

Information for Resource Consent Application – Demolition of St James' Waihi

1. Executive Summary

1. The old church building is unusable. At 8% of earthquake standard it has stood empty and deteriorating since 2012.
2. Even if it was repaired (at a cost of at least \$1.5 million with maintenance at \$50,000 p.a) it is no longer "fit for purpose" for church gatherings and worship.
3. No one in Waihi (or seemingly the whole country), is sufficiently interested in its preservation to put in the time or money required.
4. The former church is listed in the Hauraki District Plan (the Plan) as a Category A heritage feature (HAU007). This means that resource consent from the Council as a non-complying activity is required for demolition or modification of the building. It is on the Heritage NZ Pouhere Taonga (HNZPT) list as number 732 (Category 2), but this listing does not confer any protection for the structure.
5. St James' church is not unique, or of 'National or Outstanding Regional Significance' as specified in the Plan's listing for it. There are at least 43 churches or former churches built in a similar Gothic revival style in the Waikato Region, outside Hamilton. These include 21 buildings in Waikato District alone, and St John's in Waihi (which is in good condition). There are substantial Gothic revival style churches with more historic importance and architectural merit in Thames, Cambridge and Te Awamutu.
6. No significant architectural, cultural or historic values would be lost if old St James' were to be demolished.
7. Even if the Presbytery and the congregation had the resources to repair and upgrade the old building, they would not do it, as it no longer serves its purpose for modern worship and diverse community use.
8. With the old building removed, the congregation intend to build a modern low-maintenance multi-purpose community use facility on the site. No specific decisions have yet been made on this facility, no plans drawn up, and no funds allocated. It is definitely a "long-term" aim, for which nothing can be done while the old church remains.
9. Demolition of the old church does not conflict with the objectives and policies of the District Plan. The heritage and physical effects of the demolition would also be minor compared with the only other realistic option, which represents the 'permitted baseline'. This option is for the structure to be left to fall to rack and ruin. Demolition therefore meets the statutory criteria under the Resource Management Act for consent to be granted for a non-complying activity.

2. Applicant and Property Details

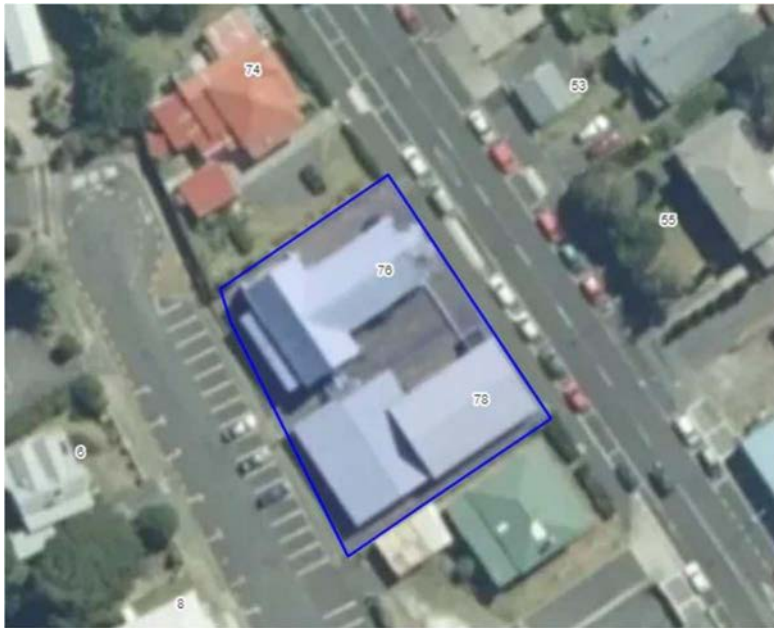
The applicant is The Presbyterian Church Property Trustees, hereafter referred to as 'the Church', which is the owner of the property. The property address is 76 Moresby Avenue, Waihi, legally described as Section 24 Town of Waihi, (Blk XV Ohinemuri SD), comprised in Record of Title SA10B/601.

3. The Application Site

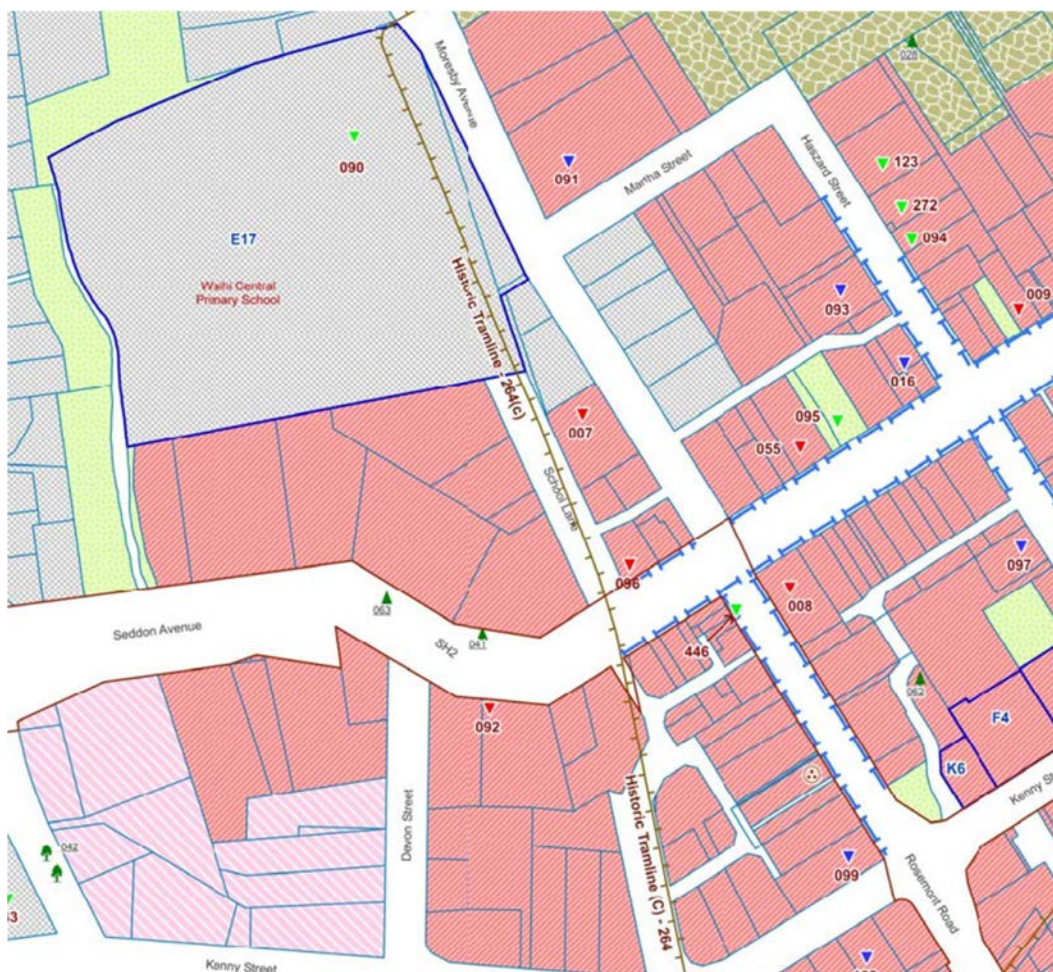
The site is zoned Town Centre under the District Plan. It has legal road frontage to Moresby Ave on its eastern boundary, and to School Lane on its western boundary. There are two buildings on it.

The old church building is located 1m from the northern boundary, is right against the Moresby Ave footpath, and about 4m from the School Lane boundary. It is elevated about 2m above the School Lane carriageway, and there is a 0.6m high retaining wall along the street boundary. School Lane is a cul-de-sac which is formed as a drop-off area for the Waihi Central Primary School at the northern end, with 90 degree angle parking along the church side of the street.

South of the old church, and still on Section 24 Town of Waihi, is a hall building constructed in two stages, in 1969 and 1992. The hall is 2m from the southern boundary, and is built right up to Moresby Ave. The hall is shown as No. 78 on the aerial photograph below.



Adjoining the site to the north is a residential character dwelling at 74 Moresby Ave, and beyond that is a further dwelling and the Waihi Central School. The School has road frontage to both Moresby Ave and School Lane. Both dwellings are zoned Residential, as shown on the Planning Map extract below. Adjoining the hall to the south is another character dwelling at No.80 Moresby Ave, which is zoned Town Centre.



The School is designated for Education purposes (E17) by the Ministry of Education under the Plan. The 'Central School – Group of (unspecified) Buildings', is a Category C Heritage Item in Schedule 6.1.6.4 of the Plan (HAU090). A 'Historic Tramway' is shown on the Planning Maps running up the full length of School Lane and through the School grounds. This tramway is also a Category C Heritage Item in the Plan (HAU264(2) – Martha to Silverton/Union Battery).

