

**To: Dunedin City Council**

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| <b>Name of Submitter</b> | Ian & Shona Harvey  |
| Address for Service      | Gallaway Cook Allan Lawyers, Dunedin<br>Attention: Simon Peirce<br>PO Box 143<br>DUNEDIN 9054<br>simon.peirce@gallawaycookallan.co.nz |

**This is a submission on Plan Change 1 - Minor Improvements to the Partially Operative Second Generation Dunedin City District Plan 2024 (2GP)**

**Introduction**

- 1.1 Our names are Ian George Harvey and Shona Lorraine Harvey. We own and reside at 46 Gordon Road, Mosgiel, 9024.
- 1.2 We could not gain an advantage in trade competition through this submission.
- 1.3 We wish to be heard in support of this submission.
- 1.4 The specific provisions of the change that our submission relates to are:
  - (a) Listing site BX127 located at 46 Gordon Road as a heritage scheduled building.
  - (b) All other associated changes in PC1 as they relate to 1.4(a).

**Submission**

- 2.2 We strongly oppose the Application on the basis that the actual public good that would be derived from the designation of 46 Gordon Road as a heritage building would not outweigh the significant financial impacts this would have on us personally.

- 2.3 We fully understand and respect the importance of heritage preservation. This is clearly demonstrated by the care we have put to maintaining our home in the manner we have. The time, care and cost we have invested in this property has been our choice. Imposing a heritage status classification, which imposes a series of restrictive rules, is not our choice. The financial consequences of that decision however fall to us as landowner.
- 2.4 Maintaining a heritage building is difficult and expensive. Modern construction and building materials have not taken into consideration the specific designs and needs of older buildings. The art of maintaining heritage buildings is being lost, and for good reason, the materials, design and construction of older buildings was not fit for the modern age of warm and eco-friendly homes. Take our windows for example. When the house was designed and built large glazing double glazed and heat efficient glass was not available, and even if it was it would have been prohibitively expensive. If we were to replace those windows, the cheapest option would be to remove all of the windows and replace them with one double glazed panel. That option has now been taken from us with this classification, which is severely disappointing given that the house does require work to improve its warmth. These are important features of a building as we approach retirement.
- 2.5 We do not believe the benefits to the public of the heritage listing outweigh the costs to landowners. We have no intention of demolishing the property or significantly altering it beyond maintaining the site. We have kept the building in the form that it is because of our love of its design. The heritage classification will not assist to inspire us to protect its value any more so than we do currently. Rather, it acts to impose restrictions on how we use it in future.
- 2.6 The property was recently upzoned as part of Variation 2 to enable intensive housing, including multi-unit developments. The reasons for doing so were obvious. The property is large, flat, square, has good access to transport networks and to town. It may be that a future owner of the property wishes to realise the inherent value of the section for that purpose. We, and indeed the DCC through Variation 2, consider that to be a good thing. The DCC is therefore at cross-purposes in terms of whether it wants to develop sites like ours, or allow them to be neglected by virtue of increasingly expensive maintenance costs. It is incumbent on DCC to reconcile those competing values, rather than simply leaving the burden of that conflict onto landowners.

- 2.7 A heritage status classification is effectively encumbering our property with a restrictive land covenant by limiting any future land use or development on the property. It is completely unfair and unconscionable that DCC be permitted to take such an action which would otherwise have needed to be compensated for. As a consequence, we must now wear the financial consequence that this classification imposes without any benefit to us.
- 2.8 As we approach retirement, this matter is not only about the financial value of our property, but also about the immense stress and frustration it would cause us in being denied the ability to realise its full potential. We have worked to ensure that we can retire comfortably, and a decision to impose a heritage status classification would undermine these efforts and diminish the value of the property.
- 2.9 Finally, we understand the government is currently in the process of replacing the Resource Management Act 1991 (**RMA**). As part of this, we are aware that the government has elected to enact a series of bills that will temporarily reform the RMA before introducing the bill(s) that will replace the RMA. Part of that reform promises to “simplify heritage management.” We think the heritage listing is premature against this signalled intention. It may well be that the listing is rendered nugatory after the proposed reforms.
- 2.10 The heritage status classification places another layer of restriction on our ability to carry out our property rights. designation also appears to run contrary to the government’s intention to protect property rights. We understand that an important aspect of the government’s motivation for replacing the Resource Management Act is for the purpose of establishing a system that will do more to protect property rights. Given that this designation would occur just before the Government intends to substantially alter the rules, we further believe that the timing of the designation (at least) is relatively short sighted and arguably runs contrary to the objectives the government is likely to place over the incoming resource management system.
- 2.11 The DCC must realise that in order to protect heritage buildings there needs to be some incentive or compensation for landowners. The current system of imposing restrictive land covenants on properties and forcing landowners to maintain them is not sustainable. Inevitably, landowners will decide that it is too hard or expensive and allow their buildings to become dilapidated due to lack of maintenance. Ideally, we as landowners would be compensated against the adverse financial effects that this classification has imposed.

However, having taken legal advice we understand that direct financial compensation is unlikely. Be that as it may, there still ought to be some incentive or positive outcome from the listing of our building (and others) that can be afforded by the DCC.

2.12 For the reasons above we oppose the change on the basis that the personal impacts this designation would have on us as individuals far outweighs the negligible public benefits it would have.

### **Outcome sought**

3.1 That the change be declined or such further, other or consequential relief that gives effect to the concerns raised in this submission.

3.2 In the event that the change is to be granted, then we seek relief to enable incentives or other rewards to landowners subject to this heritage status classification that is the equivalent of the adverse financial burden that this classification imposes.

Dated 11 December 2024

Ian & Shona Harvey