



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

**Report No. 13**

**Heritage**

**25 August 2014, 9.00 am**

**Council Chambers  
Civic Administration Building, 101 Esk Street, Invercargill**

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SENIOR PLANNER - POLICY**

**Peer Reviewed by: John Edmonds and Daniel Wells  
JOHN EDMONDS AND ASSOCIATES LIMITED**

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# 1. EXECUTIVE SUMMARY

The Invercargill city district has a rich heritage from Māori, European and other cultures. Tangible connections to the district's social, cultural and economic past comprise of a wealth of heritage and archaeological sites, structures, places and areas. The protection of heritage values from inappropriate subdivision, use and development is a matter of national importance pursuant to the RMA and there are provisions woven throughout the Proposed District Plan focused on this.

The Council received 67 submission points and 12 further submission points raising a range of issues on the Heritage provisions. Many of these supported the provisions with a number seeking amendments to existing provisions or the introduction of new and about six submission points were received opposing particular provisions. The key issues discussed in the body of this report are:

- Building safety
- Specific references to heritage initiatives
- Identification of new heritage items
- Extension of protection to the curtilage or within a defined setting of listed heritage buildings
- Archaeological sites
- Incentives for adaptive reuse of heritage buildings

It is recommended in this report that the framework in the Proposed District Plan be retained with a mixed regulatory and non-regulatory approach. No amendments are recommended to the Heritage Objectives and the suggested amendments to policies will have a relatively minor impact on the overall intention of the provisions. A number of changes are recommended for the Rules, affecting provisions on archaeological sites, heritage incentives, building strengthening work and protection of the curtilage of heritage buildings. Minor changes due to changes in legislation are also considered necessary to keep the planning document up-to-date and relevant.

In this report:

- Part 2 considers several key procedural issues.
- Part 3 provides background information on Heritage.
- Part 4 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan.
- Part 5 assesses the relevant issues raised by the submitters.
- Part 6 provides a discussion on the Section 32 matters.
- Part 7 sets out the overall conclusions.
- Appendix 1 sets out the recommendations on each of the submission points.
- Appendix 2 sets out the recommended changes to the text of the Proposed District Plan.

## 2. INTRODUCTION

### 2.1 Report Author

My name is Elizabeth Ann Devery. I am the Senior Planner – Policy at the Invercargill City Council, a position I have held since January 2003. I have over 14 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of LLB/BA (Hons I) in Geography.

### 2.2 Peer Review

This report has been peer reviewed by Dan Wells and John Edmonds, from John Edmonds and Associates Ltd. Both John Edmonds and Dan Wells are practising resource management planners with a variety of experience throughout the plan change preparation process. Dan Wells has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University. John has a Bachelor of Regional Planning from Massey University.

### 2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Background to the Heritage topic, and the provisions of the Proposed Invercargill City District Plan 2013.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions relating to Heritage.

To see my recommendation on an individual submission please refer to the table in **Appendix 1**. The table sets out the name and relevant submission number of those that submitted on the Heritage provisions; a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

### 2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“FS” means further submitter in Appendix 2

“Hearings Committee” means the District Plan Hearings Committee

“Heritage New Zealand” means the Crown entity that has replaced the New Zealand Historic Places Trust

“HNZPT Act 2014” means the Heritage New Zealand Pouhere Taonga Act 2014

“NZHPT” means New Zealand Historic Places Trust

“Operative District Plan” means the Invercargill City District Plan 2005

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013

“Provisions” is a term used to collectively describe Objectives, Policies and Rules

“RMA” means the Resource Management Act 1991

“Submitter” means a submitter to the Proposed District Plan

## **2.5 The Hearing Process**

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the Heritage provisions of the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters to assess and comment on the report. The Hearings Committee may determine that:

- the hearing should be reconvened to allow responses to any report prepared, or
- any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners.

Except on points of law, the decision of the Environment Court is final.



### 3. BACKGROUND

The Invercargill city district contains a wealth of heritage buildings, structures, places and sites. Invercargill retains significant heritage reflecting early development throughout the district and there are strong tangible clues as to lifestyles, trends and aspirations of the past. However, there are a number of threats to this heritage, such as natural processes and natural hazards, redevelopment of sites, dilapidation, fossicking, and the costs of meeting safety requirements.

The Proposed District Plan provisions were drafted to offer protection and to retain Invercargill's heritage values for future generations, whilst also seeking to be practical, user-friendly, cost effective and not inhibitive. As a result there are a number of changes in the Proposed District Plan from the Operative District Plan.

Heritage issues fall within a range of general planning issues and have particular relevance to areas such as rural and urban planning/design, tangata whenua interests, subdivision, the coastal environment and natural landscapes. As such heritage issues overlap with other sections of the Proposed District Plan and there are provisions woven through the Proposed District Plan that require consideration of the effects on heritage values.