A structural engineer's report in 2012 by Mr John Crabtree, attached as Appendix A, found the old church building only met 8% of NZ Building Code earthquake standards. When the Church Trustees received this report they decided the building was unsafe for use or occupancy. The congregation agreed to cease using it, and to instead hold services in the church hall to the south. The former church has therefore stood empty and unused since Easter Sunday 2013.

A review of what would be required to bring the old church up to an acceptable earthquake standard was undertaken. It would be necessary to:

- Stabilise the ground (especially the fill area under the building), and re-pile and tie the joists together. (The old church was re-piled in 1954, but the new concrete piles were not tied to the joists. Some have fallen over.)
- Strengthen the walls with steel frames anchored in concrete ground beams, tie the ceiling / roof to the walls, and strengthen the roof beams,
- Re-wire the entire structure.
- Replace most of the window frames, and many sections of the external cladding that are rotten.

The engineer's opinion in 2012 was to begin planning for a minimum of \$750,000, with a strong possibility of exceeding 1.5 million. This is money the congregation does not have. In addition, the building has had no maintenance for many years and is in a very poor state of preservation, requiring large sums of money before it could be again used. Photos of the current state of the building are included as Appendix B.

The local congregation, the Presbytery and the Church have neither the interest or resources to preserve and maintain a building that is cold, leaky, draughty and no longer suitable for modern worship. It is unsuitable for community use in any form. The corner buttresses are a facade only, and provide no structural support. (Some do not even touch the ground.)

4. Proposal

To demolish St James' Presbyterian Church (Item HAU007 in the Hauraki District Plan Schedule of Historic Heritage Inventory). The proposal includes removing all the demolition materials and the building piles, and levelling and re-grassing the site.

5. Planning Framework

5.1 Town Centre Zone

The subject site is within the Town Centre Zone as set out in Part 5.11 of the District Plan. Under Rule 5.11.4.1 - P1 the Permitted Activities in the zone include "Any *administrative activity, business activity, community activity* and *retail activity*, except where specifically listed as a controlled, restricted discretionary, discretionary, non complying or prohibited activity." The worship and meeting activities conducted by the church fit within the definition of "community activity".

'Demolition and removal of buildings' is also a permitted activity in the Town Centre Zone under Rule 5.11.4.1 - P6, unless otherwise specified and subject to compliance with the:

- *Zone Development Standards specified in Rule 5.11.5;*
- *Activity Specific Standards specified in Rule 5.11.6;*
- *Conservation and Heritage provisions in Section 6.0*

- *Specific and District Wide provisions in Section 7.0; and*
- *District Wide Performance Standards in Section 8.0.*

This Rule brings into effect the Conservation and Heritage provisions in Section 6.0.

5.2 St James', Waihi - Heritage Feature Rules Section 6.0

The former church is listed in Rule 6.1.6.2 of the Hauraki District Plan in the 'Schedule of Historic Heritage Inventory - Category A Heritage Features'. The listing is as follows:

Item	Map No.	Description	Location	Category	Heritage Type	Themes	Significance	Town /Locality	Ward	Heritage Status
HAU007	K3, K7	St James' Church (Presbyterian), Waihi	Moresby Avenue, Waihi	A	Building, Historic Place	Church/yard	Architectural: cultural	Waihi	Waihi	Category 2: Listed Historic Place, National or Outstanding Regional Significance

Rule 6.1.5.2 (d) of the District Plan states that *'the following are Permitted activities:*

Repair, alteration or demolition (in whole or part) of any Category A or B Heritage Feature listed in the Schedule of Historic Heritage Inventory 6.1.6.2 and 6.1.6.3... where there is an immediate danger to life or potential excessive damage to adjacent property, as certified in each case by a registered structural engineer, and a suitably qualified and experienced conservation architect."

The Secretary and Session Clerk for the St James' congregation made a request to the Hauraki District Council to demolish the church under this Rule in July 2014, enclosing a copy of the 2012 engineer's report prepared by John Crabtree.

Wendy Harris, Senior Planner replied in a letter dated 7 August 2014. Ms Harris stated, among other things, that:

"The proposal does not comply with the requirements of 6.1.5.2 (d) as there is not an immediate danger to life or adjacent property, and the proposal is not supported by a report from a conservation architect."

And

"The proposal to demolish St James Church is a Non Complying Activity under Rule 6.1.5.6(1) of the District Plan, and it will be necessary to submit a resource consent application."

Rule 6.1.5.6 of the District Plan states that *'the following are Non Complying activities:*

- 'The demolition (in whole or part) of a Category A Heritage Feature listed in the Schedule of Historic Heritage Inventory 6.1.6.2, not otherwise provided for as a Permitted Activity'.*

The Church's proposal comes within the definition of 'Demolition' in Section 4 of the Plan. This definition is:

'Demolition Means (for heritage items listed in the Schedule of Historic Heritage Inventory in Section 6.1) the destruction in part or in whole of a structure or the façade of the building including walls, windows, doors, ceilings, roofs and finials. It does not include minor works, alterations and additions as defined elsewhere'.

The Church's proposal goes beyond the definitions of "minor works", "alterations" and "additions", which are a permitted activity, and which require no resource consent. Those definitions are:

'Minor Works Means in relation to heritage items listed in the Schedule of Historic Heritage Inventory in Section 6.1:

- cleaning or washing with materials or techniques not detrimental to the heritage fabric;*
- general maintenance and/or minor repair, which means the repair of materials by patching, piecing-in, splicing and consolidating existing materials and including minor replacement of*

minor components such as individual bricks, cut-stone, timber sections, tiles and slates where these have been damaged beyond reasonable repair or are missing. The replacement should be of the original or similar material, colour, texture, form and design as the original it replaces and the number of components replaced should be substantially less than the existing;

(c) repairing and revarnishing of surfaces, and the application of other finishes provided that the materials used are similar to the existing or earlier finishes;

(d) activities that have an insignificant effect on the heritage fabric of the item, for example:

(i) hanging planter pots

(ii) the installation and refurbishment of services where the work does not affect significant fittings or features.

And should be guided by the Best Practice Guidelines of Heritage New Zealand Pouhere Taonga’.

‘Alterations Means (for heritage items listed in the Schedule of Historic Heritage Inventory in Section 6.1) any change to the fabric or characteristics of a structure or building and includes the removal and replacement of external walls, windows, ceilings, floors, roofs, verandahs, parapets, balustrades, abutments and supports. It does not include minor works as defined elsewhere.’

‘Additions Means (for heritage items listed in the Schedule of Historic Heritage Inventory in Section 6.1) any external extension to a structure or building that increases its size and volume and includes the attachment of structures such as canopies, verandahs, pergolas and balustrades. It does not include minor works as defined elsewhere’.

The above provisions mean that resource consent from the Council as a non-complying activity is required for the proposed complete demolition of the former church building. Old St James’ is on the HNZPT list as Category 2, but this listing does not confer any protection to the structure.

The building was constructed in 1904/1905. If it had been built before 1900, the structure would be regarded as an archaeological site, and an authority from HNZPT under the HNZPT Act 2014 would be required to disturb and/or destroy it. The land the old church sits upon was filled before 1904, using material from the levelling of the Salvation Army site in upper Seddon St. It is possible that some items of archaeological evidence may be located beneath the fill. The demolition would not involve disturbing that ground layer, however, and in fact would make access to it much easier.

5.3 History of District Plan Listing for St James’ Waihi

Hauraki District Planner Marina van Steenberghe has advised that since January 1987 the church was listed in the Waihi Borough District Scheme which was superseded by the current District Plan. She advised that there is no way of checking if submissions were received about the church during the review that resulted in the 1987 District Scheme.

Ms van Steenberghe says there were no comments received in relation to the church on the Draft District Plan released in 1994, or on the Proposed District Plan that became operative in 1997.

The HDC sent the congregation a ‘Feedback Form’ for comments on the Draft District Plan in 2009. This draft Plan listed old St James’ as a Category A Heritage Feature. The feedback form was returned to the HDC office on 20 October 2009, and a staff member wrote on it “form dropped in with comment that all is correct and agreed.” A letter to the HDC Senior Planner on 18 January 2015 from Ian Falconer, Treasurer, St James Waihi stated that “while someone (probably me) agreed that “all is correct and agreed” that the Church be re-classified as a Category A Historic Feature on 20 October 2009, there is no way we could have understood the repercussions for the building. I’d therefore like to ask you to re-classify the building as a Category 2 Historic Place.” There is no reply to this letter on the Council’s files.

HDC records do not show any submissions relating to the St James’ property when the current District Plan was publicly notified. The Plan became operative on 26 September 2014.

