

# RMA Section 42A Report

## 1 Irk Street, Gore



**Reference:** LU 2016/204

**Location:** 1 Irk Street, Gore

**Legal Description:** Lot 1 Deposited Plan 589 contained within Computer Freehold Register SL12A/697

**Applicant:** GTM Development Limited

**Description:** Demolish a scheduled heritage structure, known as the former Methodist Church, and for the quantum of onsite car parking associated with the redevelopment of the site.



**RURAL CITY LIVING**

# Report

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**Our Ref:** LU 2016/204

**Inquiries to:** Rosie Given

**To:** Hearing Panel

**From:** Rosie Given – Resource Management Planner

**Date:** 27 May 2016

**Subject:** Resource Consent - 1 Irk Street - to demolish a scheduled heritage structure and for the lack of onsite car parking associated with the redevelopment of the site.

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## **1. Introduction**

- 1.1 This report has been prepared by Rosie Given, Resource Management Planner at the Gore District Council on the basis of the information available at the time of writing this report. This information includes the resource consent application lodged, additional information submitted by the applicant in response to the request from the Council, submissions lodged to it and the reports from the Council staff and advisers. The report is for the specific purpose of assisting the Hearing Panel (“the Panel”) in their deliberations and highlights the matters that are considered to be relevant in making a decision on the application.
- 1.2 In making a decision on the application (attached as Appendix 1), the Panel are required to have regard to the application, the submissions lodged, material presented at the hearing and various provisions of the Resource Management Act 1991 (“the RMA”). The comments and recommendations contained in this report are only for the guidance of the Panel. The Panel is not bound by any comments or recommendations in this report.
- 1.3 This application relates to the land at 1 Irk Street, Gore owned by GTM Developments Limited which the applicant purchased on 1 February 2016. The legal description of the site is Lot 1 Deposited Plan 589, containing 1,475 square metres more or less as described in Computer Freehold Register SL12A/697.
- 1.4 Attached to this report are the following appendices:
  1. The application,
  2. Further information submitted by the applicant on 9 May 2016,

3. The submissions lodged
4. Reports received from the Council staff and advisers,
5. Relevant provisions of the Resource Management Act.

## **2. Background**

- 2.1 The site is zoned Commercial and has an area of 1,475 square metres. The site consists of the church building, a hall, and playground which has been available for public use. The church building is a scheduled heritage structure under the Gore District Plan (District Plan)
- 2.2 The church building was first listed in 1987 in table 10 of the Transitional District Plan (Gore Borough District Scheme). This was identified as a place of local significance and interest, and was considered as being worthy of protection from any changes that were incompatible with its historic values. The transitional District Plan remained in force until the current District Plan was made operative in 2006.
- 2.3 When the current District Plan was proposed in 2002 the list of scheduled heritage structures was reduced to include only five buildings. These buildings were limited to those listed by the Heritage New Zealand (formally known as New Zealand Historic Places Trust) as Category 2 structures.
- 2.4 In 2005 the Council notified a Variation to the proposed District Plan where 16 heritage structures were added to the District Plan. The building owners at the time (Parare Trust) specifically requested that the church building be retained on the Scheduled Heritage Structures Register in the District Plan. Following assessment of the values of the building and its history the Council agreed to that request.
- 2.5 Through this process the building became listed in the Gore District Plan as the Former Gore Methodist Church H17. The entire structure, excluding the adjacent hall building to the south, is subject to protection under the District Plan. While it is permitted to undertake any repairs or maintenance of the building, any change to the external appearance of the building or demolition requires approval of a resource consent under Rule 2.5.9 which is set out in paragraph 3.24 below.
- 2.6 The Parare Trust (Trust) purchased the property in 1999. The Trust sought advice from Council staff and undertook consultation with Heritage New Zealand in an attempt to secure a meaningful future for the church building. In June 2014 the Trust sought rates remission for the property from the Council while they undertook this process. The Council approved the remission of the water, sewerage and solid waste rates for a period of 12 months. This was in the amount of \$805.42.
- 2.7 The Trust lodged a resource consent application on 17 March 2015 for the demolition of the church. This application was returned under section 88(3) of the RMA as it was incomplete and did not provide the information required by the District Plan to be included in a resource consent application. The applicant did not resubmit the application.

- 2.8 The site has since been sold to GTM Developments Limited. That company has now applied for this resource consent.

#### Site and building history

- 2.9 Information supplied by Jim Geddes the Council's District Curator, Arts and Heritage sets out the site history as follows:

*By 1903 it was decided that the original Gore Methodist Church in Mersey Street (next to St Mary's Hall) was too small for the growing town and congregation. It had opened on the 4<sup>th</sup> May 1884 and was built for a cost of 214 pounds – financed with 'pew rents' - and debt finally paid off in 1891.*

*The church membership had increased to 72 by 1903 and popular evening services were beginning to be held in the Town Hall – as more people could be accommodated there than the original church.*

*The present half acre site on the corner of Irk and Fairfield Streets was purchased from Mrs W. Douglas in 1907 for the sum of 750 pounds. A series of successful efforts were made over the next 18 months to raise funds to finance a building project and tenders were called in 1908 for the construction of a new church – with the estimated cost being 1200 pounds.*

*The final tender from Mr Owen Kelly was accepted – his price being 1149 pounds and 10 pence. The old church building was subsequently sold for 300 pounds to Mrs R.L. Christie in July 1909.*

*The foundation stone for the new church was laid on 17<sup>th</sup> February 1909 by the Rt. Hon G. Fowds (Minister of Education) and the official opening was celebrated on 6<sup>th</sup> June 1909 with Rev. W. Slade officiating. A short time later the church was damaged by floodwaters in the 'Great Flood' of 1913.*

*The architect was E.R. Wilson of Invercargill and the main body of the church measured 50 feet by 30 feet – with a gradual raking of the floor towards the southern end of the building which was occupied by the pulpit and an area for the church choir. Behind the south wall was a vestry measuring 18 feet by 8 feet. The south wall was designed to be temporary in character so that it could accommodate any extension - when funds permitted.*

