

Submission to the DCC

Change ID: SBH3

Provision affected: BX015

Address: 38 Michie St, Belleknowes, Dunedin

Vaughn Malkin

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Introduction.

My submission seeks to reject the change and opposes the addition of my house at 38 Michie St to the 2GP heritage Schedule.

I also point out that my house has never previously been a heritage house.

The dialogue in the public domain is dominated by people who speak loudly and authoritatively about heritage. Heritage is at risk – usually from the people who own it! I find myself in a situation of owning a house that suddenly others seem to covet. To object to all of this is to be portrayed as misguided, selfish, or ignorant. The usual concerns property owners have are now irrelevant! I've been told by heritage lobbyists I should have known better about the responsibilities of owning such an important house. I've had council representatives sigh at me as they say they are justified because they have devised policy that says they're justified! I have seen emails and correspondence from politicians that say there is a fundamental issue about owners' rights that arises from the action that the council has taken here. ¹

I have also realised that my voice, and the voice of many private owners, has very little weight in this conversation about heritage. The council's own expanded assessment of our property of 15 pages summed up our twenty or so years of ownership, work and care of our house (About a third of the life of its history so far), **in a mere 17 words**.

It is very important to me that our voice, and the voice of owners of all heritage is seen and recognised. Until the Council is prepared to treat owners of heritage as serious partners in preserving heritage then I must object to the heritage process as it currently is enacted, and object to the scheduling of our home as a heritage building.

¹ <https://www.odt.co.nz/news/dunedin/dcc/proposed-historic-building-plan-changes-be-notified> and Appendix.

Initial Communication from the DCC.

The original letter from the DCC states: *"For a building to be included on the heritage schedule, it must have significant heritage values relating to one or more of the following criteria..."* This is a key point, as it makes clear that inclusion on the heritage schedule is contingent upon the identification of significant heritage values.

The DCC has a mandate under the Resource Management Act 1991 (RMA) to protect heritage. The RMA defines "historic heritage" as natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, based on the following qualities:

- Archaeological
- Architectural
- Cultural
- Historic
- Scientific
- Technological

While the RMA refers to these as *qualities*, the DCC uses the term *values* interchangeably in its correspondence, leading to some confusion. Similarly, *A Heritage Strategy for Dunedin - 2007* references these same criteria but uses the term *significance*, a term also employed by Heritage New Zealand (HNZ). HNZ provides a detailed explanation of this term in their *Significance Assessment Guidelines - 2019*. Unfortunately, inconsistent terminology persists within the DCC and among local heritage advocates.

David Kiddey, writing in the *Otago Daily Times*, highlights the issue of imprecision in heritage evaluation:

"Unfortunately, the criteria used by city and district councils seldom have this rigour. For some councils, 'heritage' values are decided by elected representatives. Views often range from 'that lovely old house' (worth keeping) to 'that old dunger' (an eyesore to be got rid of)."

This lack of clarity makes it challenging for people to engage with the heritage process, which is already fairly complex and opaque

This confusion about what exactly the DCC was proposing was made apparent at my first meeting with the council where I asked them to explain their submission to me. Whilst the DCC representatives were insistent our home had "heritage values", they could not articulate the specifics of those values or elaborate on how their significance was defined. It turns out however, that it didn't matter as this gem shows:

"Through consultation, several building owners disagreed with scheduling of their buildings in the Plan. The reasons for disagreement generally did not relate to the achievement of 2GP

objectives and policies for the management of heritage values. It is appropriate to still include these buildings in the proposal because there is no 2GP or Council policy that requires landowners' agreement for the scheduling of buildings, and this would detract from achieving Objective 2.4.2 on protecting Dunedin's heritage." ²

This paragraph suggests that the DCC may dismiss any reasonable objections to scheduling buildings, by constraining the scope of any discussion with a claim to their own authority. The initial letter from the DCC inviting people to contact them made no reference to any limitations or constraint on inquiries. It's the classic approach of using the wording of the plan to defeat the spirit of the plan!

the DCCs own website has the following to say:

*The main goal of the District Plan is to sustainably manage the natural and physical resources of Dunedin to **meet the needs of current and future generations and to provide for their social, economic and cultural wellbeing and for their health and safety.*** ³

As a member of the *current generation*, the scheduling of my house absolutely affects my wellbeing, so their dismissal is contrary to the spirit of what the 2GP is trying to accomplish.

This narrow approach contrasts with the more collaborative stance previously taken by the DCC. For example, Glen Hazleton, a former Heritage Adviser, emphasized:

"For all the proposed new items for scheduling, I have attempted to get owner approval for adding the items to the schedule. Where there was strong opposition to the listing and building was not highly significant or rare, I have not recommended scheduling at this time... ..In a small number of cases I have recommended scheduling in spite of the owner's opposition. This is due to the significance or uniqueness of the building. These are not recommendations I have made lightly; given the importance I place on working with owners for mutually beneficial outcomes..." ⁴

Similarly, a report from Emma Christmas noted that *"the preference for accepting new listings is owner approval. If the owner disagrees, the general approach is to try and work collaboratively..."*

Finally, the initial heritage assessment was quite abbreviated (4 pages). It appears a template was used to quickly fire out something to see what would stick. That there were obvious holes in this assessment is clear from the much larger revised assessment, but it does mean that there are now other properties that have been scheduled on similarly brief assessments that are of low quality. This contrary to the RMA:

² (https://www.dunedin.govt.nz/__data/assets/pdf_file/0018/1083222/Section-32-Report.pdf)

³ (<https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan/what-is-a-district-plan>)

⁴ (Statement of Evidence of Glen Hazleton for Dunedin City Council – Dated 16 September 2016)

*I just want to dwell very quickly on that term, "historic heritage", because this is defined in the RMA. **The definition includes a contribution to the understanding of New Zealand's history and culture. That's quite a high bar to reach—a nationally important historic heritage measure – Rachel Brooking, MP***⁵

⁵ https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20211214_20211214_32

The Role of the Southern Heritage Trust?