5.4 Other Hauraki District Church or former Church Buildings

There are two other church buildings listed as Category A Heritage Features in the District Plan, as follows:

Item	Map No.	Description	Location	Category	Heritage Type	Themes	Significance	Town /Locality	Ward	Heritage Status
HAU006	K4, K7	St John's Church and lych gate (Anglican), Waihi	Corner Seddon and Gilmour Streets, Waihi	A	Building: Historic Place	Church/yard	Architectural: cultural	Waihi	Waihi	Category 2: Listed Historic Place, National or Outstanding Regional Significance
HAU036	G4, G7	St Andrew's Presbyterian Church, Paeroa	Cnr Mackay St & Willoughby St, Paeroa	A	Building	Church/yard	Historic; Cultural; Architectural	Paeroa	Paeroa	National or Outstanding Regional Significance

St John's Waihi is included on the HNZPT register as No.731, Category 2. St Andrew's Paeroa is not registered.

There are three other church buildings listed as Category B Heritage Features in the Hauraki District Plan. It is a discretionary activity to demolish these Category B Heritage Features, which are:

Item	Map No.	Description	Location	Category	Heritage Type	Themes	Significance	Town /Locality	Ward	Heritage Status
HAU101	K3, K7	Methodist Church (former), Waihi (Assembly of God)	Haszard Street, Waihi	B	Building	Church/yard	Architectural	Waihi	Waihi	Regional or Sub-Regional Significance
HAU189	B	Church of the Holy Trinity (former), Turua	9 Matai St, Turua	B	Building	Church/yard	Historic; Architectural	Turua	Plains	Regional or Sub-Regional Significance
HAU212	G6	St John's Maori Anglican Church	39 Rotokohu Road, Paeroa	B	Building	Maori; Church/yard	Architectural	--	Paeroa	Regional or Sub-Regional Significance

None of these Category B buildings are included on the HNZPT register.

Lastly, there are eight other church buildings listed as 'Category C' Heritage Features in the Hauraki District Plan. No resource consent is required to demolish these Category C Features, which are:

Item	Map No.	Description	Location	Cat	Heritage Type	Theme s	Significance	Town /Locality	Ward	Heritage Status
HAU030	B	St Patrick's Catholic Church (former), Turua	17 Hauraki Road, Turua	C	Building	Church/yard	Historic	Turua	Plains	Local or Neighbourhood Significance
HAU132	G6, G7	St Paul's Anglican Church Paeroa	Willoughby St, Paeroa	C	Building	Church/yard	Cultural	Paeroa	Paeroa	Local or Neighbourhood Significance
HAU149	F1	Inter-denominational Church (former), Kaihere	1547 Kaihere Road, Kaihere	C	Building	Church/yard	Architectural	Kaihere	Plains	Local or Neighbourhood Significance
HAU163	C	St Pashcal's Catholic Church, Ngatea	56 Pipiroa Road, Ngatea	C	Building	Church/yard	Cultural	Ngatea	Plains	Local or Neighbourhood Significance
HAU166	C	St Paul's Anglican Church, Ngatea	Darlington Street, Ngatea	C	Building	Church/yard	Cultural	Ngatea	Plains	Local or Neighbourhood Significance
HAU214	G6, G7	Karangahake Methodist Church, (former), (Funeral Directors)	Cnr Arney St & Willoughby St, Paeroa	C	Building	Church/yard	Historic; Architectural	Paeroa	Paeroa	Local or Neighbourhood Significance
HAU220	D	St Peters Anglican Church,	2 Rimu St (Cnr Kerepehi	C	Building	Church/yard	Historic; Architectural	Kerepehi	Plains	Local or Neighbourhood Significance

		(former), Kerepehi	Town Rd & Rimu St Nth), Kerepehi							
HAU224	G6	St Mary's Catholic Church (site)	Waihi Road, Paeroa	C	Building	Church/ yard	Historic; Archaeological	Paeroa	Paeroa	Local or Neighbourhood Significance

None of these Category C buildings are included on the HNZPT register.

6. Assessment of Environmental Effects

6.1 Legal Requirements – Schedule 4 of the RMA

Clause 6 of Schedule 4 of the Act

Clause 6 requires that “an assessment of the activity’s effects on the environment must include the following information:

- (a) *if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:*
- (b) *an assessment of the actual or potential effect on the environment of the activity:*
- (c) *if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:*
- (e) *a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:*
- (f) *identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:*
- (g) *if the scale and significance of the activity’s effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:*
- (h) *if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).*

It is not considered that the demolition activity will result in any significant adverse effect on the environment. Possible alternative locations or methods for undertaking the activity do not therefore need to be described in terms of Criterion (a) above. Likewise the scale and significance of the activity’s effects are not such that monitoring is required, so Criterion (g) is irrelevant. The Church’s proposal does not include the use of hazardous installations in terms of Criterion (c), and there are no protected customary rights under Criterion (h). The remaining criteria (b), (e) and (f) are addressed in 6.2 to 6.4 below.

Clause 7 of Schedule 4

Clause 7 states that “an assessment of the activity’s effects on the environment must address the following matters:

- (a) *any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*
- (b) *any physical effect on the locality, including any landscape and visual effects:*
- (c) *any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*
- (d) *any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:*
- (e) *any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:*
- (f) *any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.*

In terms of effects on those in the neighbourhood and wider community under Criterion (a), the only affected neighbours would be the owners and occupiers of the adjoining house to the north at 74 Moresby Ave. These effects are considered to be minor, for the reasons set out in Part 6.2 below. The demolition would have a beneficial effect for the St James’ church community, and a negligible effect on the people of Waihi as a whole.

The proposal does not have any effect on ecosystems in terms of Criterion (c), and there will not any be any discharge of contaminants into the environment or any unreasonable emission of noise as set out in Criterion (e). Likewise natural hazards or hazardous installations under Criterion (f) are not an issue with the current application. The AEE only therefore needs to evaluate physical effects on the locality under Criterion (b), and effects on natural and physical resources having special value under Criterion (d).

The effects of the St James' demolition can be divided into the following types of effects:

1. Temporary effects associated with the demolition process.
2. Effects on the heritage values present in Waihi and the wider Region.

These are dealt with separately below. The analysis concludes that both sets of effects are no more than minor, and that the application therefore meets the test set out in s.104D(1)(a) of the Act.

6.2 Temporary effects associated with the demolition process

As there is little salvageable timber in the church structure due to borer damage, the demolition of the building is expected to take no more than two weeks. The most likely demolition method would be for a large digger to smash the structure into pieces small enough to be loaded onto trucks for removal to an appropriate landfill. The following mitigation measures would be put in place by the Church:

- A Traffic Management Plan (TMP) would be applied for and implemented, to ensure the safety of vehicles and pedestrians using Moresby Ave and School Lane.
- Hours of operation would only be between 7am and 7pm. Noise levels would comply with the District Plan, and be measured and assessed in accordance with New Zealand Standard 6803: 1999 – Acoustics - Construction Noise.
- Vibration levels from the demolition can comply with District Plan Rule 8.3.2.3.
- There are no known asbestos materials in the former church building, but if hazardous substances are encountered, the appropriate experts will be engaged.
- Hoses would be put in place to provide dust suppression if necessary.

Under s.104(2) of the Act, when forming an opinion about any actual and potential effects on the environment of allowing an activity:

“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”.

This discretion is known as the ‘permitted baseline’ and should be exercised by Council in the case of St James’. There are no relevant national environmental standards. As noted in Part 5.1 above, ‘demolition and removal of buildings’ is a permitted activity in the Town Centre Zone under Rule 5.11.4.1 - P6 of the Plan, for other than heritage buildings. Demolition is therefore an expected activity in the Waihi town centre from time to time. The adverse physical effects of demolishing St James’ will be no greater than those of any other permitted demolition that occurs in central Waihi, and should therefore be disregarded. Demolition of St James’ will comply with the same noise and vibration standards that apply to other construction activities including demolition. These standards are set out in Rules 8.3.1.3(3)(a) and 8.3.2.3 of the Plan.

The only neighbours who would be affected by the demolition activity are those at 74 Moresby Ave. It is considered that these effects are clearly minor, and moreover will be temporary in nature. Section 104(3)(a)(i) of the Act requires that:

“a consent authority must not, when considering an application, have regard to – any effect on a person who has given written approval to the application”.

As noted in Part 8.1.1 below, a St James’ congregation member has visited the neighbours at #74 to advise them of the proposed demolition, but they have not provided their written consent to the application. The Council must therefore have regard to effects on them. The Church considers that any such effects will be minor in terms of s.104D(1)(a) of the Act, for the following reasons:

1. The demolition activity will take no more than two weeks, and will only be carried out between the hours of 7.00am and 7.00 pm, Monday to Friday.