*The last Methodist service was held on 23<sup>rd</sup> December 1990. The building later leased and served as a place of worship for the Apostolic Church – followed by the Gore Bible Church.*

*"Sue Wilson 2002 (various sources)"*

### **3. The Application and its Processing**

#### **The Proposal**

- 3.1 The Council has received a resource consent application from GTM Development Limited seeking approval to demolish a scheduled heritage structure (H17) known in the District Plan as the former Gore Methodist Church which is located at 1 Irk Street, Gore. It is proposed to demolish and replace the church with a two storey commercial building incorporating offices and a café. Consent is also required for the proposed building because of the non-compliance with the District Plan parking requirements.
- 3.2 To allow for the redevelopment, the hall, to the south of the church will be demolished and the playground area to the east of the church will be decommissioned. The hall is not a scheduled heritage structure and the playground was only ever established on a temporary lease basis to the Gore

District Council. A community group donated the playground equipment and the Council maintained the whole site during the lease period. This included the planting and maintaining of rose gardens on the site.

- 3.3 The demolition will enable a two storey commercial building to be erected which will cater for multiple tenancies which at this stage include offices and a café.
- 3.4 The application states that the demolition of the church will commence by removing fittings and fixtures which can be recycled where they are in good condition. It is proposed that the clean fill from the site will be taken away and used mainly on farms at gate ways. The demolition will take approximately 10 working days.
- 3.5 Where materials are in good condition for reuse, the applicant has advised they are willing to store and make these available for use elsewhere. These include wall panelling, mouldings, flooring, timber trusses, leadlight windows and the bricks from the building. The applicant has already returned a silver cross back to the family who gifted it to the church and the communion table has been donated to the St Andrews Presbyterian Church. Other items of church furniture can be donated if they are wanted for use.
- 3.6 It is proposed to incorporate the foundation stone reading 1909, and the cross from the roof as a feature into the new building. This is proposed to be done by inseting these into the new building with resin. A wall display will be created in the foyer of the new building incorporating features of the church building. This display has not yet been designed.
- 3.7 Other furnishings such as wood, cast iron vents, furniture and the doors from the church will be offered to the owner/operators of the Café for the use to create a heritage theme if desired.
- 3.8 Off street car parking will be provided on the site to the south of the building which will be accessed off Fairfield Street via a 4.25 metre wide access way. 15 car parks have been provided on site for the development.

#### **Reports Received by Council Staff and Advisors**

- 3.9 Reports received from Council staff and advisers are attached in Appendix 4. The following provides a summary of those reports.
- 3.10 The Council's 3 Waters Assets Office has commented on the availability of infrastructure to the site, noting that the design standards are required to comply with the Gore District Council Subdivision and Land Development Bylaw 2011.
- 3.11 The Council's Building Control Manager has commented that he has no objection to the demolition occurring as exempt work under the Building Act 2004 but the owner can apply for a PIM or Building Consent if they wish.
- 3.12 The Council's Parks and Recreation Manager has recommended that a financial contribution for development for reserves purposes be applied.
- 3.13 The Council's District Curator Arts and Heritage has provided details of the

history of the site and the various seismic assessments undertaken. It is his view that doubts about the seismic integrity of the heritage building in general, coupled with the Hardcourts “CBD Development Site” marketing, compromised any realistic option for the adaptive re-use of the former Gore Methodist Church. Mr Geddes highlights examples of other buildings where the Council has worked with owners to retain heritage values and expresses concern at the precedent set if this application is approved.

- 3.14 MWH have commented on the application from a roading perspective and provided an assessment of the parking demand for the proposal, details of a parking survey undertaken by Council staff and its implications. An assessment is also provided of the access to the site and layout of parking proposed. These matters are considered in more detail in section 4 below.

### **Processing the Consent**

- 3.15 At the request of the applicant the resource consent was publicly notified. Eight submissions were received. Three in support, three neutral and two in opposition to parts of the application. Below is a summary of the submissions, with a full copy of the submissions attached in Appendix 3. My comments on each are as follows:

#### Submissions in Support of the Application

- 3.16 Hamish Weir does not wish to be heard. He comments:
- The proposal is consistent with the Regional Development Strategy.
  - A new building that provides a healthy environment to work in, provides modern services, and is resistant to earthquake damage is supported.
  - The church building appears of a similar construction to those damaged in the Canterbury earthquakes.
- 3.17 Mrs RL Rickard Johnston does not wish to be heard. She comments:
- The new building will accommodate future growth and provide a service that is lacking in Gore.
  - Strengths, Weakness, Opportunities and Threats analysis sets out ideas and options that could be incorporated into the new build which would enhance the building design and retention of the heritage value of the church building.
- 3.18 Chanel Purser does not wish to be heard. She comments:
- The new building will be good for the Central Business District (CBD) and fill a void for the lack of office space.
  - The Café will increase foot traffic which will help other businesses.

### Submissions Neutral to the Application

3.19 Clark Fortune McDonald and Associates wishes to be heard. A summary of its submission is as follows:

- The Council needs to prioritise its requirements around heritage requirements in the District Plan.
- If there is no support from the Council or Heritage New Zealand there may be no need for such buildings to be listed.

In my view, the issues raised in this submission are not relevant to the current application. Rather they are a matter to be considered when the District Plan provisions are reviewed.

3.20 Environment Southland does not wish to be heard. A summary of its submission is as follows:

- The site is potentially flood prone from the Maitara River in floods larger than that of 1978 or by stop bank breach in equivalent or smaller floods
- The likelihood of larger floods increases when climate change is taken into account

3.21 Heritage New Zealand does not wish to be heard. A summary of its submission is as follows:

- The building is not listed with Heritage New Zealand, however it recognises that it is on the scheduled heritage structure list.
- The building is not earthquake prone or damaged beyond repair.
- Not being able to adaptively reuse the building is not a reason to justify full demolition.
- Guidance is also provided in the submission on demolition of historic buildings if approval is granted

### Submissions in Opposition (in part) to the Application

3.22 Foodstuffs Southland Properties Ltd wishes to be heard. A summary of its submission is as follows:

- The proposal does not provide adequate onsite parking. This will encourage parking on adjoining private business car parks

3.23 Southern REAP Incorporated does not wish to be heard. A summary of its submission is as follows:

- Car park (9) is located over the Right of Way easement. The Right of Way is required to be kept clear at all times for use.