If the DCC is squirrely about working with the owners of buildings, then it appears they are quite happy to deal with unrelated third parties.

I lodged a LGOIMA request for written material pertaining to the DCC submission of my property. I was quite surprised to see emails between the heritage adviser and members of the Southern Heritage Trust (SHT). It would appear that there has been at least one meeting between these individuals to discuss the DCC's internal nominations for properties inclusion in the schedule (my house being one of these.) and asking for confirmation of houses that SHT wanted to substitute. The full wording of these emails are included as an appendix to this submission.

The SHT is a charity and has no statutory role or legislative authority that gives it preferential reasons to be conferring with the DCC's Heritage Adviser about nominations for scheduling. A previous Environment Court ruling accepted the argument that the SHT has no special relationship or role with the DCC, beyond that of any other private citizen. ⁶

I am concerned that the SHT has influence and access to high level decision making in a way that members of the public and heritage building owners do not. This is clearly not the same as a person who is contracted by the council to provide expert advice, as there are legally defined boundaries and expectations in that case. The emails show that the trust has been repeatedly consulted and asked to provide input into decisions - an option that has not been extended to heritage owners. In fact, DCC communication with heritage owners states there is only one legal venue for correspondence, e.g.:

"As you have been previously advised the appropriate way to address the matters raised in your email is through the making a submission on the plan change and, if you choose, speaking to your submission at the Hearing for Plan Change 1. The Hearings Panel will be delegated authority to make decisions on this plan change." ⁷

The heritage advisor seems happy to accept and act on advice provided by SHT. Allowing SHT to have privileged access to a process that property owners cannot is highly problematic. Favouring SHT in this way compromises the fairness of the process to heritage owners.

In the emails, there appears to be some horse-trading about the merits of various properties that could be included. Whatever the experts have to say about importance of heritage values and their significance, it would also appear that heritage criteria and their significance can be compromised if it suits. I am also concerned that members of the SHT, in advising the Heritage Adviser, appear to struggle (need to "sleep on it") to make sound judgements about

⁶ (Environment Court Decision No. [2022] NZEnvC 234).

⁷ (Email, Anna Johnson, City Development Manager to Petrus Yen, Tue, Dec 3 2024)

the inclusion of properties on the list. Surely there should be no struggle here - if a property cannot be clearly identified as having significant heritage values, then it should NOT be included on the heritage schedule. Heritage NZ Significance Guidelines states "each criterion ascribed to a historic place or area must be clearly supported by evidence to show it meets the threshold for significance." Thus it is concerning that decisions appear to be influenced by the subjective opinions of SHT members rather than clear, evidence-based criteria. This lack of clarity or reliance by the DCC on inappropriate and inconsistent advice can only result in arbitrary or biased outcomes that again undermines trust and fairness. It is important that the scheduling process is transparent and evidence-based to uphold natural justice, and this does not seem to be the case here.

The SHT's criticisms of private property owners and developers also raise concerns. In one instance, a member of the SHT criticized the removal of trees from a property, making sweeping generalizations about property developers and the motivations behind property development:

"Had a look at 61 Wallace St today and am aghast that all the splendid mature trees have gone, even the ones along the side boundary (the next door house does not enhance the property!) The whole setting is ruined. - an image of a 2 storey glass box is on display, just as I feared. Developers see large sections and \$\$\$\$\$\$, ignoring heritage and all other aspects."

For the record, a visit to the property will show the removed trees were detrimentally shading the neighbours and not protected trees.

Such generalizations reflect personal opinions and bias, not objective assessments of matters of heritage significance. Worse still, there was no rebuke or correction from the heritage adviser regarding this unprofessional feedback. The fact that this was accepted without question severely questions the legitimacy of the DCC's decision-making process.

Finally, it is worth noting that the Southern Heritage Trust receives grant money from the DCC and benefits from access to DCC property to conduct its business. This creates a significant conflict of interest, as decisions to schedule properties are likely to favour an organization with financial ties to the DCC and a clear aspiration in controlling the process. The fact that SHT has privileged access to decision-makers while property owners are locked out of these discussions raises serious concerns about the fairness and transparency of the entire heritage scheduling process.

Historic & Social Significance.

The DCCs submission states that our home meets the above requirements.

Specifically, the DCC references Dr and Mrs Rutherford in this context. (DCC Submission, Pg 10) and that the Rutherfords made contributions to Dunedin's civic and medical life.

The HNZ Guidelines states the historic significance means a place contributes towards the understanding of a significant part of NZ History (Or Dunedin in this case) That it has characteristics that make is particularly useful enhancing this understanding of history, especially when compared to other similar places. Vague descriptions on themes or connections, lists of uses for a place, lack of positive evidence are to be avoided.

Social significance relates to a specific community that has developed as a result of the place and its special characteristics. This community values a place because of the way it brings its members together. It should avoid ascribing significance if simply has no relevance to people today, only has amenity value, is of value to a single family, etc.

Dr Rutherford was involved in the unfortunate 1946 debacle around Stafford Hospital - a private hospital, which was purchased by the Hospital Board to run as a maternity home. Among the many controversies resulting from this was an accusation by the then Chairman that Dr Rutherford was hiding the fact that his interest in the sale of the hospital was motivated by potential loss of private income, rather than a public concern over a loss of hospital beds, and that he engaged in political dirty tricks. Mercifully the whole episode only lasted a couple of months. There is no further news or information that I can find that mentions Dr Rutherford in this context.