2. Noise and vibration levels will comply with those set out in the District Plan and NZ Standards.
3. The demolition will have a beneficial effect for the owners of 74 Moresby Ave in the longer-term, by stopping an eyesore developing next door that could adversely affect the value of the property and the owners' appreciation of its pleasantness, aesthetic coherence, and recreational attributes.
4. Demolition will remove the risk to buildings and people at 74 Moresby Ave from elements of the church building blowing off in strong winds, or simply collapsing.
5. Continued safe and convenient vehicle access to the property while demolition is occurring will be maintained through the requirements of the TMP.

The property at 72 Moresby Ave is 40m further away from the demolition site, and would be shielded from demolition activities by the buildings at No.74. Likewise the house to the south at No.80 would be separated from those activities by the church hall. With an approved TMP, including safety fencing for the site, the demolition would have a minor effect on the operation of the School, which enjoys access from two streets for pupils and staff.

The demolition works would not have any extra impact on the site of the former tramway up School Lane. As noted above, this is a Category C Heritage Item in the Plan.

6.3 – Effects on the heritage values of Waihi and the wider Region

6.3.1 – What Heritage Values does the Former Church Building have?

The relevant 'environmental effect' to assess in regard to heritage is what values will be lost from Waihi, the Waikato Region, and perhaps the nation as a whole, when the existing building is demolished. The particular values that old St James' may have are set out in Column 7 of the table which forms Rule 6.1.6.2 – Schedule of Historic Heritage Inventory – Category A Heritage features. The relevant portion of this table is reproduced in Part 5.2 above.

Column 7 of the table is headed 'Significance'. The significance set out for St James' in that column consists of the words 'Architectural, Cultural'. The same two words are used in this table for St John's in Seddon St, Waihi, which indicates that St John's has similar types of values. The District Plan entry for the former St Andrew's Church in Paeroa, which is also a Category A building, bears the words 'Historic, Cultural, Architectural'. This implies that the former St Andrew's (now a centre for community groups as well as for worship) has types of historic values that St James' and St John's do not have.

The final column of the table indicates that all three churches have "National or Outstanding Regional Significance". This seems to be based, in the case of St James' and St John's, that they are listed as Category 2 buildings by the HNZPT. St Andrew's is not listed by the HNZPT.

6.3.2 Architectural Significance

Rule 6.1.6.8 of the Plan indicates that the criteria which lead to a conclusion that a building like old St James' has "Architectural Significance" are as follows:

'(2) ARCHITECTURAL

- (a) The heritage item provides a notable, rare or representative example of architectural style, type or convention in either interior or exterior layout*
- (b) Example of architectural innovation*
- (c) Important example of a particular method of construction, use of material or design feature*
- (d) Important example of a particular form of craftsmanship*
- (e) Important work of a notable architect, designer, engineer or builder.'*

St James' Waihi was built in a Gothic Revival architectural style, as was St John's. This is the most common style used for new churches built in New Zealand's small towns and rural areas in the late nineteenth and early 20th century.

There are at least 43 Gothic-style churches or former churches listed in the District Plans within the Waikato Region, excluding Hamilton City. Some 21 Gothic Revival churches are listed in the Waikato District Plan alone. St James' is not therefore a rare example of this architectural style.

Also in terms of Criterion (a) above, there are quite a number of more substantial and 'notable' Gothic style churches in the Region. These include St George's Anglican and St James' Union Church in Thames, and the St Andrew's Church complex in Cambridge. All three are listed as Category 1 by the HNZPT.

The HNZPT listing for St James' states that the church is "well-preserved". Correspondence received from HNZPT indicates that the term "well-preserved" means that the original building has not been modified in a very long time. It does not mean that the building is in good condition, which is now about as far from the reality as it is possible to get.

In its present condition it is hard to see how the former church can be a useful 'representative example of architectural style' under Criterion (a). Even within Waihi this representative role is filled much more effectively by St John's, which is less than a kilometre away, is not earthquake-prone, and is apparently in very good condition.

In terms of Criteria (b) to (d), the Church proposes to undertake Historic Building Documentation (HBD) for old St James'. The HBD would record any previously unknown architectural innovation, craftsmanship or design feature. This would include, for example, the metal bracing installed beneath the main roof structure. This was installed as an early 20th century measure to stop the walls being forced further outward by the weight of the roof.

With respect to Criterion (e), the HNZPT listing for St James' does not indicate that the architect, designers or builders were notable in any way. A letter from Ms Bev Parslow of HNZPT dated 6 April 2020 to the Church Trustees confirms this fact. Ms Parslow states "we agree with the view that the church does not appear – on current evidence- to be designed by a particularly outstanding architect, and the place has not been assessed for entry on the List on this basis."

It is therefore concluded that no architectural values of any significance would be lost if the building was to be demolished. The loss would certainly not be of "National or Outstanding Regional Significance" as stated by the Plan.

6.3.3 Cultural Significance

Rule 6.1.6.8 of the Plan also indicates that the criteria which lead to a conclusion that a building has 'Spiritual/Cultural Significance' are as follows:

'(5) SPIRITUAL/CULTURAL

- (a) Focal point for spiritual, cultural, customary, religious, social, political, philosophical values of the community*
- (b) Symbolic value*
- (c) Strong feelings of community association*
- (d) Distinctiveness of community identity, social history or way of life*
- (e) Tangata whenua values.'*

The District Plan does not include the word "Spiritual" in the listing for St James'. Taking the above criteria in turn:

- a) The old building has not been a "focal point" for the "spiritual, cultural, customary, religious, social, political, philosophical values of the community" since it ceased to be used in early 2013. It is unsuitable for that purpose. Demolition will clear the way for the site to be used for construction of a new focal point for the congregation and the town.
- b) The HNZPT listing does not indicate that the church has any symbolic value.
- c) There are no "strong feelings of community association" for St James'. This can be contrasted, for example, with St Barnabas' Church in Aria, where one of the reasons for its listing in the Waitomo District Plan is "*The church has strong community association demonstrated by its continual use and the way in which the wider community valued the church by coming together to save it from demolition.*"
- d) In terms of Criterion (d), the HNZPT listing mentions four examples of social history. These are:
 - 1. the initial co-operation between the Presbyterian and Wesleyan congregations in Waihi who jointly used a Mission Hall erected in 1895,

2. The 1912 Waihi miners' strike,
3. The successful No-licence campaign for alcohol prohibition in Ohinemuri County in 1908, and
4. The commemoration of ANZAC Day.

Taking these in turn:

The proposed church demolition will not affect the former hall site, as the Mission Hall mentioned in the HNZPT listing was located where the front part of the new church hall now stands. The old hall was demolished with building consent granted by the HDC on 28 January 1992. No resource consent was required. The "Town and Country Planning" portion of the demolition permit simply states "Use conforms".

The miners' strike affected the whole of Waihi, with families and friends divided by support for different sides. The congregation of St James' would have been likewise divided. Whether the old building is physically present or not, though, makes no difference to telling future generations anything about the strike. The HNZPT listings state that the Waihi Courthouse (protected as HAU024-Category A) and St Johns' Church have also "been especially noted for their associations with the 1912 Waihi Miners' Strike." The listing for the Courthouse states that it "came to the nation's attention when prosecutions were brought against 82 striking miners". Bev Parslow's letter dated 6 April 2020 stated, in relation to St James' that the "association between the church, its minister and congregation" with the miners' strike, that "this connection has not been assessed as being special or outstanding".

In regard to the No-licence Campaign, whether the St James' building continues to be physically present or not, likewise adds nothing to knowledge about the involvement of the congregation or of the minister of the time in that campaign.

Fourthly, in terms of Anzac Day, Ms Parslow's letter notes that "ANZAC services were held at multiple churches at Waihi and those at St James'... formed part of a wider network of commemoration of ANZAC Day in the town". She notes that the association with ANZAC Day "has not been assessed as being special or outstanding in this regard".

To complete consideration of the criteria in Rule 6.1.6.8 of the Plan, St James' does not hold any special value for Tangata Whenua under Criterion (e).

It can therefore be concluded that no spiritual/cultural values of any significance would be lost if the building was to be demolished. As with St James' architectural value, any loss of spiritual/cultural values would certainly not be of "National or Outstanding Regional Significance" as stated by the Plan.

6.4 - Permitted Baseline

Any loss of heritage values and the other environmental effects resulting from demolition of St James' must be assessed in the light of the adverse effects that are virtually certain to arise if permission for demolition is not granted. A letter from Ms van Steenberg from Hauraki District Council on 16 October 2009 (Ref N517709) states:

"It is important to note that the identification of the heritage item and the rules in the District Plan do not require you to undertake active protection such as carrying out repairs or maintenance of the heritage item,..."