#### 3.1 Proposed Issues, Objectives and Policies

The Proposed District Plan identifies seven key issues relating to Heritage. The majority of these relate to threats to heritage values, such as inappropriate subdivision, use and development, demolition or alterations, neglect or abandonment, economic costs and natural processes. Another issue identified is the risk of not acknowledging the roles and perspectives of stakeholders.

There are three Objectives in the Heritage section of the Proposed District Plan, as opposed to only one in the Operative District Plan. These Objectives are:

***Objective 1: Heritage values are identified and protected from inappropriate subdivision, use and development.***

***Objective 2: The built heritage of Invercargill is appropriately recognised and utilised.***

***Objective 3: Heritage values are appropriately managed to avoid or mitigate the potential adverse effects of natural processes and climate change.***

Objective 1 is similar to that in the Operative District Plan. Objectives 2 and 3 are new and address the issues threatening heritage.

The Proposed District Plan includes 10 policies. These cover a range of matters from identification of heritage to ensuring consultation and involvement of stakeholders, particularly tangata whenua as kaitiaki.

As stated earlier, there are a number of physical and economic threats to built heritage. The Proposed District Plan's approach to built heritage gives greater emphasis on the benefits of the active management, in particular the adaptive reuse of heritage buildings than the Operative District Plan does, recognising that these are valid methods of retaining heritage values. Active management of heritage buildings may also ensure that they are maintained so as not to pose a serious risk to human safety.

The protection of archaeological sites, and the management of adverse effects of natural processes and climate change on heritage values are also provided for in the policies of the Proposed District Plan.

The Methods of Implementation cover a range of regulatory and non-regulatory approaches. The methods include details of assessment criteria for identifying heritage items, collaboration, consultation, education initiatives and financial incentives.

### **3.2 Proposed Rule**

In the Operative District Plan there was a Heritage record that listed all NZHPT registered buildings as well as buildings recognised as being of local significance. Each of these buildings was given a Class number and the Rules related to the different Classes. The Classes were as follows:

Class 1	Complete building should be protected – Generally Category I Historic Buildings.
Class 2	Facades should remain and be preserved.
Class 3	Desirable for façade to remain from streetscape aspect.
Class 4	All other heritage buildings and structures outside the Central City Area requiring protection.

For Class 2 and 3 buildings, all activities other than demolition were permitted. The Demolition Rule applied to the demolition of Class 2 and 3 Buildings where the façade was to remain. All other activities affecting listed heritage buildings became a restricted discretionary activity.

The framework used in the Proposed District Plan is different. Sites registered with Heritage New Zealand are listed in one table in the Heritage Record in the Appendices. Sites listed as being of local significance are listed in another.

As in the Operative District Plan, repair and maintenance to preserve the integrity of heritage buildings is permitted, where the work is undertaken using the same type of material to that originally used, and must retain the original design, form and texture of the feature under repair.

For the sites of local significance the rules focus on the retention of the facades of the buildings. Only activities that alter the facades of these buildings require resource consent and the demolition and removal of these activities are discretionary activity.

Buildings and structures registered with Heritage New Zealand are subject to more stringent rules, where any alteration, addition and/or the attaching of any signage is a discretionary activity, and demolition and removal activities are non-complying.

The assessment matters and matters of discretion are more detailed than the Operative District Plan.

Another change from the Operative District Plan is that there are rules protecting archaeological sites, listed street furniture and listed War Memorials/Relics.

### 3.3 Proposed Appendix and Planning Maps

Appendix II Heritage Record includes a number of lists of historic heritage items within the Invercargill city district.

The term “Heritage Record” has replaced “Heritage Register” to avoid confusion between the Heritage New Zealand Register and the lists in the District Plan.

As stated earlier the lists have been separated into a number of different groups, with those registered with Heritage New Zealand in one list and those recognised as being of local significance in another. The sites of local significance were identified in a report by John Gray carried out in 1997 which gave an overview of the heritage values in the central city area and identified features that make it a unique or nationally significant place from a heritage architecture perspective. The report classified the buildings recommending that either the whole building should be protected, or the façade should be preserved, or remain from a streetscape perspective. This classification was used to determine the activity status of activities affecting listed heritage buildings, however under the Proposed District Plan the Class is to be used as a matter of consideration.

Appendix II also includes lists of street furniture and war memorials/relics that require some protection.

Appendix II.6 lists archaeological sites within the district. This lists those sites recorded under the New Zealand Archaeological Association Recording Scheme. The introduction to this section of Appendix II acknowledges that it is not a complete list of all archaeological sites within the district, as there may be wahi tapu sites, or sites that are kept in silent (non-public) files. The list does not list all pre-1900 buildings and structures. The list includes geographic co-ordinates for the sites, however the site location shown is only accurate to within 100m and the extent of the site is not indicated.