Margaret Rutherford (nee Begg) married early and left Dunedin at age 26. She returned after the death of her first husband and married Dr Rutherford at age 36. The DCC has presented no evidence that Margaret was involved in any activities that have a clear social or historical significance to Dunedin, as it's submission section on Notable People does not mention Margaret at all. In fact, it is purely trading on the earlier Begg family involvement in Dunedin, and while her father has an illustrious association with Dunedin, this does not trickle down to Margaret. Otherwise, we would the ludicrous situation of having to consider every dwelling ever associated with all the Begg Family descendants to the present day as having heritage significance!

Even if we accepted this logic, the DCC has still not presented any evidence that shows Margaret had an active role in the family's own heritage impact on Dunedin. (As an aside, the City Corporation had James Begg's house demolished after the death of his sister who resided there, to widen Ross St. So much for preserving heritage!)

Furthermore, 38 Michie St was purchased as a deceased estate two years after Margaret's death. Clearly the executors of the estate knew that the house no longer had any

significance to the family by this time, or at least not enough that they wanted to keep the house.

- The DCCs submission does not show what significant aspect of local history 38 Michie St contributes an understanding towards. Dr and Mrs Rutherford are not people who contributed widely towards the settlement, occupation, or wider historical development of either present day Dunedin or surrounds.
- The DCC has provided no evidence that there is a former or existing community associated with 38 Michie St or the Rutherfords, nor is this a place that brings or has brought people together, or that any such group has valued the place. It is important to note that Heritage NZ specifically warns against association with a just a single family or only a few people.
- The DCC also mentions the architects of the house Warren & Mahoney under the heading of Notable People. I note that the DCCs own criteria for historic and social heritage values does not include the provenance of the architect, and so their inclusion in this criterion is careless.
- The DCCs own submission admits that the values it has in this RMA quality are "to a lesser degree". This is an admission that the **house does not have "significant heritage values"** in the historic/social criteria. In fact, it is a downgrading from the DCCs initial draft assessment which stated it has it just has "values" (No adjective modifier). Given the DCCs original statement that "for a building to be included on the heritage schedule it must have significant heritage values" then **by their own argument 38 Michie St cannot be included in the heritage schedule for its historical/social significance as it does not meet the DCCs own criteria of "significant heritage value"**.

Design Significance.

The DCC submission references several times that the house has been published and recognised for its place in Warren & Mahoney's architectural style. This statement is pure exaggeration. The only place this house has been published, was as the result of work for Michael Findlay, and his chapter contribution for a book called "Modern". At a slim 8 pages in length, it is the smallest chapter in his book, where the average page count is about 15 pages for other properties – hardly significant. An article in the ODT accompanied Michael's visit to our place, but although it had pictures of the house, the article was clearly about Michael's writing for the book and just paraphrases from Michael's work. It adds nothing new to the understanding of the house.

There is not a single reference to 38 Michie St in any of the works regarding Warren and Mahoney cited by the DCC in their submission (Including works published by Warren & Mahoney themselves!), nor in such books as "New Territory / Warren and Mahoney / 50 Years of Architecture", or "Warren & Mahoney, Architects". Searches online also do not reveal any other reference to our house (Other than the ODT article). To call it published and recognised is a gross exaggeration designed to inflate its significance. The reference by Michael Findlay to "...a trio of **important** houses..." is in fact a personal emphasis added by Findlay. Warren & Mahoney's own writings says that the "... **style was then promptly abandoned.**"⁸

There is no evidence in the DCC's submission on specifically how our home reflects any move forward in creating a New Zealand architectural identity and there is no further reference in Warren & Mahoney's own books that shows how these three houses had any further influence on the rest of Warren & Mahoney's style. Furthermore, the line that these early houses "...have their own historical significance" is clearly a bit of self-publicity on the part of Warren & Mahoney as they have provided no independent evaluation of historical significance.

The truth is there are many mid-century properties in Dunedin and our home is simply another example of a mid-century/modernist building. This article from the ODT⁹, clearly lists a sampling of other modernist buildings and property in Dunedin:

- Former NZR Road Services building, designed by Miller and White, 1939, now part of the Otago Settlers Museum.
- LISTED Law Courts Hotel, designed by McDowell Smith in the late 1930s, Lower Stuart St.
- Fletcher Offices, designed by H McDowell Smith c1950, Parry St.
- Lawson and Lousley houses designed by Miller and White (1936-7) on the corner of Pitt St and Heriot Row (see photographs above).

⁸ (Warren and Mahoney, Architects, Pg. 6).

⁹ (<https://www.odt.co.nz/lifestyle/home-garden/dunedin-modernist-times>)

- St John's building, in York Pl, also by Miller and White 1938.
- Unipol Gym (originally Williamson and Jeffrey's building), designed by H McDowell Smith c1950, in Anzac Ave.
- House, corner of Smith St and York Pl, designed by Frank Sturmer, of Sturmer and Stone, 1936.
- LISTED Speight's Brewery, which Mr Findlay describes as "one of the finest urban industrial buildings in the country", in Rattray St, designed by Mandeno and Fraser, 1938
- NMA Woolstore (now Spotlight) on the corner of Vogel and Crawford streets - an early piece of modernist industrial architecture also designed in 1928 by Mandeno and Fraser.

There are many other places in Dunedin, such as Aquinas Hall, Blackman House, Greenslade House, McCoy House.

That Warren and Mahoney have designed property Dunedin is hardly surprising as at the time their business had a national reach. But surely but surely given the scope of the 2GP, it would be more appropriate to be waxing lyrical about a Mason and Wales building or McCoy and Wixen, as these are long-established Dunedin architects with practice, history and genuine connection to Dunedin.