Unfortunately the congregation is in no position to undertake any maintenance, upkeep or repairs. In July 2023 a panel blew off one of the flying buttresses, exposing the interior. It will have to be left like that. As the building continues to fall to pieces, the old church, being built right against the footpath, will increasingly become a danger to children walking to the nearby schools, and to other pedestrians. Eventually it will become necessary to fence off the footpath and perhaps even part of the Moresby Ave carriageway as a Health and Safety measure.

As the building continues to deteriorate it will unfortunately become an increasing eyesore of peeling paint, rotting timber and rusting iron. This will be a disgrace to the town and dishonouring to God. There have already been issues with vagrants sleeping under the church and in the porch. These people pose a fire risk.

It is concluded therefore that any adverse effects from demolition are much more minor than those effects that are permitted under the RMA, and which will almost inevitably result from refusing consent to the demolition.

7. Objectives, Policies or Rules in the District Plan

Section 104D (2) of the RMA requires an assessment of the activity against any relevant objectives, policies or rules in the District Plan.

7.1 Historic Heritage Objectives and Policies

The District Plan has five objectives relating to Historic Heritage. Objective 2 relates to archaeological sites, and Objective 3 to sites of significance to Maori. Neither of these objectives is therefore relevant to the St James' application. Objectives 1, 4 and 5 and related policies are relevant, and read as follows:

OBJECTIVE 1 To protect a range of heritage items that reflect the past history of the Hauraki District from the adverse environmental effects of other activities.

(a) Policies

Objective 1 will be achieved by the implementation of the following policies:

- (i) Identify and afford protection to a representative range of historic heritage items of value to the community and the nation, recognising that it is not sustainable to protect all built heritage in the District and that some items have greater heritage value and deserve a higher level of protection than others.*
- (ii) Minimise the effects of activities, subdivision and development which could damage or destroy the historic heritage values associated with scheduled historic items.*
- (iii) Ensure the heritage and amenity values of the built heritage resource are not adversely affected by a change in context or physical location.*
- (iv) Encourage the design of new buildings and structures and external alterations or additions to building facades to be compatible with the scale, detailing, style, materials and heritage character of the Waihi and Paeroa Town Centre pedestrian frontage areas. Note: The rules and guidelines are set out in section 5.11 Town Centre Zone.*
- (v) Liaise with and seek advice from Heritage New Zealand on heritage planning generally and on all matters relating to sites listed by Heritage New Zealand, and consult with and seek advice from recognised local heritage groups on local heritage matters.*
- (vi) Consult with and seek advice from the tangata whenua on all matters relating to identified waahi tapu sites, areas, and other features of significance to them.*
- (vii) Draw to the attention of developers the requirements of the Heritage New Zealand Pouhere Taonga Act 2014, where the Council is of the view a proposed development may involve the destruction, or modification, of any archaeological site.*
- (viii) Where it is appropriate to require them, have regard to cultural values assessments and/or cultural impact assessments, heritage assessments and conservation management plans.*

Objective 1 is about protecting heritage items from the adverse environmental effects of other activities. In the context of the policies that follow, those other activities seem to include the activity of demolition. The objective is implemented by eight policies. The first part of Policy (i) aims to "identify and afford protection to a representative range of historic heritage items." The Plan identifies a range of 15 churches. Of these, the seven that are Category A or B cannot be modified or demolished without resource consent from Council. As noted in Part 6.3.2 above, St John's Waihi is a much better representative of early 1900s Gothic Revival small town churches than is the decrepit St James.

The second part of Policy (i) specifically recognises "*that it is not sustainable to protect all built heritage in the District and that some items have greater heritage value and deserve a higher level of protection than others*". The current and likely deterioration of St James' means that its heritage value has already been lost. It does not therefore deserve the same level of protection as St John's Waihi or St Andrew's Paeroa for example.

As was concluded in Part 6.3 above, St James' does not have any remaining "heritage or amenity values" that need to be saved from damage or destruction in terms of Policies (ii) or (iii).

Policy (iv) is not relevant, since the property at 76 Moresby Ave is not within the Waihi Town Centre pedestrian frontage area.

In terms of Policy (v), the applicant's latest discussions with HNZPT are set out in Part 8.1 below. The recognised local heritage group in Waihi is called Waihi Heritage Vision. The discussion between St James' congregation and that group is also summarised in Part 8.1.

Policy (vi) is not applicable, as the St James site does not involve "identified waahi tapu sites, areas, and other features of significance" to tangata whenua. Likewise Policies (vii) and (viii) are irrelevant, as they are matters for the Council to address, rather than the applicant.

Overall the demolition proposal is not inconsistent with Objective 1 and related policies. As noted above, Objectives 2 and 3 are not relevant to the current application. Objective 4 reads as follows:

"OBJECTIVE 4 - To promote greater public awareness of the value of and need to protect those features which are of heritage value to the District.

(a) Policies

Objective 4 will be achieved by the implementation of the following policies:

- (i) Providing special incentives in the form of monetary assistance, advice, site identification and other appropriate means specified from time to time in the Council's Long Term Plan.*
- (ii) Liaising and cooperating with landowners of heritage sites, tangata whenua and other groups and organisations involved in the protection of features of heritage value".*

Objective 4 and related policies appears to contain matters for Council to achieve, rather than for owners of old buildings to address. Suffice to say that the Council has not made the Church aware of any monetary incentives, or of any proposals for liaison and cooperation between HDC and the congregation. Ian Falconer did apply to HDC for a discretionary grant in 2008 after the church had spent about \$2300 on painting the white abutments of the old church, including hiring a water blaster and cherry picker. HDC files do not record what the outcome of this application was.

OBJECTIVE 5 Sustainable management of the built heritage resource by encouraging and promoting adaptive reuse of the built heritage features resource.

(a) Policies

Objective 5 will be achieved by the implementation of the following policies:

- (i) Encourage the continued use or adaptive reuse of scheduled heritage buildings, provided any adverse effects of the activity on the heritage values can be avoided, remedied or mitigated.*
- (ii) Relaxation or waiving of parking requirements or bulk and location rules where this would encourage sustainable reuse and protection of heritage values.*

The Church has actively pursued the sort of adaptive re-use options envisaged by Objective 5. Many attempts have been made to find someone interested in the building. These included:

- A local undertaker considered it as a funeral home. He quickly realised he could construct a purpose-built facility for less than the cost of repairing St James'.
- Articles in the local paper elicited only one letter and one phone call from an individual decrying that the town would lose an old building. No one was prepared to invest time or money into its preservation.
- A conservation architect, Laura Kellaway, suggested listing on Trade Me to reach a wider audience. This was done, advertising "A church for \$1.00". While a number of enquiries were received, almost all were interested in the land, not the building.
- A local Iwi, looking for a place to establish a marae, spent 11 months trying to find a way to achieve their goal using St James'. In the end the cost of bringing the building up to standard and the need for expensive ongoing maintenance led them to withdraw.
- Arthur Fulton (from Fulton Hogan, Tauranga) paid several visits to the Church, exploring ways it could be relocated and restored. He eventually withdrew, stating that the cost involved would be prohibitive.

- Jon and Stella Norris, from “Cree8 Space” took over from September 2017 investigating “ways and means”. Eventually they concluded it was impossibly expensive to do anything with the property. Jon pointed out that the building itself is not unique. There are a number of similarly designed churches – both locally and especially in the South Island – in a significantly better state of preservation. The location and history of the building is not special either; many churches have similar stories.
- In 2021 a couple from Taumarunui investigated the possibility of creating a wedding venue in the old Church. For months they tried to contract tradespeople, who without exception, were initially interested. When it was realised they would have to deal with HNZPT and Hauraki District Council, that interest disappeared. When one estimate for the task began at \$500,000, with the probability of significantly more, this couple withdrew.
- The Waihi Heritage Vision group, wishing to see the old church retained, met with Church members but there were no ideas for alternative use (acceptable to Heritage NZ), no ideas for finding funds or expertise for repairs and maintenance (see also Part 8.1 below).
- There was a couple who investigated the church in late 2023. They wanted to turn it into a Merlin’s Cave for occult activities. The congregation unanimously rejected this idea.

The reality of the situation is that no one is interested. The adaptive re-use that is an objective of the Plan is therefore simply not achievable. HNZPT insisted that there be no internal changes like constructing a mezzanine to utilise the huge space. This, plus the cost of restoration, had the folk withdrawing. The congregation, Presbytery, and Church Property Trustees have all realised that they cannot even give the building away – no one wants it. All three “stakeholders” have, with some regret, given formal approval to demolish the old building. A Congregational Meeting approved the removal of the church on 3 October 2013, and after approval from the Kaimai Presbytery, the Trustees’ consent for the demolition was confirmed in a letter dated 17 April 2014.

