

**BEFORE THE GORE DISTRICT  
COUNCIL HEARING PANEL**

**UNDER** The Resource Management  
Act 1991

**IN THE MATTER OF** An Application by J D Phillips

**TO** **DEMOLISH A SCHEDULED  
HERITAGE STRUCTURE**

**IN ORDER TO** **BUILD AND OPERATE A  
COMMERCIAL BUILDING**  
with less than the District Plan  
requirement for car parking

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**SUBMISSIONS ON BEHALF OF APPLICANT**

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## **INTRODUCTION**

1. This is an application to demolish a scheduled heritage structure at 128 Main Street, Gore and to establish a new commercial building on the site.
2. The application prepared by William J Watt Consulting Limited is supported by a detailed Seismic Assessment prepared by GM Designs dated 31 May 2013 and a later Seismic Assessment Report that was prepared for the Gore District Council dated 17 September 2015. Indicative plans and elevations of the proposed new building and a building cost analysis by Ballantyne Quantity Surveying Services Limited has also been provided.
3. Evidence in support of the application will be given by William Watt and Shari Kay-Smith. Ms Smith is the Applicant's property manager and New Zealand representative. Dr Phillips resides in the USA and is not able to be at the hearing today in person.

## **ACTIVITY STATUS**

4. The Reporting Officer at page 3 of her Report records that there are four aspects of the application which determine the activity status as being discretionary, three of those aspects relate to the proposed new building. The principle consent is the demolition of the existing building. Demolition of a scheduled heritage structure (H13) is a discretionary activity pursuant to Rule 2.5.9.
5. The Reporting Officer has undertaken a thorough analysis of the planning framework, statutory considerations and an assessment of affects and has recommended that the application be declined for three reasons:
  - 5.1 An apparent conflict of in the Engineering Reports
  - 5.2 Insufficient information provided to adequately assess the effects of the proposal on heritage and townscape values

- 5.3 The potential for an undesirable precedent to be set if the possibility of demolition by neglect is not extinguished
6. With respect, it is submitted that the Reporting Officer has been driven to a negative recommendation based on an unduly restrictive assessment of relevant information.
  7. It is to be remembered that the demolition of the structure is a discretionary activity. As such, the Applicant is entitled to have the application considered on its own merits. The exercise of the discretionary judgement to grant or refuse consent under section 104 is to serve the purpose of the Act of sustainable management of natural and physical resources.
  8. If the Hearing Panel asks the question as to whether or not the sustainable management purpose of the Act is better met by the grant of the application or its refusal, then in my submission the answer is clear cut. The grant of the application will better serve the sustainable management purpose of the Act than its refusal - and by some margin.
  9. The building has been unused since September 2012, nearly 8 years. Movement in the exterior brickwork is clearly evident. The Engineering Assessment by GM Designs carried out for Dr Phillips concluded that the building is 20% NBS and that there was no economically practical action for its repair.
  10. A second report by Stevenson Brown Limited commissioned by the Gore District Council concluded that the building was less than 20% NBS.
  11. The building is earthquake prone, that status will not have changed since the preparation of the reports.

12. The cost of strengthening the building is approximately \$485,000. It is not economically viable to spend this amount on the existing building for reasons that Mr Watt will explain.
13. The alternative to demolition or strengthening is to do nothing. The buildings inevitable continued deterioration and decay will eventually outweigh any value ascribed by the public to heritage associated with the building.
14. It is wrong for the Reporting Officer to say that there is insufficient information to adequately assess the effects of the proposal on heritage and townscape values. The Council included the building in the Heritage Structures Schedule and noted the reasons for doing so. These are set out on page 8 of the section 42A Report. If anything more was known about its heritage value it is certain that Council would have uncovered it.
15. The suggestion that somehow precedent effect should preclude the grant of this application is also, with respect, not correct. One of the features of an application for a discretionary activity is that the application must be dealt with on its own merits. There is no precedent created. In some cases heritage features can be preserved through some economically viable adaptive reuse of a structure. In the present case, this cannot be achieved.
16. The Applicant has already demonstrated a commitment to conserving heritage and so the position that he has come to in respect to this building is not been without careful consideration.
17. It is respectfully submitted that the sustainable management purpose of the Act is better achieved by the grant of this application.

R T Chapman  
Solicitor for the Applicant