### **Statutory Considerations**

3.24 In the Gore District Plan the land subject to this application is zoned Commercial and is located within the Secondary Commercial Area of Gore. The demolition of a scheduled heritage structure and the non-compliance with on-

site car parking for the proposed redevelopment requires resource consent approval. The following rules apply in this case:

#### 2.5.9 Heritage Rule

- (1) It is a permitted activity to carry out any work on any scheduled heritage structure (Table 2.5.1) that is for the sole purpose of restoration, repair or maintenance. Such works shall be undertaken using the same type of material to that originally used, and must retain the original design, form and texture of the feature under repair.
- (2) Except as provided for in (1) above, any demolition, or any excavation beneath, or alteration that changes the external appearance, of any scheduled heritage structure is a discretionary activity.

#### 5.9.2 Off street car parking requirements

- (1) Offices: One car park per 50 square metres gross floor space or part thereof.  
Restaurants: One staff car park per 2 staff or part thereof on the site at any one time, plus one car park per 4 persons to be accommodated in the restaurant.
- (2) Parking spaces are to be provided on the site of the activity requiring them.
- (3) The design of all spaces shall comply with the appropriate dimensions in Diagram 5.13. (*bylaw diagram*)
- (6) Any off-street parking area providing for more than 5 cars shall comply with the following standards:
  - (a) For every 20 square metres of off-street parking, one square metre of landscaping either trees or shrubs shall be provided.
  - (c) On-site manoeuvring shall be provided so as to ensure that no vehicle is required to reverse onto or off any arterial road.
  - (g) On-site manoeuvring shall be provided for a 90 percentile car (as shown on Diagram 5.14) so that all turning manoeuvres can be undertaken in one movement.

#### 5.9.4 Off street car parking requirements Rule

Any land use activity that does not comply with Rules 5.9.1 to 5.9.3 is a restricted discretionary activity.

The matters over which Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.

3.25 Under Rule 2.5.9(2) consent is required as a discretionary activity and under Rule 5.9.4 as a restricted discretionary activity. Overall this consent is required to be considered as a discretionary activity. There is no limit to what the Council may have regard to.

3.26 In considering a discretionary activity, regard is required to be given to sections 104 and 104B of the RMA, the relevant portions of which state:

#### **104 Consideration of applications—**

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—
  - (a) any actual and potential effects on the environment of allowing the activity; and
  - (b) any relevant provisions of—
    - (i) a national environmental standard:



- (ii) other regulations:
  - (iii) a national policy statement:
  - (iv) a New Zealand coastal policy statement:
  - (v) a regional policy statement or proposed regional policy statement:
  - (vi) a plan or proposed plan; and
  - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.
- (6) A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.

**104B Determination of applications for discretionary or non-complying activities—**

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

3.27 In summary, these provisions require of consideration of:

- (i) The provisions of the District Plan,
- (ii) The provisions of Part 2 of the RMA (being sections 5 – 8);
- (iii) The provisions of the Operative Southland Regional Policy Statement and the Proposed Southland Regional Policy Statement; and
- (iv) The effects of the activity

3.28 In considering these matters the Council is required to have regard to the existing environment. The existing environment contains the church building, hall, playground and vacant land.

3.29 Under section 104(2) of the RMA the Council has discretion to disregard any adverse effects of an activity permitted by the District Plan. In this case a commercial activity can be established on the site as of right subject to all other rules in the District Plan being met. Offices and cafés are both commercial activities and in my view it is appropriate to have regard to the nature of the intended activities. However, as the quantum of parking on site for the proposed new development cannot be met, the scale of development proposed exceeds that which can be considered appropriate and goes beyond that provided for by the permitted base line.

3.30 Subsection 104(6) of the Act states that a consent authority may decline an application for resource consent on the grounds that it has inadequate information to determine the application. While this is a finely balanced consideration, it is my conclusion, having regard to the matters I set out below, that the Council does not have sufficient information as required by the District Plan to determine the application.

- 3.31 Where an application is approved conditions may be applied. In this case there is no restriction on the type of conditions that can be imposed.

## **4. Assessment**

### **Relevant District Plan Provisions**

- 4.1 The District Plan contains the following objectives and policies:

#### 2.5.3 Heritage Objectives

- (1) Recognise and protect the heritage values of buildings, sites, structures and archaeological sites.

#### 2.5.4 Heritage Policies

- (1) Schedule archaeological, historic and cultural sites, places and items of heritage value.
- (2) Avoid adverse effects of land use activities on heritage sites.
- (3) Provide for the maintenance of heritage structures.
- (4) Avoid changes to heritage structures that adversely affect values of significance.
- (5) Increase people's awareness of the historic heritage of the District.
- (6) In considering any application seeking changes to, or demolition of, any registered heritage structure listed in Table 5.1 have regard to:
  - (i) the structural integrity of the building, as assessed by a suitably qualified and experienced professional engineer;
  - (ii) any risk that is posed to other property and the safety of people within or near to the structure; and
  - (iii) where demolition is sought, the financial implications of other options.

#### 5.3 Transportation Objectives

- (1) Sustain the potential of the transportation routes to meet the reasonably foreseeable needs of future generations.
- (3) Protect where practical the quality of the adjoining environment and amenity values from the adverse effects of the use of land transport routes.

#### 5.4 Transportation Policies

- (1) Control the adverse effects of land use activities on transportation networks.
- (2) Control, where practical, the adverse effects of land transportation networks and their use on the adjoining environment and amenity values.
- (3) Protect the integrity of the through-route function of state highways.