The Kaimai Presbytery re-affirmed its support for the demolition on 29 January 2025, resolving as follows:

‘That the Presbytery approve the demolition of the church building at Waihi subject to the approval of a meeting of the Parish Council and the Congregation; and the granting of a resource consent by the Hauraki District Council.’

7.2 Town Centre Objectives and Policies

The Plan’s objectives and policies for the Town Centre Zone in Part 5.11.2 are also applicable.

(1) **OBJECTIVE 1** *To ensure the development of business, retail and community activities and associated transport networks do not create a detrimental effect on the amenities of adjoining areas or lead to wasteful use of resources (especially land and infrastructure).*

(a) *Policies*

Objective 1 will be achieved by implementation of the following policies:

- (i) *Consolidate business, retail and community facilities and activities within the areas presently used for and recognised as the “town centre”.*
- (ii) *Allow for development of extensions to the town centres in areas which add “depth” to the town centre.*
- (iii) *Restrict the level of retailing and home occupation activities in the industrial and residential areas respectively.*
- (iv) *Ensure activities are sited, designed and operated to avoid, remedy or mitigate adverse amenity effects on adjacent residential and reserve areas, and on the efficient operation of main traffic routes.*

Demolition of St James’ will avoid a detrimental effect on the amenities of adjoining areas, including the public footpath. Demolition would also make way for a much less wasteful use of the land resources beneath the current building. It is therefore consistent with Town Centre Objective 1.

(2) **OBJECTIVE 2**

To provide for a safe, convenient, pleasant and environmentally friendly environment for business, shopping and community activities.

(a) Policies

Objective 2 will be achieved by implementation of the following policies

- (i) Segregate, wherever possible, pedestrian and vehicular traffic.*
- (ii) Require the provision of verandahs over defined pedestrian areas, to protect pedestrians from the effects of the elements.*
- (iii) Adopt parking and traffic management controls and practices that seek to avoid congestion and parking problems and enhance pedestrian and cyclist safety and amenity.*
- (iv) Ensure the maintenance of sunlight and daylight into adjoining residential properties, and into areas of public open space (footpaths, reserves).*
- (v) Ensure that a continuity of display window frontage is maintained in the main pedestrian areas.*
- (vi) Ensure activities located on main traffic routes and/or that attract large numbers of vehicles are located and designed such that potential adverse effects on traffic movement, efficiency and safety, and adverse effects on pedestrians and cyclists, are avoided, remedied or mitigated.*

The proposed demolition will help to achieve a safe, convenient, pleasant and environmentally friendly environment in the Waihi town centre in line with Objective 2. It will do this by removing a potential eyesore, and a potential danger to footpath users and the neighbours. The subject site is not within one of the “defined pedestrian areas” to which Policy ii) relates. Pedestrian and cyclist safety and amenity in terms of Policy (iii) will be maintained during the demolition process by the required Traffic Management Plan (TMP). The TMP will also avoid, remedy or mitigate the potential adverse effects of the demolition process on traffic movement, efficiency and safety, as required by Policy (vi). Moresby Ave is classed by the District Plan as an arterial route.

Town Centre Policies (i), (iv) and (v) are not relevant to the demolition proposal.

(2) OBJECTIVE 3

To enable a range of business activities, without generating adverse effects on the function of the town centres as community focal points.

(a) Policies

Objective 3 will be achieved by implementation of the following policies

- (i) Require large format retail activities to be located outside of the defined pedestrian areas,*
- (ii) Exclude activities which have the potential to cause objectionable or noxious effects from the Town Centre Zone.*

The demolition of St James' is compatible with Objective 3 and Policy (ii), because instead letting the former church building run to rack and ruin has potential for exactly the type of adverse effects that these Plan provisions aim to avoid. Policy (i) is not relevant

(4) OBJECTIVE 4

To maintain and enhance the historical style and scale of buildings which contribute to the attractive character of the town centres of Paeroa and Waihi.

(a) Policies

Objective 4 will be achieved by implementation of the following policies:

- (i) Ensure new development and alterations and additions to the street façade in the pedestrian areas of the Paeroa and Waihi town centres are sympathetic to the character of the streetscape.*

Policy (i) is not directly relevant to the St James' proposal, since 76 Moresby Ave is not within a pedestrian frontage street identified on the planning maps for Waihi. Any new building constructed on the demolition site will however require resource consent as a controlled activity under Rule 5.11.4.2 C2. This is because Moresby Avenue is one of the arterial roads identified on Planning Map L3. Rules 5.11.4.2 (1) to (3) bring the following design and appearance rules into play:

(1) Design and appearance of buildings

- (a) For sites (outside the Pedestrian Frontage Areas) fronting and/or having access to a state highway or arterial road:*

- (i) *The extent to which the buildings are designed to present an attractive façade to the street, including such features as the main public entrance, advertising and window display. In particular, features such as the service or loading entrance, extractor and air conditioning units should be located on side or rear walls.*
- (2) *Site layout*
 - (a) *For sites (outside the Pedestrian Frontage areas) fronting and/or having access to a state highway or arterial road;*
 - (i) *to what extent have buildings and outdoor activities been set back from front boundaries to allow room on the front of the property for landscaping, access and parking areas, and also to ensure that buildings do not visually dominate the streetscape as viewed from the road;*
 - (ii) *whether on-site parking and loading areas have been located to be readily visible to drivers and conveniently accessible in order to minimise disruption to traffic flows on the street, or disrupt the activities on site;*
- (3) *Location and design of vehicle access*
 - (a) *For sites (outside the Pedestrian Frontage areas) fronting and/or having access to a state highway or arterial road;*
 - (i) *whether access to and from sites has been located and designed to minimise any detrimental effects on the safety and efficiency of the street system;*
 - (ii) *whether the access points are located so as to be readily visible to drivers thereby enabling safe slowing and acceleration distances.*
 - (ii) *whether storage yards and servicing areas are sited away from the street or screened from the street to minimise visual impact.*

Any replacement building at 76 Moresby Ave will have to be designed to be sympathetic to the character of the streetscape. Objective 4 and the related Policy (i) will be fulfilled to that extent. In the meantime, a vacant site would have a neutral impact on the character of the town centre compared to a deteriorating eyesore.

8. Notification Assessment

The Church is requesting under Section 94A of the Act that the application be publicly notified.

8.1 Consultation with Affected Parties

It is considered that the parties affected by the application are the owner and occupiers of the adjacent house at 74 Moresby Avenue (during the demolition process), and Heritage New Zealand Pouhere Taonga (HNZPT). It is noted that the old church is listed on the HNZPT Register as a Category 2 building. This listing confers no protection in its own right.

8.1.1 74 Moresby Avenue

The character house immediately to the north of the subject site is set back about 15 metres from the church boundary, and the old church is set back only 1m from the same boundary. A representative from the Church visited the family on three occasions in late 2024 and early 2025 to explain the demolition proposal. They have elected not to provide written consent to the application, which means that effects on them do need to be considered under the Act. For the reasons noted in Part 6.2 above, however, the Church considers that any effects on them will be no more than minor.

8.1.2 Heritage NZ Pouhere Taonga

As the building is on the HNZPT register, the Church assumed that Heritage NZ would be an affected party to the application. This was confirmed by HDC staff at a pre-application meeting on 5 December 2024. The applicant's agent therefore contacted Robyn Byron from HNZPT, requesting written consent from HNZPT for the demolition, so that the HDC need not 'limited notify' the application. Ms Byron was advised that Historic Building Documentation is part of the Church's proposal.

Ms Byron's reply on 6 December 2024 was that:

'Heritage New Zealand Pouhere Taonga (HNZPT) is well familiar with St James' Church at 67 Moresby Avenue at Waihi.

We have made site visits to view and discuss the church's need for seismic upgrading and possible changes that might assist in making the church more suited to modern use and needs. We have always offered that we are approachable and amenable to discussing and working through potential changes for the adaptation of the place (advice offered is free of charge). Many churches face challenges that see them adapt in ways that better suit contemporary use, and we have worked with many to achieve this.

In association with potential adaptation rather than demolition, HNZPT has offered to support any funding bids the church would be eligible to make to assist with the structural strengthening and general upgrade and conservation of the church.

In 2020, at the request of the congregation of St James', HNZPT undertook a review of its listing. The review confirmed its historic significance, and the heritage values associated with the place re-affirmed its Category 2 historic place status, a decision ratified by our Board.

HNZPT is also aware, from enquiries that have been made to us, that there has also been interest in purchasing the church by others wanting to retain, conserve and adapt the place. There would seem to be options to the demolition of this significant place.