Heritage New Zealand's statements around architectural significance are very clear that significance in this area must reference methods of construction, style or architectural movements, and specifically warns against justifying value on the basis who the architect is. It also states that even in these areas a building would still need to show a significant development in architecture. The context as provided by the DCC is clearly particular and personal to Warren and Mahoney, and the building simply reflects a widespread practice and trend in architecture at a time, which is amply demonstrated in other mid-century architecture in Dunedin.

There is no explanation of how aesthetic and architectural features of the house as identified (Unpainted concrete block, paired gable form, or "mid-century aesthetic") show it is an especially important example compared to other buildings of the era, that it demonstrates a change in style, or is a striking representative example etc. The last feature is so laughably broad that they might as well have said "Has a roof" to justify its inclusion as a building!

The DCC submission references views from the street. I have submitted images of these, and as you can see, the house cannot be seen!





The street views of the property show that any heritage impact on the streetscape is practically non-existent.

The reference to the interior is inappropriate and appears to have been added to pad out the claim.

The gushing and effusive inclusions of Miles Warren and Maurice Mahoney's obituaries are there (I assume) to convince everyone of the provenance of the architects. I never disputed their fame, but the point of the Heritage NZ and DCC's own guidelines on heritage is to focus on the attributes of the house that can be shown to significantly contribute to the heritage criteria being assessed. Heritage NZ **specifically warns against** attributing significance purely based on a famous architect, no matter how illustrious, for the obvious reason that we move from heritage to hero worship!

DCC Evidence on Post-War Architecture.

When looking at the DCCs submission on the built evidence of mid-century architecture in New Zealand, the reference to post-war/modernist architecture is clearly talking about a rich few: "...the most cosmopolitan, intellectual and liberal New Zealanders...", "...clients with money...". These people were the only ones to have the resources to spend on this new architecture. Even traditionally, the focus is on "grand merchants' houses built close to the centre of NZ cities..." that are being celebrated here. The DCC has chosen a house built by a moneyed doctor who could afford to spend more on finish. They have conflated the sheen of 1950s wealth with heritage and say that this represents mid-century architecture in Dunedin.

Heritage advocates like David Kiddey also share this narrow view that rich people's houses are heritage houses. In a recent Otago Access Radio podcast, he referenced the notion that people should come to Dunedin because of its heritage, then directly referenced buildings constructed during the Gold Rush era because of the influx of wealth, as well as the notion of attracting people with money to Dunedin to live in suburbs with nice (heritage?) houses.

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I believe the following from an ODT article further illustrates the point. This is from an article featuring Professor Alexandre Trapeznik's work on industrial heritage:

Prof Alexandre Trapeznik from the University of Otago says the (mercantile heritage) precinct has been "overlooked" by the uninitiated, in part, because of the sometimes "myopic" view of built heritage that prevails in Dunedin.

It was an "unbalanced view" that focused on "the 'great' - the great churches, public buildings, grand houses" and ultimately, the great people - rather than on the socially and economically important workplaces that helped finance them.

It makes sense that the "great" get all the attention. Dunedin has some of the best, grand Victorian architecture in the southern hemisphere and it generates pride and tourism revenue, Prof Trapeznik says.

"These buildings have made heritage tourism an integral element of local regional and national government planning, but that can become problematic because when you are dealing with heritage as a marketable commodity then you are only going to be preserving select examples, the examples that attract money.

"It means we selectively preserve based on current enthusiasms and we get a view of heritage that can be confused with nostalgia, heritage that gives us a view of the

¹⁰ (<https://podcasts.apple.com/gb/podcast/heritage-matters-02-12-2024-reform-needed-of/id1162457105?i=1000678815080>)

prosperous good times that ignores conflict, defeat and adversity as well as celebrating the glorious in the past.

"It discounts the commonplace view. It gives us a history from above and that is an unbalanced view."

It was a situation where money and taste, rather than historical or cultural significance, frequently determined which industrial sites survived. ¹¹

Evidence from the DCC shows that there is absolutely no reason for such an elitist view of heritage, especially for the mid-century period. Figure 1 show new builds happening in Dunedin at the time. As you can see nearly every part of Dunedin has something going on. More notable, is the revival and creation of whole suburbs – Brockville, Helensburgh, Halfway Bush, Vauxhall, Corstorphine, and Liberton. These new suburbs were probably the most historically significant thing to happen to Dunedin at the time.



Figure 1- Dunedin showing new development from 1955 to 1965. White hotspots show new builds. Sourced from <https://www.dunedin.govt.nz/council/district-plan/monitoring-and-research/dunedin-development-history-map>

¹¹ (<https://www.odt.co.nz/lifestyle/magazine/bell-tolling-dunedins-heritage>)



Figure 2- New development in Belleknoves 1955 to 1975, centred on Ross St and Highgate. White hotspots show new builds. Sourced from <https://www.dunedin.govt.nz/council/district-plan/monitoring-and-research/dunedin-development-history-map>

All of this would cover the requirement for mid-century and post-war housing that has heritage significance, and certainly the building of social housing would count for social significance! Even in Belleknoves, where my house is located, there is no shortage of buildings going up at the same time (Fig 2).

Given the importance of this development in social housing, and the creation of whole suburbs, and how important this would have been to the lives of so many Dunedin citizens, It's astonishing that the heritage team have wantonly ignored the evidence right under their noses for mid-century development with heritage significance in Dunedin, and nominated a single example of a rich man's house as somehow representing an important social era in Dunedin.