#### 9.3 Financial Contributions Objectives

- (1) To require financial contributions, in appropriate circumstances, for the purpose of offsetting adverse effects of subdivision and development.

#### 9.4 Financial contributions Policies

- (1) A financial contribution may be required as a condition of a land use or subdivision consent:
  - (b) To connect to, upgrade or develop roading systems.
  - (c) To provide, relocate or upgrade public utilities and public roads.

- (2) A financial contribution may be required to offset the adverse effects of large scale commercial or industrial development.
- (3) Financial contributions shall be assessed on a case by case basis of a proportion that is fair and reasonable, taking into account:
  - (a) The nature and extent of adverse effects being generated.
  - (b) The extent the design avoids, remedies or mitigates the adverse effects.
  - (c) Private agreements between resource user and affected parties.
  - (d) The positive effects on the environment.
  - (e) The adverse effects on public utilities and roading systems.
  - (f) Other funding sources available that reduce the cost of any works to the community, for example, grants or subsidies.
  - (g) The benefit to the general public from the upgrading or construction of the particular public utility or infrastructure.
  - (h) Any payments or financial contributions previously paid in relation to that property.
  - (i) The timing in allocating and spending of any financial contribution received.
  - (j) In instances where there are adverse effects on public roads:
    - (i) the percentage increase in traffic volumes along the affected portion of the road
    - (ii) the cost of rectifying any existing deficiencies in the roading network
    - (iii) the opportunity cost of undertaking works earlier than otherwise anticipated
  - (k) Any costs incurred in the taking, holding and allocating the financial contribution.
- (5) The regime for the payment of financial contributions shall be determined prior to exercising any land use activity or consent.

4.2 The intent of the District Plan provisions for heritage is to recognise and protect the heritage values of scheduled heritage structures. The District Plan sets out that historical significance is the relationship of the feature to a notable person, event, period or activity of the time or over a period of time.

4.3 The heritage policies above, indicate the Council's willingness to consider the modification of heritage buildings in order to facilitate their re-use and preservation. The demolition of the building is not supported by Objective (1) and Policy (4). However, Policy (6) clearly envisages consideration of demolition and sets out three particular matters to have regard to in considering a resource consent. In respect of those matters, it is my view:

- (a) The structural integrity of the building is not in question. The 2015 report by Stevenson Brown Ltd, attached in Appendix 4, concludes that the building is above the threshold for "earthquake prone" buildings and no mandatory upgrade work is required. The building is in the category of "earthquake risk" but can be strengthened to an appropriate level "relatively easily".
- (b) As a consequence of (a) there is no risk posed to other property or the safety of people within or near the building
- (c) The applicant has failed to provide any data on financial implications of

the options other than demolition. This is an impediment to the reasonable consideration of the application and in the absence of this information the application should not be approved.

- 4.4 The intent of the District Plan provisions for transport is to avoid adverse effects of land use activities on transportation routes and sustain the potential of transportation routes to meet the reasonably foreseeable needs of future generations. Having regard to the assessment below the proposed activity has the potential to give rise to adverse effects on transportation routes.

#### **RMA Part 2 Considerations**

- 4.5 When considering an application for resource consent an assessment of the proposal is to be made subject to the matters outlined in Part II of the RMA (attached in Appendix 5). This includes the ability of the proposal to meet the purpose of the Act under section 5 of the RMA, which is to promote sustainable management of natural and physical resources. Sustainable management refers to enabling people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while managing the effects of activities. The positive effects of the development referred to in paragraph 4.14-4.15 below are consistent with the purpose of the RMA, enabling people and communities to provide for their social and economic wellbeing. However, approval of the application will not promote the sustainable management of the physical resource, namely the building.
- 4.6 Section 6 of the RMA directs all persons exercising functions and powers under the RMA in relation to managing the use, development, and protection of natural and physical resources, to recognise and provide for matters of national importance. Of particular significance to this proposal is section 6(f) *“the protection of historic heritage from inappropriate subdivision, use and development”*. In my view the demolition of the church building in the manner set out in the application is not consistent with this. Photographs of the building, a wall display in the foyer and inseting two items from the building into the new building is not protecting the church building from inappropriate use or development because it is separating the parts of the church that contribute to its heritage value.
- 4.7 Section 7 of the RMA in particular 7(c) requires regard to be had to *“the maintenance and enhancement of amenity values”*. Heritage structures enhance the amenity of the site and the surrounding area as they provide links to the past and tell a story of a place and time. Local buildings which provide excellent examples of reuse are the Eastern Southland Gallery and the Thomas Green Public House and Dining Room.

#### **Operative Southland Regional Policy Statement**

- 4.8 The Operative Southland Regional Policy Statement 1997, chapter 10 recognises the importance of the built environment and, specific to this application, the importance of heritage values. Policy 10.5 *“structures, places, features or areas that have heritage, cultural or traditional value”* relates to protecting buildings.

- 4.9 The church holds specific heritage significance to the Gore District as E.R Wilson designed the church and was a prominent Southland architect. This links him and his work to the region. The church holds heritage value and a link to the past through the architect that designed it. If the church is demolished it is not protecting the building and in return the heritage values of the building.

### **Proposed Southland Regional Policy Statement**

- 4.10 The Proposed Southland Regional Policy Statement 2012(PSRPS), chapter 14 recognises the importance of protecting historic heritage and issues arising from inappropriate management, including the neglect of historic heritage in Southland. This can lead to the degradation or deterioration of the resource resulting in a loss of tangible connections to the community social economic and cultural past. The objectives and policies below seek to protect the historic heritage that we have.

Objective HH.1 Protection of historic heritage - Historic heritage values are identified and protected from inappropriate subdivision, use and development.

Objective HH.2 Built heritage - The built heritage of Southland is appropriately recognised and where possible utilised in a sustainable manner.

Policy HH.1 Public awareness and appreciation - Promote public awareness and appreciation of Southland's historic heritage.

Policy HH.2 – Protection of historic heritage - Avoid, mitigate and, where appropriate, remedy adverse effects on historic heritage values from inappropriate subdivision, use and development. On a case-by-case basis take into account factors such as the significance of heritage values, financial cost and technical feasibility when making decisions relating to the protection of historic heritage.