For the above reasons, HNZPT would not support an application for demolition'.

The applicant's agent replied to this email on 9 December 2024, as follows:

'As affected party consent from HNZPT won't be forthcoming, our application will request that HDC give the proposal full public notice.

I would however like to query a couple of things in your email.

- Firstly there is a statement about 'funding bids the church would be eligible to make'. This sounds positive, and the congregation would be very pleased if you let us know of any funding sources that would cover a potential earthquake strengthening bill of around \$1.5 million with maintenance at \$50,000 pa. The trouble is that even once strengthened the building that would still not be 'fit for purpose'.*
- Secondly your email mentions you are aware, 'from enquiries that have been made to HNZPT, that there has also been interest in purchasing the church by others wanting to retain, conserve and adapt the place'. While that is true, anyone who bothered to enquire further and look at the building's structure found their plans impractical. This was due to the actual state of the building, the requirements of the HDC heritage listing, the limits on modification sought by HNZPT, or all three factors. Some of the enquirers wanted to construct a mezzanine floor to make the most of the interior space, but this concept was opposed by HNZPT.*
- A list of the actual enquiries fielded by the church will be summarised as part of the supporting information provided to the Hauraki District Council, which is the sole decision-maker in this instance.*

I will proceed with preparing the application for demolition, as it meets the relevant criteria for approval under the RMA. In particular, removing the old building would not be contrary to the objectives and policies of the Hauraki District Plan, and would not have any adverse effects on the environment that are more than minor'.

No reply has yet been received from HNZPT.

8.1.3 Waihi Heritage Vision (WHV)

A few years ago the Congregation had an evening meeting with WHV. Around a dozen WHV representatives gathered with four people from the Church. The heritage group were strongly opposed to any suggestion of demolition, but had no practical ideas of how to maintain or use the building. One idea was to turn the church into a cafe. That might have been possible if there were no maintenance

or upkeep issues and there were ways of providing the building with toilet and water facilities. No one in the group had anything other than vague ideas, however.

The applicant's agent contacted Krishna Buckman of WHV by email on 3 February 2025, advising that the resource consent application would soon be lodged, and inviting any comments that WHV may have on the Church's proposal. A reply was received on 24 February 2025, which stated as follows:

At our meeting on the 18th February, the Committee approved a motion to the effect that as we cannot offer any solution to keep the building we will therefore not appeal against demolition. While the loss of the building heritage is not our preferred solution, we cannot offer another. However, given our belief in maintaining as much of our heritage as possible, we are also not prepared to write a letter in support of demolition.

9. Statutory Assessment

9.1 Sections 104 and 104B of the Resource Management Act 1991

Section 104 (Consideration of applications) states that:

- '(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to—*
- (a) any actual and potential effects on the environment of allowing the activity; and*
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from 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'.*

Council therefore needs to evaluate the proposal against Part 2 of the Act. (Section 77M, which is also mentioned in s.104(1), relates to the Government's Medium Density Residential Standards for cities. It is not therefore relevant to the St James' application).

s.104 B states that:

'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'.*

9.2 Part 2 of the RMA

9.2.1 Section 5 RMA

Part 2 of the RMA consists of Sections 5 to 8. Section 5 states that 'the purpose of this Act is to promote the sustainable management of natural and physical resources'. The old St James' church building is a physical resource. Under s.5, 'sustainable management' means:

'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Demolition will enable the St James' congregation to 'provide for their social, economic, and cultural (including spiritual) well-being', as set out in s.5. It will remove the economic burden, stress and worry of the current requirement to upgrade the structure to meet earthquake standards before it can be used. The issue of the spiritual wellbeing of the congregation and of Waihi as a whole, which is all part of s.5, was put succinctly by Rev. Pearson in his letter to the HNZPT on 21 November 2019. He said:

"The church does not have an interest in providing monuments or memorials for the community. Our focus, energies and resources must remain on our main purpose of promoting Christian faith. A Church building is, to us, nothing more than a tool to assist our endeavours. If that tool distracts us from the task to which we are called and commissioned; if that tool absorbs precious resources of time, energy and money; then the tool has become a hindrance and not an asset".

The demolition would also help provide for 'the health and safety' of those in the wider community, as also sought by s.5. This would mainly be through increased safety for those who use the Moresby Ave footpath. This includes children and staff from the adjacent primary school, and students making their way to and from Waihi College at the northern end of the street. It would preclude the Council having to potentially declare the former church to be a 'dangerous and insanitary building' under the Building Act 2004.

In terms of Section 5(a), the physical resource represented by the old building is of no real use to meet the 'reasonably foreseeable needs of future generations'. The foundations are unstable, and it is too cramped, cold, leaky and drafty to be suitable for future gatherings. Taking the land back to a 'clean slate' would pave the way for a new building that is useful to the congregation and the wider Waihi community in the 21st century.

Section 5(b) is not applicable to the demolition proposal. In terms of Section 5(c), demolition will avoid the adverse effects of the building deteriorating into a disused eyesore and safety risk.

9.2.2 Section 6 RMA

Section 6 states that all persons exercising functions and duties under the Act 'shall recognise and provide for the following matters of national importance:' A list of eight matters follows. Of these the only clause that is relevant to the present application is Section 6(f), which is:

'the protection of historic heritage from inappropriate subdivision, use and development'

Under Section 2 of the Act – Interpretation – "historic heritage" means —

- (a) *'those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:*
 - (i) *archaeological:*
 - (ii) *architectural:*
 - (iii) *cultural:*
 - (iv) *historic:*
 - (v) *scientific:*
 - (vi) *technological; and*
- (b) *includes—*
 - (i) *historic sites, structures, places, and areas; and*
 - (ii) *archaeological sites; and*
 - (iii) *sites of significance to Māori, including wāhi tapu; and*
 - (iv) *surroundings associated with the natural and physical resources.'*

The former church building is part of the historic heritage of Waihi from the early 1900s. It is doubtful, though, whether in its present and likely future condition it does anything to 'contribute to an understanding and appreciation of New Zealand's history and cultures.'

The building is not old enough for it to have any archaeological values under s.2(a)(i). This is because 'Archaeological sites' are defined under s.6 of the Heritage NZ Pouhere Taonga Act 2014 as:

- ‘(a) any place in New Zealand, including any building or structure (or part of a building or structure), that—*
- (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
 - (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand...’*

Any pre-1900 archaeological evidence on the northern part of Section 14 would have been destroyed or buried when the site was filled so that the piles for the old church could be laid in 1904. It was the southern part of the site that was used for the 19th Century Mission Hall, and that land is now under the floor of the current church hall.

As noted in Part 5.2 above, it is possible that some items of archaeological evidence may be located below the fill material upon which the old church sits. The demolition would involve minimal disturbance to that ground layer, and in fact would enable readier access to it.

The listing for St James’ in the Hauraki District Plan indicates some architectural qualities. These qualities might be relevant in terms of Clause (a)(ii) of the definition of ‘historic heritage’. As noted in 6.3.2 above, though, no significant architectural values would be lost by demolition of the former church. The District Plan also implies some cultural values in terms of Clause (a)(iii), which are addressed in Part 6.3.3 above. The analysis concludes that the effect of losing any cultural values through demolition would also be less than minor.

There are no known unusual technological methods used in the construction of the old church in terms of Clause (a)(iii). The HBD that the Church has proposed as a condition of consent to the demolition will however reveal any such methods, and record them for posterity.

9.2.3 Section 7 RMA

Section 7 (‘Other matters’) requires that *‘all persons exercising functions and duties under the Act, in relation to managing the use, development and protection of natural and physical resources, shall have particular regard to:’* a list of 11 matters. Of these, only the following are applicable to the St James’ proposal:

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- (f) maintenance and enhancement of the quality of the environment:*

Kaitiakitanga is defined under the Act as:

‘the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.’

While the guardianship of the St James’ property is not exercised by tangata whenua, the Church takes its stewardship responsibilities very seriously in terms of s.7(aa). God himself required humankind to be good stewards of the earth and the other resources He was giving us. This is why the Presbyterian Church conducts ‘Fit for Purpose Assessments’ (FPAs) of all the buildings it is responsible for. In the most recent denomination-wide FPA, the old St James’ Church in Waihi failed completely in every category (except for location). While the building was adequate in the first years of the 1900’s, it no longer meets present or future requirements. The Heritage listing means it is not able, without resource consent for demolition, to have the complete re-build needed. Demolition is required for the physical resource of the Church’s land at 76 Moresby Ave to return to being a useable property that is used efficiently as sought by s.7(b).