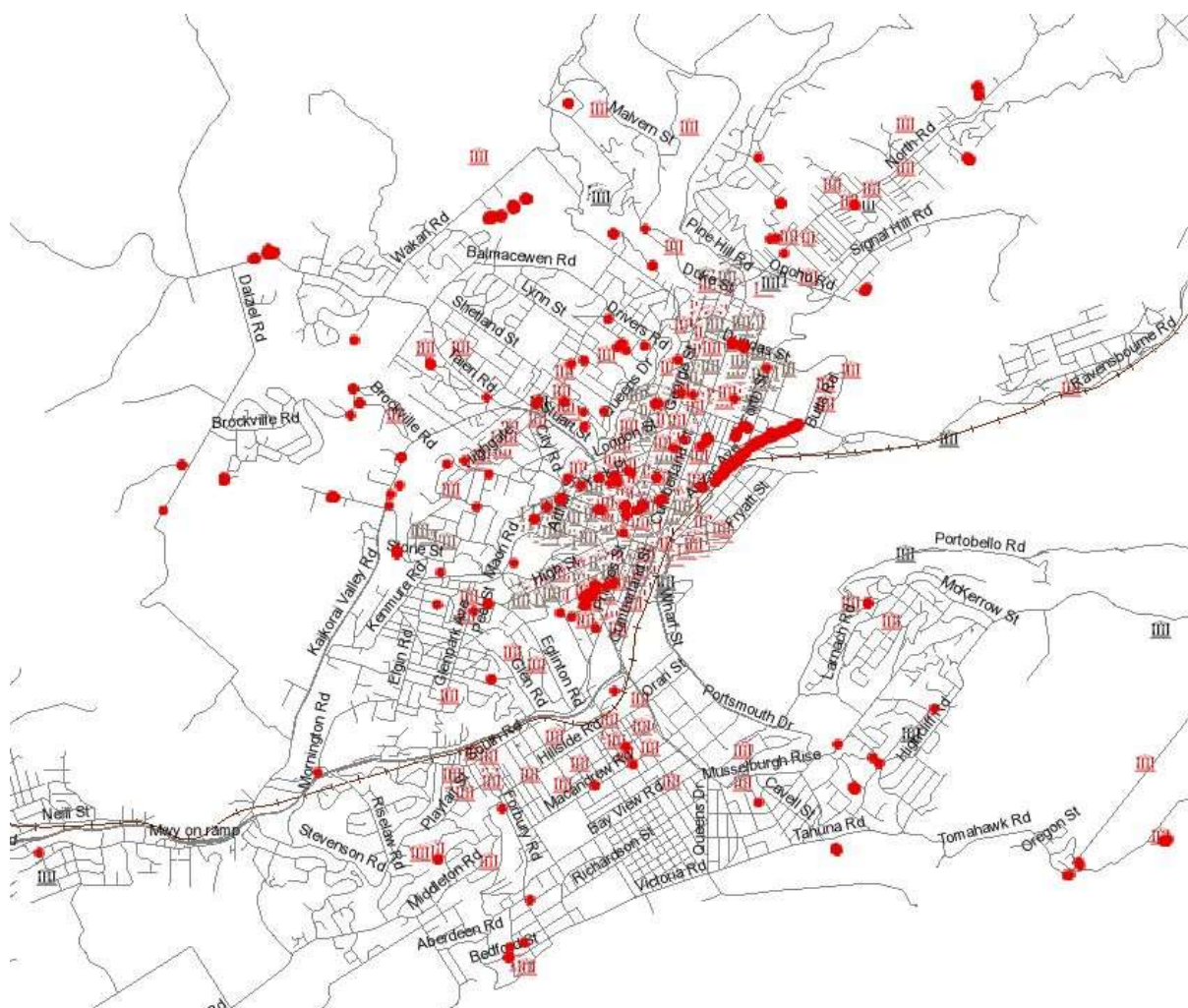


Figure 3 -Current heritage properties

Finally, this current map from the 2GP website clearly shows the location of existing and proposed heritage buildings. New additions are the red dots (A lot of these are trees). There's almost nothing in suburbs like Brockville and Halfway Bush, where that socially important mid-century boom /post war housing occurred. The question must be asked why not.

- With regard for any aesthetic qualities of the house the DCCs evidence does not specify the **particulars** of the aesthetic qualities of the house that are outstanding. There is a generalisation to a modernist aesthetic, but this is laughably broad and not defined or related in context to any other modernist architecture that has long been present in Dunedin, or otherwise show to be a significant example thereof.
- The DCC has provided no evidence of any group or community that has particularly valued the aesthetics of 38 Michie St, been inspired by it, paid homage to it.

- The DCC's submission that 38 Michie St has high design heritage values is based purely on the fame of Warren & Mahoney. There is no evidence to support a claim of outstanding design when compared to other modernist, mid-century or post-war architecture of the period being built in Dunedin. The DCC is focussing on the architect, because the architecture of the building is simply of the time and the DCC knows that. The DCC has not proven that the house reflects a new development in general architectural practice. The DCC has not provided evidence to show the house makes a new major contribution to architecture in Dunedin at the time, or has wide-spread influence on architecture, nor is it a turning point in design in Dunedin/New Zealand architecture. 38 Michie St has not received awards or recognition by architects in general, or even at the time it was built.
- The DCC has grossly exaggerated the published identity of the house. The house does not even feature in Warren and Mahoney's own published histories and works, or in biographical or auto-biographical works by Messrs Warren or Mahoney.
- The reference to "views from the street" is a fabrication as the house cannot be seen. This being the case, the DCC has not described exactly how our home makes significant contribution to the heritage aesthetics of the street.
- The DCCs claim for nomination that the house is representative of post-war, mid-20th century construction and design is completely at odds with the clear evidence of the social context happening in Dunedin at the time, and that much of this post-war building was to be found, and honestly represented by buildings being built in suburbs like Brockville and Halfway Bush. The evidence submitted by the DCC **in fact** supports the idea that domestic modernism as a style, was sought for by the numerically few, rich elite of NZ society. That is not to say we should not be preserving the heritage of rich people, but the rich and wealthy in Dunedin are already well represented, as evidenced by the 2GP Heritage Schedule.
- **In short, the DCC has failed to provide sufficient evidence to meet its own threshold of "significant heritage values" for the criterion on Design.**

The Personal Impact of Heritage Scheduling.