Policy HH.3 – Integration with new use - Encourage the integration of historic heritage with new subdivision, use and development in both rural and urban areas.

Policy HH.6 – Adaptive reuse - Encourage the adaptive reuse and maintenance of built historic heritage.

The PSRPS is not yet operative as a number of appeals have been lodged to it. However, heritage chapter 14, is not subject to any appeals. Section 104(1)(b)(v) RMA sets out that the consent authority must have regard to any relevant provisions in the PSRPS. In my view there is no certainty moving forward about the heritage values of the church being protected. The application sets out ways in which features of the church could be incorporated into the new development but does not set out what these are and specifically how they will be incorporated. The proposal lacks professional heritage advice, and in the absence of this I do not consider approval of the application will avoid remedy or mitigate adverse effects on historic heritage values from inappropriate use or development.

### **Environmental Effects**

#### General

- 4.11 'Effect' is defined in the section 3 of the RMA as including:
- a) Any positive or adverse effect; and

- b) Any temporary or permanent effect; and
- c) Any past, present, or future effect; and
- d) Any cumulative effect which arises over time or in combination with other effects – regardless of the scale, intensity, duration or frequency of the effect, and also includes –
- e) Any potential effect of high probability; and
- f) Any potential effect of low probability which has a high potential impact.

4.12 In the context of this application effects can be anticipated to arise with respect to:

- Positive effects,
- Impacts on heritage values,
- Traffic impacts, particularly with regard to on site car parking and access to the site.
- Temporary effects, including noise and traffic generation associated with the demolition of buildings on the site and construction of the new development.

4.13 I assess each of these below

Positive Effects

4.14 I accept redevelopment of the site with the construction of a commercial building with modern facilities enabling a multitude of uses is a positive effect. This may encourage new business to come to Gore and in return promote economic growth. If tenants from Gore relocate from their existing premises, then this will allow more opportunity for new businesses to establish in the vacant building. However, I am not aware of any data that suggests that there is a shortage of commercial retail space in the town centre.

4.15 Having business at the west end of Irk Street may also draw foot traffic past other businesses and contribute to a vibrant street frontage.

Impacts on Heritage Values

4.16 The church building has architecture and heritage value within the context of early 20<sup>th</sup> century public buildings in the Gore District. Should approval be granted for its demolition there will be only “one remaining building in Gore designed by Edmund Richardson Fitz Wilson (Wilson) which is the former Coronation Library (Art Gallery)”.

4.17 The previous owners of the building approached the Council seeking continuation of its protection so that the Methodist legacy could remain intact and the property passed onto a suitable group for public use.

4.18 The demolition the church will adversely impact on the heritage values of the church and the significance of the building to the community will be lost. Demolition of the church would see a significant, structurally robust, iconic building lost and I consider this a significant adverse effect. It is my view that the applicant has failed to justify the demolition of the building. In that regard I agree with Heritage New Zealand in paragraph 8.2 of its submission where it

is stated “the application does not sufficiently substantiate the case for full demolition in terms of having considered alternative options for full demolition”. Heritage New Zealand then sets out that such options would include:

- Retention of the building for adaptive reuse
- Partial demolition with incorporation of part of the building into a new development”
- Consideration of an alternative site.

I also agree with Heritage New Zealand where it states at paragraph 9.5 of its submission:

Demolition proposals should be informed by expert professional evidence especially an engineering report prepared by specialist heritage engineering professional and a financial cost feasibility and options report.

My primary concern is the absence of an appropriate professional assessment of options and costs. I do not consider the marketing of a property by a real estate agent a robust response, particularly given Mr Geddes comments in relation to the site being marketed as “CBD Development Site”.

- 4.19 The applicant has offered access to the building to enable a complete photographic record to be compiled and archived prior to demolition. In considering how this will protect the heritage value of the church building, consideration needs to be given to who would undertake the photographic record and where these photos would be stored. Any photographic record undertaken needs to be by a suitably qualified person who is able to understand the heritage values of the church and capture these aspects and at cost to the applicant. These records need to be archived in place where they are available for the public to view. In my view undertaking a photographic record of the building will help to provide a record of the church but will not protect its heritage values.
- 4.20 The “1909” foundation stone and sliver cross from the roof will be inset into the new building. In my view this will not protect the heritage values of the church because clients and customers to the site may not understand why they are there or what significance they are trying to portray. If the church is broken into parts, the heritage value of the building is reduced to the value of its parts. If those parts are then separated, the historical significance and value of the church is lost.
- 4.21 The applicant suggests that a colour glass window could be incorporated onto a display in the foyer of the proposed building with illustrations and, where appropriate, architectural features of the church building. A suitably designed display in the foyer will help to form a picture of the church and tell its story, but will not protect its heritage values. No design, specific illustrations or architectural features have been put forward as part of this application to form this display. Careful consideration would need to be given to what types of architectural features and whether these would protect the heritage values of the church.

- 4.22 The applicant proposes that a number of items from the building will be stored and made available elsewhere if they are in appropriate condition. These include:
- Wall panelling,
  - Mouldings,
  - Flooring,
  - Timber trusses,
  - Leadlight windows,
  - Doors,
  - The bricks if there is an end use for these.
- 4.23 Consideration needs to be given to how these will be stored to ensure they are maintained in usable condition and if any heritage value of the church will be retained by reusing these elsewhere. Given that these fixtures are not proposed to be used on the site, in my view, their heritage significance is diminished as they will be separated from the rest of the building.
- 4.24 The applicant has returned a sliver cross from inside the church back to the family who gifted it to the church and the communion table has been donated to the St Andrews Presbyterian Church. The applicant has indicated a willingness to donate other items of church furniture if it is wanted for church use. This is a good example of reusing unwanted furniture. However, non-fixed furniture items do not form part of the considerations for this application as they are chattels and not protected by the District Plan.
- 4.25 The applicant has also indicated that the owner of the café will be offered the following items from the church building to create a “historic theme” if they deem it appropriate:
- Rimu sarking,
  - Timber trusses,
  - Rimu wood,
  - Pews,
  - Cast iron foundation vents,
  - The doors of the church.
- 4.26 Whether the owner of the café will choose to use the materials does not provide any certainty going forward. In the event that demolition is approved, Heritage New Zealand has recommended “that a condition be imposed requiring a recycling and reuse plan be submitted and approved by the Council prior to demolition occurring”. I consider that suggestion to have merit and support it.

