Dunedin City District Plan - Plan Change 1

Heritage Buildings

Comments in support of written submission S31 – Stephen Christensen

Introduction and Summary

1. My wife and I (as trustees of our family trust) own the residential property at 421 Highgate, Dunedin.
2. We have owned the property for about 20 years. It is our family home.
3. In that time we have raised our family of three children. Our children are all now married and have moved on.
4. The house is a large family home. It is larger than my wife and I now need, and we are looking to downsize as we head towards semi-retirement in the next few years (hopefully!).
5. The house is our largest asset. Our desire is to be able to downsize and to have sufficient money from the sale of the house to support our children as they look to buy houses that suit their needs with growing families.
6. We oppose our house being added to the list of protected heritage buildings. We do not consent to the addition.
7. Listing in the district plan would impose an unreasonable private cost on us when we sell.
8. Council's evidence is that by including a property in the district plan list of heritage properties its market value may decrease by something like 13%. That is a significant cost to owners of listed properties, and one which has been entirely omitted from the analysis of costs in Appendix C of the section 42A report.
9. As owners of the property we derive no benefit from the proposed listing in the district plan. Any benefit obtained from listing is a modest potential public benefit associated with members of the public being able to continue to look at the house from the street. For that benefit to be realised we or a future owner would have to want to demolish the house, and be prevented from doing so

because of the need to apply for and be granted a resource consent for a non-complying activity.

10. Aside from the visual aspect of street appeal, the other claimed reasons for listing our house provide a poor justification and can be addressed via a requirement that details of the heritage aspects of the house are properly recorded before they are removed.
11. If Council thinks the public benefit of listing our home is worthwhile it must agree to 'top up' any future *bona fide* third party offer to purchase such that as owners we are not penalised. This approach is used in other contexts, and in the present context if Council perceives there is a public benefit worth securing, it should be publicly funded.
12. Council continuing to push on with the listing of private homes on the heritage schedule in the face of opposition from owners who are concerned about the financial implications is poor – especially in light of the government's signal that the law is going to change.
13. The objective heritage values of our home have not changed in the 20 years that we have owned and looked after it. The proposed listing, without an accompanying compensation arrangement, is effectively a penalty being imposed on us as Council's 'thank you' for us looking after the property, at our cost, over that time. It leaves a bitter taste.
14. Councils consultation in relation to the proposed listing of additional properties has been poor. I acknowledge what is recorded in paragraphs 112 – 116 of the section 42A report. But what Council should have done was communicate to building owners that listing is likely to impact the value of their property, and to obtain the owners' agreement before proceeding.

Recording heritage values rather than preventing their removal

15. I submitted that the plan could require heritage information to be recorded before it is lost, rather than preventing its removal.
16. In response to this point the section 42A report says "*...simply recording features before they are removed/altered is inappropriate, as whilst there would be a*

record of what is lost, the heritage values of the elements removed (and therefore the building as a whole) are permanently lost".

17. The approach I have recommended is entirely appropriate, and makes more sense in relation to heritage values such as Design and Technological/Scientific than simply requiring a heritage item to be retained. While retention works if the heritage value is simply associated with visual appearance and appreciation, where the value is 'hidden' in the form of, for example, interesting construction methods (as is the case with our home) simply requiring retention does not do anything for knowledge and appreciation of the heritage value.
18. An analogy is the heritage value of underground mine workings. They are inaccessible and essentially unknowable other than via new and usually destructive earthworks. Where workings like this are registered as archaeological sites in my experience Heritage New Zealand will authorise destruction but will require the heritage/archaeological features to be properly recorded so the heritage values of the site or feature become better known.

Loss of value and 'top up'

19. At paragraph 119 the section 42A report says: "*The benefits of the protection of heritage places are to the wider public, through contributing to the sense of place and 'specialness' of Dunedin, including (for some heritage items) a contribution to Dunedin's amenity values; and to Dunedin's economy, including through increased tourism revenue. These benefits, particularly those relating to economics, are discussed in the ME Report. Individual buildings will each make a different individual contribution to these benefits. Those that are more visible, such as landmark buildings (eg. Lookout Point fire station BX117) and those in high traffic (including pedestrian) areas (eg. the former Dunedin Hospital Administration Block in Great King Street BX055) will arguably contribute more than less obvious buildings and structures, which may have primarily local or neighbourhood benefits (eg. houses in residential areas)".*
20. While acknowleging that the benefits of listing vary depending on the nature and location of a building, the listing does not differentiate, and all buildings are treated the same. That's unfair for private homes like ours where on the

Council's own evidence the public benefits are less than is the case for major public or landmark buildings.

21. If Council really does think that listing our home without our consent, and in the face of our opposition, is in the public interest, then at the very least Council should ensure we do not suffer a loss of value when we look to sell.
22. I am familiar with another context where the market may perceive that a planning permission or restriction adversely impacts the value of residential property. At the Martha Mine in Waihi the mine operator runs a 'top up' programme in relation to residential properties close to areas where mining is authorised. When an affected property is sold at arm's length the mine operator will offer to 'top up' the amount of a *bond fide* offer to purchase so that the vendor receives the amount they would have received had the market value of their property not been reduced because of actual or potential mining nearby.
23. I also note that where works are to be undertaken under the Public Works Act compensation for injurious affection is available for land whose value is impacted by the proposed work, but is not physically required for the work.
24. If we can be assured that we will not be penalised when we come to sell in the next few years we would not oppose the listing. After all, Council acknowledges that listing provides a public benefit, so why should the cost of that be borne by private ratepayers?

Stephen Christensen
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