This section focuses on issues that impact me directly because of inclusion on the heritage schedule. Correspondence with numerous people attached to the DCC have recommended that the submission process is exactly the place to raise these issues for consideration:

"We strongly encouraged Vaughn to lodge a submission, which he will." - Meeting minutes Heritage Team, 16th Aug 2024.

"As expressed in my earlier correspondence, it is important that you utilise the process that the RMA provides for you to lodge your objection to the scheduling of your building and make your arguments to the Hearing Panel that will be appointed to consider submissions on the plan change. That is the appropriate process for these concerns to be addressed. The Plan Change was notified on 20 November, and I would again strongly encourage you to make a submission. Submissions close on 18 December." - Email to Petrus Yen from Mayor Jules Radich, 21 Nov 2024 in response to wide ranging issues raised regarding impact of heritage listing, with permission.

The 2GP Objectives and Strategic directions also speak directly to enhancing the social and physical prosperity of the city and its people - the 2GP has a direct impact on the citizens of Dunedin.

the DCCs own website has the following to say:

*The main goal of the District Plan is to sustainably manage the natural and physical resources of Dunedin to meet the needs of current and future generations and to provide for their social, economic and cultural wellbeing and for their health and safety.
(<https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan/what-is-a-district-plan>)*

I also understand that what I raise here is probably beyond the remit of the Commissioners, but I feel that this needs to be stated somewhere "for the record".

There is a Financial Penalty of Heritage Scheduling for Owners.

The DCC acknowledges that heritage scheduling imposes additional costs on top of ordinary property ownership: *"A staff report said inclusion on the list had both costs and benefits for building owners." (ODT, Proposed historic building plan changes to be notified, 26 Sept 2024).*

"Council recognises it is important to strike a balance between protecting special heritage places and enabling development. Council also acknowledges that owners bear the cost and responsibility of maintaining their buildings. The Dunedin Heritage Fund was established by DCC to financially support owners of historic places, which currently provides grants up to a

total of around \$680,700 annually. (Email from Mayor Jules Radich to Petrus Yen, Nov 5, 2024)

The DCC also acknowledges that its own processes around heritage are cumbersome and not easy¹². However, there has also been work done by the council identifying areas for financial incentives for heritage owners including rates relief, access to funding, reviewing the council policy on rates remission, waiving of resource consent fees, and implementing non-financial incentives.¹³ The details on some of these are sketchy.

There is published academic research¹⁴ that shows heritage scheduling is generally correlated with loss of value for the scheduled property (a loss of about 10%). Conversely, Special Character Areas can improve returns for property owners.¹⁵

Whilst the Heritage Fund undoubtedly is a help, my initial meeting with the heritage team clearly indicated that funding would be most likely for major projects, not minor projects, not more than 50% of the ex-GST costs. There was no further elaboration on how projects are selected for funding, is it a lottery, etc.

At my meeting with the DCC, there was also an unequivocal "No" regarding the idea of a rates rebate for private homes that were heritage scheduled.. This seems at odds with articles like <https://www.odt.co.nz/news/dunedin/rare-win-joint-bid-saves-heritage-building>, and reports like the Dunedin Built Heritage Action Plan which says *"The advisory group was keen for the DCC to explore financial tools to support adaptive re-use and conservation. Such tools may include reduced development contributions, increased grants, non-rateable property, and new rating differentials."*

I am still waiting for feedback from my insurance broker how a heritage listing will affect my premiums and cover, but again there appears to be some fishhooks that can complicate matters for me¹⁶. The DCC has no information on its website about the implications of this for new heritage owners, or what or if it can do anything to help. Yet this surely is not a new issue!

An ODT article references the financial value of heritage to Dunedin:

The council recognises the value of heritage to our city, not just culturally, but also the significant economic impact, with over 50% of tourists visiting Dunedin because of our

¹² (<https://www.dunedin.govt.nz/services/dunedin-heritage/owning-heritage-buildings>).

¹³ (Heritage Strategy for Dunedin City 2007).

¹⁴ (The price premium of heritage in the housing market: evidence from Auckland, New Zealand; David Bade, Jose Gabriel Castillo, Mario Andres Fernandez, Joseph Aguilar-Bohorquez. 2020)

¹⁵ (Rossiter, L.; Gu, K. The Impact of Special Character Areas on Property Values and Homeowners' Experiences: Cases from Auckland, New Zealand. Land 2023)

¹⁶ <https://www.ajg.co.nz/news/protecting-new-zealands-heritage-buildings/>

*heritage, attached to an over \$300 million effect on our GDP — not to mention the students and residents who choose to live in our beautiful historic city.*¹⁷

Given that, there should be plenty of ability for the council to fully support heritage owners!

Missing: Owners of Heritage

There have been screeds written about heritage! But the one constant is that the voice of owners is missing. A new heritage scheduling absolutely has an impact on the lives of the property owners. This is not the same as someone who buys a property expressly because it is heritage.

The DCC needs to genuinely acknowledge the impact of this, instead of handwaving it away and ignoring the recommendations of their own people! Commercial owners have long advocated, and seemingly got, the “red carpet, not red tape” approach.¹⁸

Heritage is not just a conversation for the erudite. Natural justice would tell you that owners of affected properties have a voice in this that is just as valid, if only because they’re the ones maintaining and looking after it. They should not be ignored, sidelined or portrayed one-dimensionally as potential vandals.

Heritage advocates have trouble with the idea that heritage property owners still have property rights. Folk like David Kiddey who was chairman of the regional committee of the NZ Historic Places Trust even chooses to place it in quote marks in his most recent opinion piece, as though he thinks they’re not like real rights.