#### Traffic Impacts

- 4.27 The Council’s Roading Manger position is currently vacant and MWH has been



engaged to provide desk top comment on resource consents lodged with the Council. A copy of their comments is attached in Appendix 4. As no site visit has been undertaken by the author of those comments there are several conclusions and recommendations reached with which I do not agree and I set these out below.

#### Proposed site access

- 4.28 The application as lodged provides car parks at the rear of the site with access from Fairfield Street. The access will be 4.25 metres wide and require the removal of one unmetered P60 parking space. I have concerns at the width of the access.
- 4.29 This width is only sufficient for a one-way movement of vehicles. This will result in vehicles attempting to enter and exit the site coming into conflict with vehicles travelling the opposite direction. This will result in vehicles reversing onto the road or stopping on the road and blocking other traffic. As noted by MWH on page 2 of its assessment this is not desirable close to an intersection. The required commercial access way width at the boundary for two-way traffic is 6 metres as set out the Council's Subdivision and Land Development Bylaw 2011.
- 4.30 MWH have suggested vehicles blocking the eastern lane of Fairfield Street could be avoided by removing the two parking spaces adjacent to the access. However, vehicles entering the site coming from Irk Street will not be able to identify if there is a vehicle coming out of the site until they have accessed the site. This will result in one of the two vehicles having to reverse to let the other past. This could result in vehicles reversing over the footpath and out onto the road or vehicles reversing into the parking area. I do not consider this appropriate. In addition it does not remedy issues for vehicles turning right into the site. In my view a six metre wide access way width at the boundary of the site, as set Council's Subdivision and Land Development Bylaw, for two way traffic should be mandatory. This will allow one of the street car parks to remain (noting one space is lost for the access) and minimise any adverse effects of vehicle conflict between vehicles entering and exiting the site. This will allow the on street car parking to remain and avoid any effects of vehicle conflict coming to and from the site.

#### Cycling

- 4.31 The application assessment on page 28 refers to the provision of bicycle racks. I support this as it will encourage staff and visitors to bike to the site and in return this assists reducing the number of vehicles coming to and from the site.
- 4.32 Provision of a bicycle rack however is not a justification to reduce the number of parking spaces on the site given that biking is rarely undertaken in adverse weather conditions and it is appropriate to base parking demand on the worse case circumstances.

## Parking

- 4.33 The applicant proposes to provide 15 car parks on site. However, park 9 is located on land subject to an easement and parks 8 and 15 are not practical to use for manoeuvrability reason, requiring at least 4 forward and back tight movements to exit each of the car parks. Parks 8 and 15 fail to comply with Rule 5.9.2(6)(g) in the District Plan, which requires a single movement in a forward direction. As a consequence only 12 suitable car parks are provided. While the remaining car parks fail to meet the design standard required by the Bylaw, MWH considers them acceptable as long term parks for persons who use them regularly.
- 4.34 Rule 5.9.2(1) of the District Plan requires parking to be provided on site on the following basis:
- Offices: One car park per 50 square metres gross floor space or part thereof.
- Restaurants: One staff car park per 2 staff or part thereof on the site at any one time, plus one car park per 4 persons to be accommodated in the restaurant.
- Office space of 1,270 square metres is proposed which requires 26 car parks. The application assessment on page 15 has an error where it suggests “a total of 13 car parking spaces is required”. Up to 50 patrons are proposed in the café, which requires 12.5 car parks. The application suggests two staff will be present in the café requiring one park on site. However, MWH suggest that a café for up to 50 patrons will utilise 4 staff, requiring a further car park. In total 40.5 car parks are required. District Plan Rule 5.9.2(1) enables the rounding of car park numbers and I have adopted 40 as being required by the District Plan.
- 4.35 The application also states provision will be made for service vehicle deliveries. Under the District Plan rules that is included in the quantum of parking required. MWH have taken the view that this would be located on the street but under the District Plan rules that is not the case.
- 4.36 Two parking surveys were conducted by Council staff to identify the availability of on street car parks in the area. The first on Friday 15 April 2016 and the second on Friday 6 May 2016. The parking surveys have been used to assess if the shortfall in on-site parking for the development can be met in the surrounding streets. This survey forms part of the assessment by MWH.
- 4.37 MWH highlighted that the development will result in demand for 12 short term car parks for the café patrons and 28 long term car parks for office use and café staff. Twelve acceptable car parks are being provided on-site, and under the District Plan provisions these are deemed to be both for short term and long term use.
- 4.38 Based on the survey results MWH considers there is potential of 14 short term parks to be available in the locality, thereby meeting demand. However, I note that 1 of these parks will be lost in creating the access to the site. MWH also acknowledge that the use of private car parks may be attractive to café customers. This is a concern of Foodstuffs South Island Properties Ltd as set out in it’s submission.

- 4.39 MWH has assessed that 14 long term parks are available in the locality. This is less than the 16 required by the development. It is my view that the applicant either reconfigures the parking layout on the site to provide 14 acceptable car parks or pays a financial contribution in relation to the two deficient car parks. I consider this further below.

#### Temporary effects

- 4.40 There will be temporary noise associated with the demolition of the church and hall buildings and the construction of the new building on the site. This site is zoned Commercial and it is expected that there will be other noise associated with commercial activities taking place. The demolition of the building will take approximately 10 workings days with much of the time being used to remove materials from the site.
- 4.41 Noise associated with the demolition and construction is required to comply with the noise limits set out NZS 6803:1999. As resource consent has not been applied for non-compliance with this Standard it is assumed that this will be met. The demolition and construction is also some distance from any residential zones and is of temporary nature. Overall demolition and construction noise will not be at a level to create any nuisance.
- 4.42 Materials that need to be carted to and from the site will result in an increase of noise from traffic movements. However, all the roads that access the site are public roads and there are adequate procedures available under the Council's bylaws to safely manage vehicle movement to and from the site.

