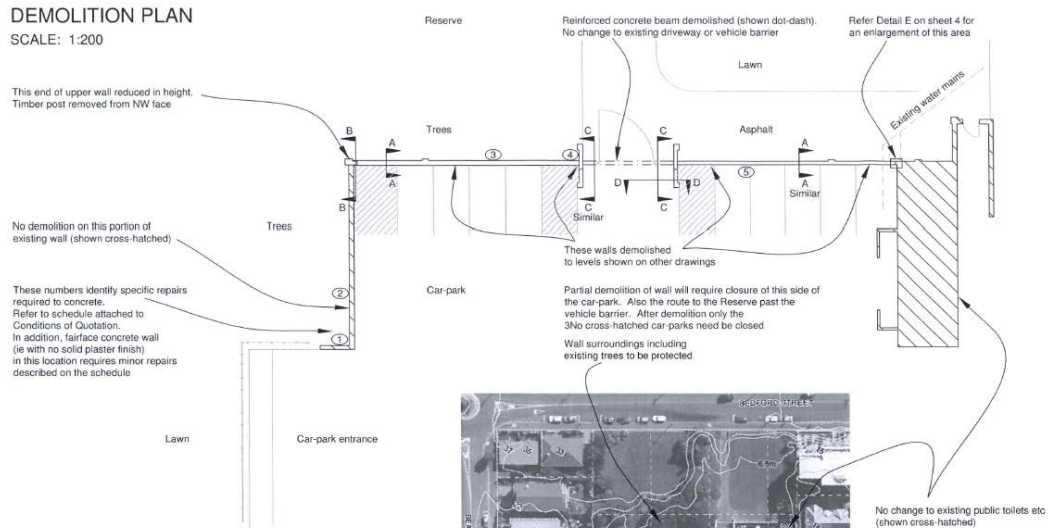
Karen Bain  
**Planner**



## Appendix 1: Copy of Approved Plans for LUC-2013-69: (Scanned images, not to scale)

### DEMOLITION PLAN

SCALE: 1:200



16 The Esplanade, St Clair

LOTS 15-17, PT LOTS 7-10 and 18,  
BLK 1 DP 208  
VALUATION NO 27380-19800  
PROPERTY OWNER : DCC Parks and Recreation Services



LOCATION PLAN  
SCALE: 1:1000

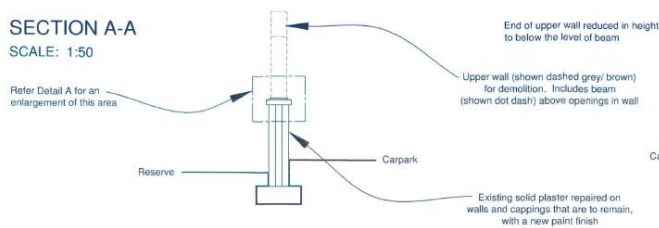
DCC RESERVES  
Esplanade-AlterCarParkWalls.dwg  
Refer: Nick/Other  
Scale: As shown

CITY PROPERTY  
25 February 2013  
Sheet: 1 (of 4)  
For Consent



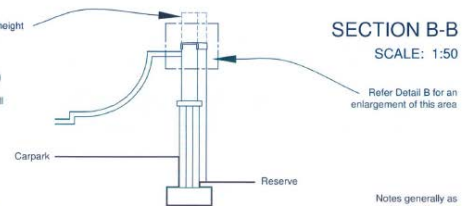
### SECTION A-A

SCALE: 1:50



### SECTION B-B

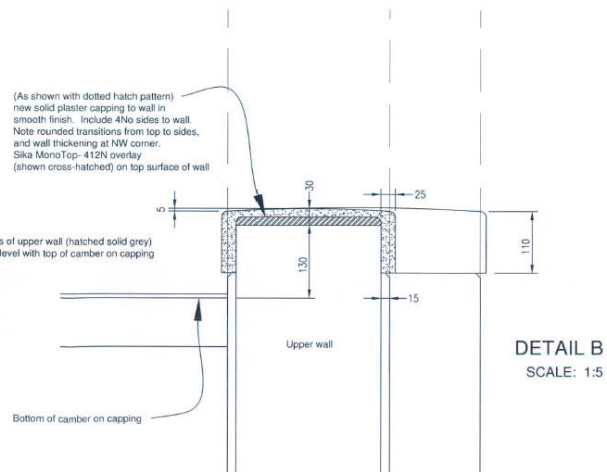
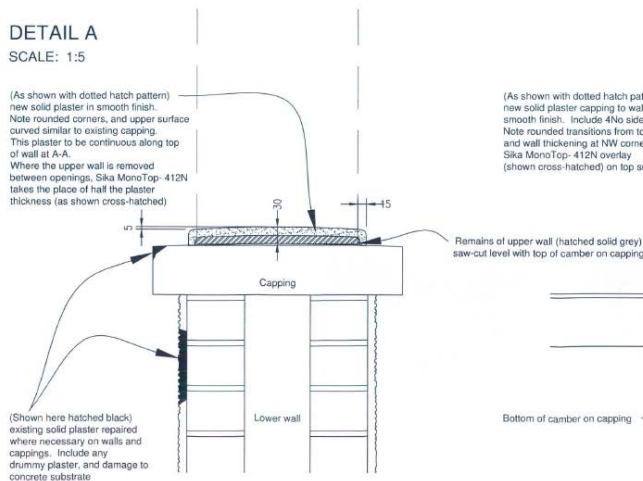
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Notes generally as Section A-A

### DETAIL A

SCALE: 1:5



DETAIL B  
SCALE: 1:5

DCC RESERVES  
Esplanade-AlterCarParkWalls.dwg  
Refer: Nick/Other  
Scale: As shown

CITY PROPERTY  
25 February 2013  
Sheet: 2 (of 4)  
For Consent