The DCC needs to take responsibility for a fact based “warts and all” conversation about all the implications of heritage in Dunedin, and what it means for ALL stakeholders. Cosying up to heritage advocacy only promotes romantic half-truths and complicates the simple fact that there are obligations, benefits AND drawbacks to heritage scheduling and heritage ownership.

The RMA does not extinguish property rights, but it does place additional constraints on land with heritage values. This is simply a fact. As an owner it can be hard not to see that as a restriction. But the DCC, as the instigator of the process that causes the RMA to be enacted, has available to it a wide range of measures that can placate advocates and **genuinely help the owners who actually look after our heritage – should they choose to do so!**

¹⁷ (<https://www.odt.co.nz/opinion/differing-approaches-%E2%80%94-we-need-play-ball-and-not-person>)

¹⁸ Dunedin Built Heritage Plan, Pg 11.

Appendix

Email between heritage advisor, SHT and others.

From: Mark Mawdsley
Sent: Wednesday, 19 October 2022 3:28 pm
To: Ann Barsby; Jo Galer
Cc: David Murray
Subject: RE: DCC Heritage Schedule Nominations
Attachments: Master_V3 Heritage Schedule Nominations_HNZPT+30_19 October 2022.xlsx

Kia ora Ann, David, and Jo,

I have attached the updated nomination list showing the substitutions. Thank you all for your feedback and suggestions.

I take it that we can now confirm the nomination list with our consultant researcher?

Regards,

[Mark Mawdsley](#)

HERITAGE ADVISOR

TEAM LEADER ADVISORY SERVICES

CITY DEVELOPMENT

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From: Ann Barsby <[REDACTED]>
Sent: Wednesday, 19 October 2022 9:51 a.m.
To: Jo Galer <[REDACTED]>
Cc: David Murray <[REDACTED]>; Mark Mawdsley <Mark.Mawdsley@dcc.govt.nz>
Subject: Re: DCC Heritage Schedule Nominations

Yes I am happy with that

a

--

Ann Barsby

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On 18/10/2022, at 10:18 PM, Jo Galer <[REDACTED]> wrote:

Ok - let's all go with Majestic Mansions as the remaining one due to risk and high profile? And not 50 Balmac Rd.

But is everyone happy with that choice? Is it Ok if you respond to confirm David, Ann and Mark?

Cheers

Jo

On Mon, 17 Oct 2022 at 9:53 PM, David Murray [REDACTED] > wrote:

Thanks Jo, I'm back on deck. On further investigation Roslyn Mills is now out of consideration as the site is too complex for the researcher to do as one straight swap. We could look at it as part of the other process. So far the Kaikorai Church and Wallace Street are our definites. King Edward Street is not confirmed but could stay now the mills are out. [4 Tolcarne Ave](#) can be swapped out We might want to reconsider taking out the Orokonui Chapel (McCoy). If you're having trouble visualising it, an image is below (apologies for the quality). I do not know if it is still relatively unmodified. Part of our reasoning at the meeting was that it is hidden from view, but maybe its architectural significance outweighs that. Majestic Mansions is another one that came up. My inclination is not [50 Balmacewen Road](#) (one suggested substitute).

D.

<image.png>

On Mon, Oct 17, 2022 at 9:17 PM Jo Galer [REDACTED] > wrote:

Actually a quick change of my view - if possible - I've just picked up an email from David M about putting forward Rosslyn Woollen Mill instead of King Edward St and I think it's such a landmark building he's probably right.

It's true we have an abundance of riches!

What do you both think?

On Mon, 17 Oct 2022 at 8:13 PM, Ann Barsby [REDACTED] > wrote:

.....and yes from me too.

Had a look at 61 Wallace St today and am aghast that all the splendid mature trees have gone, even the ones along the side boundary (the next door house does not enhance the property!) The whole setting is ruined.

- an image of a 2 storey glass box is on display, just as I feared.

Developers see large sections and \$\$\$\$\$\$, ignoring heritage and all other aspects.

Thanks Mark

Best wishes

ann

--

Ann Barsby
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On 17/10/2022, at 7:40 PM, Jo Galer [REDACTED] > wrote:

It's a yes from me to all those suggestions in there thanks Mark - worthy choices and we discussed them all.

I know David is away so Ann can you please check Mark's list and confirm the selection from SHT?

On Mon, 17 Oct 2022 at 11:21 AM, Mark Mawdsley <Mark.Mawdsley@dcc.govt.nz> wrote:
Kia ora Ann,

There are many worthy buildings, there will be more nominations than resources each time we repeat this process. It is not always easy to predict where future risk will like, however, importance to the city is another consideration.

[4 Tolcarne Avenue](#) (from the first 15) can be substituted for another building. The preliminary research has been started and the researcher has suggested it can be substituted. This leaves two openings remaining. I have attached the update list with our suggested substitutes for your input.

Regards,

[Mark Mawdsley](#)

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From: Ann Barsby <[REDACTED]>

Sent: Monday, 17 October 2022 10:43 a.m.

To: Mark Mawdsley <Mark.Mawdsley@dcc.govt.nz>

Cc: Jo Galer [REDACTED]; David Murray [REDACTED] >

Subject: Re: DCC Heritage Schedule Nominations

Kia ora Mark

I agree with decisions re 61 Wallace St and Kaikorai Presbyterian Church.

However am finding it difficult to make a judgement for the last inclusion on the list, despite 'sleeping on it'.....which is no help, differing perspectives to consider.....
Which is at greater risk?

There are so many worthies, a pity more cannot be included at this stage.

Thank you for working with us, this has been a very worthwhile and helpful process.

