

Reasons for Submission

The definition of 'historic heritage' in the RMA means 'those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures' derived from any of a range of qualities, including architectural, cultural and historic. This is a relatively high bar - the resource must be nationally important. The s32A report does not adequately demonstrate how listing 169 Forbury Road "contributes to an understanding and appreciation of New Zealand's history and cultures" in a way significant enough to warrant private property rights to be infringed in such a heavy-handed manner. That report identifies how buildings were identified for scheduling and because this building is not listed by HNZPT, it can only have been identified by heritage advocates or Council staff. However, the s32A report does not indicate who identified the building for listing. Nor does it record who carried out the assessment, and what their qualifications to do so are. We would also highlight that there are several inaccuracies in the assessment. These concerns undermine the validity of the whole process.

The assessment under the DCC criterion of 'Historic/social' lists four prominent Dunedin families that have lived in the residence. Why is the protection of a building necessary for an understanding of what these people have "contributed to an understanding and appreciation of New Zealand's history and cultures"? The building is not central to, and indeed, played no part in their achievements. Those achievements are already recorded in several historical documents. The protection of a building with limited relevance to those achievements is not required to understand or appreciate New Zealand's history and cultures.

In listing a building for 'Historic/social' purposes, Council must demonstrate more than a mere attachment to a prominent family or person. There must be evidence of a significant community attachment to the place due to its special characteristics and/or values. The s32A report does not identify what these special characteristics and/or values are. That is simply because there are none – there is no community attachment to, or association with, this property.

Accordingly, listing the building for 'Historic/social' reasons does not bear scrutiny.

The 'English Revival' design style of the dwelling is identified as meeting the 'design' criterion for listing. However, the English Revival style is neither unique nor innovative. Furthermore, this particular dwelling does not exhibit any unique or groundbreaking architectural qualities that would qualify it as an important development in Dunedin architectural history. While the property may have some visual/aesthetic appeal, there is no evidence that it evokes a strong emotional response from the public to the point that there would be a collective sense of loss if its aesthetic qualities were compromised. There are many similar properties in the St. Clair area and across Dunedin, meaning this property does not possess the distinctiveness or significance required to be listed under this criterion.

The buildings 'opulence' and 'quality and style representing the wealth and prosperity [of] the Brinsley family' are also referenced as reasons for listing under the 'Design' criterion. We question how these things can be used to justify listing a private dwelling. There are many opulent homes throughout Dunedin, built and lived in by wealthy people. Under this approach, expensive modern houses owned by prominent Dunedin businesspeople should be protected under the same criteria.

Again, the building does not qualify for listing under the 'Design' criterion when considered objectively.

The s32A report does not consider the effect of listing the building in the context of its zoning. The site is zoned General Residential and under the provisions governing that zone, 4 sections could be created from this site. New Zealand has a housing crisis, and residential property is expensive in Dunedin. Restricting the market further does not assist in achieving the outcomes sought by the NPS-UD. Dunedin is already second on the national list for protected private dwellings that are not listed by HNZPT. This plan changes adds a further 146 buildings to the heritage list, many of which are private dwellings.

In conclusion, the s32A report is deficient in many regards. It does not identify any significant values that warrant the retention of this building over and above the costs that are imposed on the landowner. In fact, it does not appear to have considered the costs imposed on the building owner at all. These costs are significant with the benefits (if there are any) accruing to the public only. However, there will also be costs to the public when the cumulative effect of Council's approach is taken in account. The housing market will continue to be constrained and overpriced under such a regulatory system.

Considered in this light, private residents should not be identified by heritage advocates or Council staff members for protection within a restrictive District Plan framework. There must be some national significance for such buildings to be identified.

Hence, the plan change does not achieve the sustainable management purpose of the RMA and does not assist in achieving the outcomes sought by NPS-UD.