

**IN THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

ŌTAUTAHU ROHE

ENV-2018-CHC-270

IN THE MATTER the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14(1) of Schedule 1 of the
Resource Management Act 1991

BETWEEN **UNIVERSITY OF OTAGO**

Appellant

AND **DUNEDIN CITY COUNCIL**

Respondent

**NOTICE OF PARTY'S INTENTION TO JOIN PROCEEDINGS PURSUANT TO SECTION 274 RESOURCE
MANAGEMENT ACT 1991**

31 January 2019

TO: The Registrar
Environment Court
Christchurch

1. Heritage New Zealand Pouhere Taonga (Heritage New Zealand) wishes to be a party to the following proceedings:

ENV-2018-CHC-270

University of Otago v Dunedin City Council

2. Heritage New Zealand made a submission on the subject matter of the proceedings.
3. Heritage New Zealand is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (the RMA).
4. Heritage New Zealand is interested in part of the proceedings, being:

a) Chapter 13: Amend Policies:

- i. 13.2.3.1-2 by deleting the word "Require" and replacing it with "encourage" at the beginning of the policies
- ii. 13.2.3.5, 13.2.3.6 and 13.2.3.7 by deleting the word "Only" at the beginning of each of the policies.

b) Deletion of Thomson Residence, 692 Cumberland Street (B051) from Appendix A1.1 Schedule of Protected Heritage Items and Sites (Schedule A1.1)

c) Dundas Street Castle Street Precinct: Amendments:

- i. Amend the precinct to remove the area which is zoned Campus.
- ii. Remove Buildings CC214-CC232 from Schedule A1.1 Schedule of Protected Heritage Items and Sites (Appendix A1.1).
- iii. Amend the precinct to delete the area that is comprised of the lobe bounded by Clyde Street, Forth Street, Harbour Terrace, and Dundas Street.

5. Heritage New Zealand opposes the relief sought for the reasons outlined below.

Chapter 13: Amend Policies

6. Heritage New Zealand made a submission supporting the notified heritage provisions.
7. The policies that the University of Otago seeks to amend support Objective 13.2.3 which states *“The heritage streetscape character of heritage precincts is maintained or enhanced”*.
8. In order to implement this Objective, strong directive policies are required. The amendments sought by the University of Otago will result in less directive policies that will not implement Objective 13.2.3.

Deletion of Thomson Residence, 692 Cumberland Street

9. Thomson Residence (the building) is identified as a Category 2 Historic Place on the New Zealand Heritage List/Rārangī Kōrero (the List). The List identifies New Zealand's significant and valued historical and cultural heritage places. Inclusion on the List itself does not afford any protection to the entries, rather the purpose of the List is to inform the public and notify owners of historic places.
10. Heritage New Zealand completed a review of the listing¹ at the request of the building owners in 2016 and concluded that the building has architectural, historical and technological value and that it should remain on the List as a Category 2 Historic Place.²
11. The RMA identifies the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance at section 6(f). The RMA requires a territorial authority to prepare its district plan in accordance with the provisions of Part 2, and further to have regard to any relevant entry on the List.³
12. Inclusion of the building in Schedule A1.1 means that the heritage provisions of Chapter 13 may apply to manage any adverse effects that are generated through changes to the building.

¹ Pursuant to section 78 Heritage New Zealand Pouhere Taonga Act.

² Bauchop H and Howard J. (2016) Review Report for a Historic Place Thomson Residence (Former), Dunedin (List No. 4696, Category 2) at p3.

³ Section 74 RMA.

13. The relief sought by the University of Otago to remove the building from Schedule A1.1 has the potential to adversely affect historic heritage values by allowing for inappropriate subdivision, use and development of the building.

Dundas Street Castle Street Precinct: Amendments

14. The Dundas Street Castle Street Residential Heritage Precinct (the Precinct) is strongly defined by its early working class housing stock, characterised by double bay villas, bungalows and terraces.
15. The area that the University of Otago seeks to remove from the Precinct is consistent with the overall values of the Precinct and contains some of the most cohesive sections of the Precinct. As such, this part of the Precinct should be retained.
16. Alterations to the character-contributing and heritage buildings in the Precinct need to be managed in order not to undermine the character of the area. This is achieved through any additions, alterations, removal and demolition of these buildings requiring consent in relation to parts that are visible from the street or public place.
17. Any future development in this area should be appropriate and sympathetic to the setting in order to retain the unique character of the Precinct. This is also achieved through planning provisions that identify design criteria for any new buildings. These provisions are vital to maintaining the character of the Precinct.
18. Buildings CC214-CC232 are clear and cohesive contributors to the character of the Precinct. As such, Heritage New Zealand considers these buildings should be retained as character-contributing buildings in Schedule A1.1.
19. Heritage New Zealand agrees to participate in mediation or any other alternative dispute resolution of the proceedings.

Dated 31 January 2019



Melanie Russell

For and on behalf of Heritage New Zealand Pouhere Taonga

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