It is not good stewardship under s.7(aa) of the Act to leave the old church building unused, falling into disrepair and becoming an eyesore and a hazard to pedestrians. All of these things would be the almost inevitable result if the Council refused consent for it to be demolished. That result would not maintain, let alone enhance, the ‘amenity values’ or the ‘quality of the environment’ of the town centre and Waihi as a whole, as sought by s.7(c) and s.7(f). The Act defines ‘amenity values’ as:

“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

9.2.4 Section 8 RMA

s.8 (‘Treaty of Waitangi’), states that:

‘all persons exercising functions and duties under the Act, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).’

The former church has no particular value for mana whenua, and it is considered that s.8 of the Act is therefore not relevant to the application to demolish it.

9.3 s.104D - Particular restrictions for non-complying activities

Parts 6.2 to 6.4 above show that the demolition application meets both Sections 104D(1)(a) and 104D(1)(b) of the RMA, which state:

- (1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
 - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

In particular, the adverse effects of the demolition activity on the environment, including the effects on the owners and occupiers of 74 Moresby Ave, will be minor; and the activity will not be contrary to the objectives and policies of the operative Hauraki District Plan.

9.4 Planning Documents - Section 104 (1) (b) of the RMA

s.104(1) (b) requires the resource consent decision maker to have regard to:

- (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’.*

There are no relevant requirements in any of the above documents that are relevant to the St James’ proposal, apart from the Hauraki District Plan under s.104(1)(b)(vi). To be specific, there are no applicable National Environmental Standards or National Policy Statements, or relevant rules in the Waikato Regional Plan. The Waikato Regional Policy Statement does contain a section on Heritage, but this is binding on the Regional Council, territorial authorities and District Plans, rather than being determinative on specific applications.

The relevant provisions of the Hauraki District Plan have been outlined in Part 7 above, and analysis has concluded that the proposed demolition is not inconsistent with the policies and objectives of that Plan.

10. Summary and Conclusions

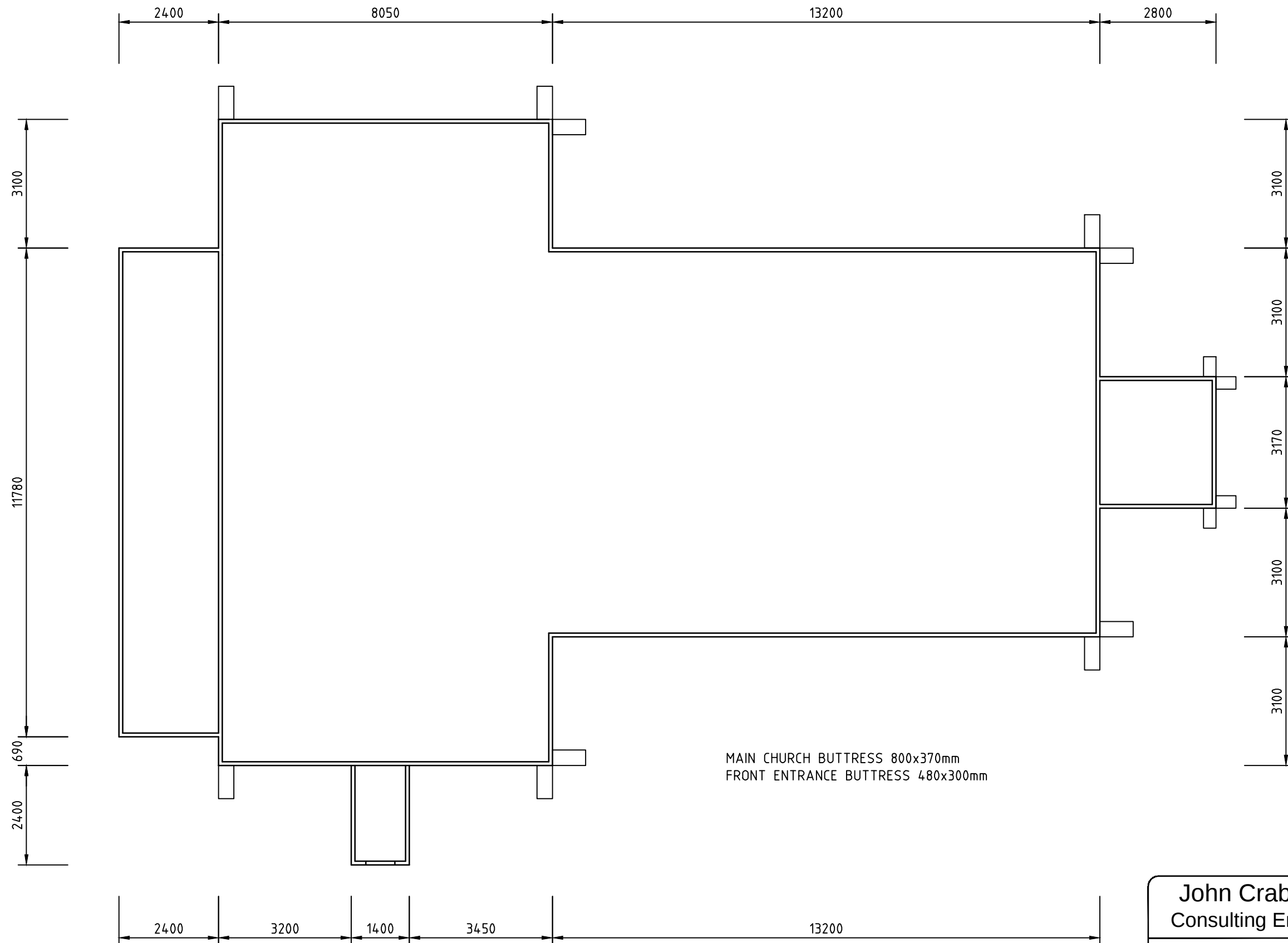
The old church building is unusable. At 8% of earthquake standard it has stood empty and deteriorating since 2012. Even if the money could be found to repair and maintain it, the building would still not be “fit for purpose” for modern worship and diverse community use. Demolition would instead clear the way for a more low-maintenance multi-purpose community use facility to possibly be built on the site.

The former church’s listing in the Hauraki District Plan as a ‘Category A’ heritage feature means that resource consent from the Council as a non-complying activity is required before it can be demolished or modified. Analysis of other church buildings in the Waikato Region shows that St James’ is not of ‘National or Outstanding Regional Significance’ as specified in the Plan’s listing for it. In fact, no significant architectural, cultural or historic values would be lost if old St James’ were to be demolished.

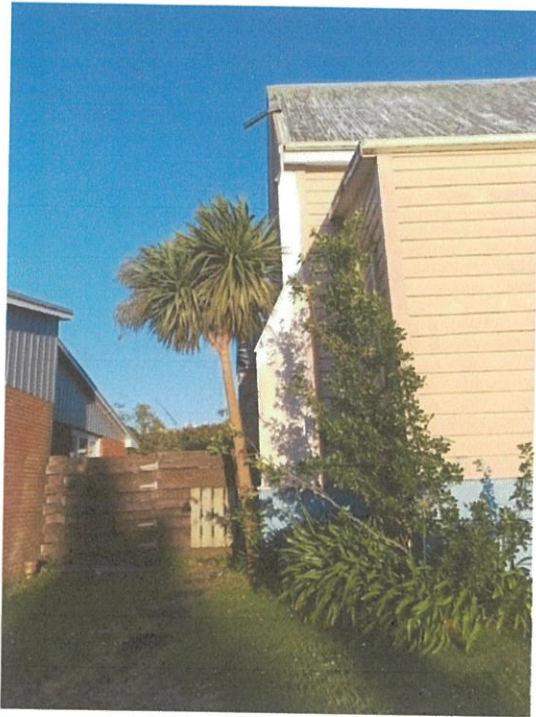
Demolition of the old church does not conflict with the objectives and policies of the District Plan. The heritage and physical effects of the demolition would also be minor compared with the only other realistic option, which represents the ‘permitted baseline’. This option is for the structure to be left to fall to rack and ruin. Demolition therefore meets all the statutory criteria under the Resource Management Act for consent to be granted for a non-complying activity.

APPENDIX A: EARTHQUAKE ENGINEERING REPORT 2012

APPENDIX B: PHOTOS OF ST JAMES’ WAIHI, 4 DECEMBER 2024



John Crabtree Consulting Engineer		PO Box 172 Katikati Phone: 07 549 3447 Fax: 07 549 3438 Mobile: 021 438 750 Email: jacrabtree@xtra.co.nz		DRAWN: N.H	
				DATE: 25/09/12	
				LAST PLOT DATE: 25/09/12	
FLOOR PLAN ST JAMES PRESBYTERIAN CHURCH 76 MORESBY AVE WAIHI					
SCALE: 1:100		DRAWING No. 001		CAD FILE NAME: S465	
				ISSUE:	



Taken by Ted Lord
4/12/2024.