#### **Other Considerations**

##### Alternative options to demolition

- 4.43 Policy 2.5.4(6)(iii) requires, when demolition is sought, consideration to be given to the financial implications of other options. That has not been done. What the applicant has done is to identify four alternatives and the reasons why these are not favoured. These alternatives are do nothing, adaptive reuse, change of ownership and establish a car yard. This does not meet the requirements of the policy. Further to the policy itself, I consider the adverse environmental effects of the demolition of the church to be significant. As a consequence, Clause 6(1) of the Fourth Schedule to the RMA also requires consideration of alternatives, and Heritage New Zealand has referred to these in its submission.
- 4.44 In terms of adaptive reuse, I have been advised by Mr Geddes that the site was marketed up until September 2015 as having a building that was a "high risk" and "with structural performance as unacceptable". The marketing material is attached to the comments of Mr Geddes in Appendix 4. This may well have contributed to a lack of "genuine enquires" for reuse. The further information received from the applicant on page 3 states that "while the building is not deemed to be an earth quake risk, any changes of use (under the Building Act) would entail structural strengthening". However, the report from Stevenson Brown Ltd contradicts this.

- 4.45 At the time the Parare Trust was looking at adaptive reuse it was not understood by parties interested in the property that the building was not earthquake prone. A Detailed Seismic Assessment investigation had not been undertaken at that time. Mr Geddes states that “in the wake of the September 2010 earthquake, brick and masonry heritage buildings became a liability in the eyes of many prospective owners and while two suitable public entities have expressed interest in the premises, they were questioning the seismic integrity of the main church building”. As a result of this I consider that perceived safety and economic factors may have contributed to the lack of interest in the property for reuse.
- 4.46 Plans or considerations of how the church could be adaptively reused for the proposed development or another proposed development has not been considered. The further information received from the applicant stated on page 3:
- No proposal was forth coming. Therefore no designs were prepared for ‘adaptive reuse’ for the church building. In the absence of a “client” there was no reason to prepare a brief or carry out design work.
- 4.47 The District Plan requires this option to be explored. In my view this is regardless of whether there is a potential purchaser or tenant waiting to occupy the building. Reuse of the building cannot be considered unreasonable or not an option if no plans or consideration have been reasonably given to any adaptive reuse situations.
- 4.48 Heritage New Zealand (paragraph 11.2) sets out examples of where church buildings have been adaptively reused. Paragraph 11.1 of its submission states:
- There are numerous examples of adaptive reuse of church buildings which demonstrates that such buildings can be viable even once their original use has come to an end.
- 4.49 The site has a size of 1,475 square metres. The church is situated on approximately 227 square metres. This leaves approximately 1,248 square meters that could be utilised without demolishing the church. In my view, these include:
- Demolition of the hall building and redevelopment of the vacant land for a commercial development. The church would remain on the site, become occupied and run in conjunction with the commercial development or separately.
  - The site could be subdivided with the church being separated from the rest of the site. This would allow for the commercial development to take place while retaining the church either in the same or different ownership.
  - Create a design for adaptive reuse of the church incorporating it into a commercial development.
- 4.50 In my view, the financial implications of these alternatives need to be assessed.

## Financial Contributions

- 4.51 Chapter 9 in the District Plan provides for the taking of financial contributions. Rule 9.9(1) provides for the taking of a financial contribution in lieu of onsite parking in the Commercial zone. The formula in the District Plan sets out the maximum amounts that can be taken for financial contributions in lieu of parking. In this case, based on current government valuations as used by the Council for rating purposes, the estimated market land value of a parking space is \$6,529.67 including GST and the cost of construction and marking of the parking space as set in the Councils Fees and Charges for this financial year as \$2,096.00 including GST per park.
- 4.52 Should the consent be granted there will be a shortfall of 28 on-site car parks for this development. However, the parking survey undertaken identified that all but two long term car parks can be catered for in the surrounding area by on street car parking. In this case if the applicant does not provide an additional two acceptable car parks on-site I consider it is fair and reasonable to require a financial contribution in lieu of two car parking spaces that is not able to be met. The amount payable in this case would be \$8,625.67 including GST for each car park space or a total of \$17,251.34 including GST.
- 4.53 Any financial contributions taken by the Council in lieu of on-site parking would be used to upgrade or extend off-street public parking on land or in buildings in or adjacent to the Gore Commercial zone and Gore Mixed Use zone. The Council may, at its discretion, use such financial contributions to:
- Provide public parking in Council owned land or building; or
  - Secure parking within private developments or private land that will be available for public use; or
  - Lease long term privately owned parking spaces to provide for parking requirements associated with a development; or
  - Repay loans for public parking already provided; or
  - Enter into ventures for the provision of public parking.
- 4.54 Rule 9.9(5) also provides for the taking of financial contribution for commercial development when the value of works is over \$500,000.00. It would appear that the development proposed would exceed this value. The maximum amount payable is 0.5% of the cost of the development plus GST.
- 4.55 In this case the site has been used for communal purposes as a church since 1903. A small portion of the site has been occupied by a playground available to the public within which the equipment was donated by a local community group, and the Council maintained it and the site. In providing for the maintenance of the site the Council also planted and maintained the rose garden. Should the consent be granted a new commercial business will be established on a commercial site which has historically not been used for commercial purposes. Given this, I consider it appropriate that the Financial Contributions for Development be imposed. The amount payable can be determined at the time a building consent is lodged as that consent will

specify the value of new building and associated works.