Best wishes
ann

--

Ann Barsby
Southern Heritage Trust

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On 13/10/2022, at 5:26 PM, Mark Mawdsley <Mark.Mawdsley@dcc.govt.nz> wrote:

Kia ora Ann, Jo, and David,

[HNZPT](#) have reviewed and commented on the schedule nomination list.

- It is their preference to retain 61 Wallace Street on the nomination list.
- They have indicated support for including both [220 King Edward Street](#) and the Kaikorai Valley Presbyterian Church.

Please let me know your final feedback, happy to coordinate a further discussion if you like.

Regards,

[Mark Mawdsley](#)

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From: Mark Mawdsley
Sent: Wednesday, 12 October 2022 5:52 pm
To: Ann Barsby; Jo Galer; David Murray
Cc: Heather Bauchop
Subject: Heritage Schedule Nominations
Attachments: DCC Heritage Schedule Nomination Form_October 2022.docx; V3
Heritage Schedule Nominations_HNZPT+30.xlsx

Kia ora Ann, Jo, and David,

Please see attached the list reflecting our discussions yesterday evening. When you have confirmed the substitutions, please let myself and Heather know. I am expecting feedback from HNZPT tomorrow and have advised you wanted to substitute three. I have also included the nomination form as a template for recording any existing research you may have.

Ann, thank you again for hosting and keeping us fed.

Regards,

[Mark Mawdsley](#)

HERITAGE ADVISOR

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Internal Nomination

Nomination citing Modernist and Post War development as reasons for nomination

	Address	Item/Building Name	Reason for Nomination
First Fifteen			
1	18 Jubilee Street, Belleknapes	Vernard Residence	DHF Condition
2	110 Aramiana Road, Deborah Bay	Private Dwelling	DHF Condition
3	362 York Place	Speight Residence	Character Contributing - Likely to meet threshold for scheduling
4	273 York Place	Private Dwelling - Hamata	Character Contributing - Likely to meet threshold for scheduling
5	275 York Place	Lloyd Residence	Character Contributing - Likely to meet threshold for scheduling
6	8 Torr Street, Vauahall	McCoy House	Mid Century Modern - Post War Residential Development
7	27 Arthur Street	Cargill's Court	Mid Century Modern - Post War Residential Development, NZA Enduring Architecture Award
8	46 York Place	Mason & Wales Studio	Mid Century Modern - Post War Residential Development
9	38 Michie Street	Rutherford House	Mid Century Modern - Post War Residential Development
10	7 Drivers Road	Private Dwelling	Pre-1940s Mapped Area - Interwar Residential Development
11	54 Grendon Street	Private Dwelling	Pre-1940s Mapped Area - Interwar Residential Development
12	58 Grendon Street	Private Dwelling	Pre-1940s Mapped Area - Interwar Residential Development
	4 Tobacco Avenue	Private Dwelling	Pre-1940s Mapped Area - Interwar Residential Development
13	225 Possibly relates with 228 King Edward Street		
14	32 York Place	Christian Science Church	Mid Century Modern - Post War Development
15	821 Highbury	Private Dwelling	Early experimental concrete construction technique - Ora Tong

Correspondence from Hon Chris Bishop

Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister for Sport and Recreation
Leader of the House
Associate Minister of Finance



16 OCT 2024

CB-COR0753/CORM-2961

Craig Smith
By email: hatchfishing@me.com

Dear Craig,

Thank you for your email of 24 August 2024 outlining your concerns about your Dunedin property being included in a heritage schedule.

I acknowledge that heritage scheduling has significant impacts on owners' property rights. In addition to this, heritage protection under the Resource Management Act (RMA) imposes unique costs and barriers that can prevent the use and development of heritage places.

In my capacity as Minister Responsible for RMA Reform, I have directed my officials to provide advice on legislative changes that could better enable councils to manage heritage. This includes direction on how to consider and balance heritage value against other factors, such as opportunity costs to owners. I hope to announce changes to better enable councils to manage heritage later this year.

In the meantime, more information will be available on the Ministry for the Environment's (the Ministry) website at: <https://tinyurl.com/ja3bz2zu> and the Beehive website at: <https://tinyurl.com/4nb7dkbb>.

Thank you again for your correspondence on this important matter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Chris Bishop'.

Hon Chris Bishop
Minister Responsible for RMA Reform

Initial letter from DCC

Shows that heritage criteria must have significant values, and the building must be shown to be a significant heritage building.



26 July 2024

Vaughn Gerard Malkin
38 Michie Street
Belleknowes
Dunedin 9011

Kia ora Vaughn Gerard Malkin

Heritage Buildings: Potential Inclusion in the District Plan heritage schedule

Dunedin is a city that treasures its heritage as a living inheritance from its past and a legacy for future generations. Dunedin City Council's (DCC) Second Generation Dunedin City District Plan (known as the '2GP') already protects a number of heritage buildings, structures and sites; however, there is an appreciation that we need to continue to identify and protect significant historic buildings.

In acknowledgement of this, the DCC is proposing to add more historic buildings to the heritage schedule of the 2GP. The schedule is a list of buildings, structures and sites that have significant heritage values to be protected.

We are writing to you because your building at 38 Michie Street has been identified as having heritage value, and we are proposing to add it to the 2GP schedule. This will mean your building is a protected heritage building.

Character contributing to heritage.

Heritage assessment

For a building to be included on the heritage schedule, it must have significant heritage values relating to one or more of the following criteria:

what is significant?

- historic and social significance
- spiritual / cultural significance including significance to Māori
- design significance
- technological/scientific significance

} Qualities, but no definition

Our initial assessment against these criteria is desktop only, and we welcome any additional information you may have that is relevant to the heritage assessment. If you wish to provide additional information, please do so by 16 August 2024 so that it can be considered before the assessment is finalised. Information can be emailed to districtplan@dcc.govt.nz or call (03) 474 4000. We have attached the draft assessment report to this letter for your reference.