4.56 The District Plan sets out that any financial contributions for Commercial and Industrial Development received shall be used to provide, maintain, upgrade or extend recreational facilities within the Gore District. The Council may, at its discretion, use such financial contributions to:

- provide, maintain and upgrade recreation facilities either within the general location of the site from which a financial contribution is received, or at such other site where there is benefit to the general public; or
- repay loans associated with the provision of recreational facilities.

The site currently contains large trees and well maintained lawn and gardens. Should the site be redeveloped these features that contribute to the amenity of the area will be replaced with a solid building which leaves no green space. The proposed concept plan submitted with the application shows 14 planter boxes along the Fairfield Street boundary. The Council's Parks and Recreation Manager has recommended that full contribution be payable, to offset effects, by using the money to help fund a public playground. I support the stance that there is "a valid case for collection of financial reserves contribution given that a current community need exists"

#### Streetscape Strategy

4.57 The Council's Streetscape Strategy 2011 provides guidance through objectives and policies that are required to be had regard to when undertaking development. The Strategy stresses that in the Secondary Commercial area of Gore, buildings should be designed so that they are built up to the road boundary of the site and provide verandas over adjoining footpaths. In my view these policies should be applied to the building. If this was done additional land would be available for car parking and providing a six metre wide access to the site.

## **5 Conclusions and Recommendations**

5.1 Having regard to the matters above, I reach the following conclusions:

- (a) The mitigation measures the applicant has proposed to protect the heritage value of the church in their current form do not provide for the protection of the heritage values of the church.
- (b) The church building is not "earthquake prone" as it has been identified as being over 33% of NBS by two independent engineering companies. This means that no mandatory upgraded upgrade is required.
- (c) There is an absence of appropriate professional assessment of options and costs. Nor have alternative options to demolition been provided in sufficient detail. As a consequence, the applicant has failed to provide the information required by the District Plan to enable full assessment of the application.

- (d) The increase in demand on parking in the area can mostly be catered by the existing on street car parks. For the two car parks that cannot be catered for it is appropriate to either provide additional suitable on site car parks or pay a financial contribution to offset this effect.
- (e) The access way width into the site in its current configuration is not suitable for two-way traffic. A six metre wide access must be provided as part of any redevelopment of the site.
- (f) Financial contributions are payable for offsetting the adverse effects of this development.
- (g) While positive effects will arise, these do not assist in offsetting the adverse effects.
- (h) The noise generated with the proposed demolition and construction of the new building is a temporary activity and will only last for the duration of the demolition and construction.

5.2 Section 104 of the RMA requires the Council to have regard to any actual and potential effects on the environment of allowing the proposed activity. Having regard to my comments above the issues of concern are in association with demolition of the church building and the loss of its heritage value. As a result of the matters above and the scale of adverse effects arising as a result of the demolition of the church, the absence of adequate alternatives and professional heritage advice I recommend that the application be declined.

5.3 Should additional information be forthcoming from the applicant and the Panel be of a mind to grant the consent, I consider the following conditions should be imposed.

1. *The activity shall be undertaken in general accordance with the application LU 2016/204 dated 24 February 2016 and further information submitted 9 May 2016, except where required by the conditions below.*
2. *Prior to any works commencing on the site the applicant shall engage a suitably qualified professional photographer with experience in photographing heritage structures to undertake a full phototropic record. Photo prints in hard copy and electronic format shall be submitted to the Gore District Council at least 10 working days prior to the commencement of demolition of the church building.*
3. *The consent holder shall submit a demolition plan to the Chief Executive of the Gore District Council that sets out the methodology for recording and archiving the heritage features and history of the building. This plan shall detail any discussion with Heritage New Zealand and consideration given to the retention of any heritage features for reuse off site. No demolition of the church building shall be undertaken until than plan is approved in writing by the Chief Executive of the Gore District Council.*
4. *The consent holder shall submit a design plan for the foyer display to*

*Chief Executive of the Gore District Council that shall include the location of the display, material used and detail information on the heritage significance of the display. No demolition of the church building shall be undertaken until than plan is approved in writing by the Chief Executive of the Gore District Council.*

5. *As part of the building consent to be lodged for the replacement building on the site, details shall be provided showing the location of the foundation stone and silver cross referred to in the application.*
6. *Prior to the occupation of the new building on the site a designated bike stand for a minimum of 4 bicycles shall be provided and maintained.*
7. *Prior to the occupation of the new building the Fairfield Street access shall be upgraded to a commercial heavy duty standard in general accordance with the Council's Subdivision and Land Development Bylaw and to the satisfaction of the Chief Executive of the Gore District Council.*
8. *Prior to occupation of the new building the new carriageway access (driveway) from Fairfield Street and the parking area constructed, sealed and marked in general accordance with the Council's Subdivision and Land Development Bylaw and to the satisfaction of the Chief Executive of the Gore District Council as set out below:*
  - i. *The carriageway shall be a minimum of 6 metres wide and constructed with chip seal or asphalt,*
  - ii. *Kerb and channel and suitably designed stormwater sumps shall be constructed along the edges of the carriageway.*
9. *At the time of seeking a building consent for the development of the land the consent holder shall pay:*
  - a. *A financial contribution in lieu of on-site parking calculated in terms of Rule 9.9(1) of the Gore District Plan for any deficiency in parking provided on the site;*
  - b. *A financial contribution for commercial development at the rate of 0.5% calculated in terms of Rule 9.9(5) of the Gore District Plan.*
10. *Pursuant to section 128 of the Resource Management Act 1991 the Council may review the condition of this consent within one month of the six month anniversary of effect being given to this consent, thereafter within one month of the annual anniversary of this consent should any adverse effects arise in relation to traffic movement or parking*

#### Advice Notes

1. This resource consent does not constitute a building consent under the Building Act 2004. You should consult fully with the Building Control Manager of the Gore District Council to obtain information on any



building consents required to undertake the proposed development as set out in the body of this decision.

2. All provisions set out in the Subdivision and Land Development Bylaw are required to be met. The applicant is encouraged to contact the Council's Roading and 3 Waters departments to discuss their proposal prior to the design of the development and the preparation of building consent documentation.



Rosie Given

**Resource Management Planner**