Heritage and archaeological sites and areas listed in Appendix II are shown on the Planning Maps.

## 4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

### 4.1 Resource Management Act 1991

In reviewing the District Plan, the Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that, after considering a plan, the local authority may decline, approve, or approve with modifications, the plan change, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the RMA (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

#### 4.1.1 Part 2 of the RMA

Part 2 of the RMA (ss5-8) sets out its purpose and principles of the Act.

The purpose of the RMA is set out in Section 5. I confirm that the provisions for managing heritage fall within the purpose of the Act. In particular, policies and rules are designed to avoid, remedy or mitigate adverse effects on the environment in accordance with Section 5(2)(c) of the RMA.

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. One of the matters of national importance is s6(f):

*“the protection of historic heritage from inappropriate subdivision, use, and development”*

It is considered that the provisions as notified recognise and provide for the protection of heritage<sup>1</sup> from inappropriate use, development and subdivision.

Section 7 of the RMA sets out “other matters” for which particular regard shall be had. None of these are specifically relevant to the heritage topic. It is considered that the most relevant matters are:

- (a) *Kaitiakitanga:*
- (aa) *The ethic of stewardship:*
- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*

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<sup>1</sup> The term “heritage” in the Proposed District Plan has the same definition as “historic heritage” in the RMA.

It is considered that the provisions relating to heritage in the Proposed District Plan demonstrate particular regard to these matters. For example, the role of tangata whenua and other key stakeholders is set out in the provisions of the Proposed District Plan. Another example of how Section 7 matters have been addressed in the development of the Proposed District Plan is the recognition of the value of heritage buildings on the character and amenity values of the Central Business District.

Section 8 of the RMA obliges persons exercising functions and powers under the RMA to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama Inc have been part of the Plan Review process as members of the Council's Plan Group that worked on developing the Proposed District Plan. Consultation with Iwi has also occurred. A number of the heritage sites and archaeological sites identified in the Proposed District Plan are cultural sites and/or have significance to tangata whenua.

The definition of "Heritage" in the Proposed District Plan specifically includes:

*"those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: ...*

(C) *Cultural...*

*And includes...*

(c) *sites of significance to Māori, including wāhi tapu ..."*

The Proposed District Plan recognises the importance of heritage values to tangata whenua and encourages their involvement in the resource management processes not only by identifying sites, and including policies requiring collaboration with key stakeholders, but also through a specific policy recognising the role of tangata whenua as kaitiaki (Section 2.8.3 Policy 6).

It is my opinion that the Principles of the Treaty of Waitangi have been taken into account.

#### **4.1.2 Functions of Territorial Authorities under the RMA**

Section 31 of the RMA states the functions of a territorial authority under that Act. Under Section 31(1)(b) of the RMA a territorial authority has the function of "... *the control of any actual or potential effects of the use, development, or protection of land ...*"

One of the other functions, as set out in Section 31(1)(a) is:

*"The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district."*

The approach to Heritage issues in the Proposed District Plan acknowledges the fact that land use, development and subdivision activities can impact on heritage. An integrated approach to these issues working with other local authorities has been proposed to manage the effects of land use and subdivision activities on heritage.

### 4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council's obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making its decision on the Plan Change. Section 6 of this report includes my evaluation of the Proposed District Plan Provisions in accordance with Section 32AA.

## 4.2. Relevant Planning Policy Documents

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these. These are addressed in the following section.

### 4.2.1 New Zealand Coastal Policy Statement

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement.

There are a number of references to heritage within the New Zealand Coastal Policy Statement. The most relevant provision is Policy 17:

#### ***Policy 17: Historic heritage identification and protection***

*Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:*

- a. identification, assessment and recording of historic heritage, including archaeological sites;*
- b. providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;*
- c. initiating assessment and management of historic heritage in the context of historic landscapes;*
- d. recognising that heritage to be protected may need conservation;*
- e. facilitating and integrating management of historic heritage that spans the line of mean high water springs;*
- f. including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;*
- g. imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;*
- h. requiring, where practicable, conservation conditions; and*
- i. considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.*

Policy 15(c) of the New Zealand Coastal Policy Statement also sets out one of the methods to protect natural features and natural landscapes of the coastal environment from inappropriate subdivision use and development as identifying and assessing the natural features and natural landscapes of the coastal environment by having regard to, among other things, historical and heritage associations. The

criteria used when identifying natural features and landscapes advocated in the Proposed District Plan includes historical associations.

There are a number of identified heritage sites within the coastal environment, and many of these are archaeological sites. Using the most up-to-date information, these have been identified within Appendix II and on the Planning Maps. There are also provisions included in the Proposed District Plan to protect these from inappropriate subdivision, use and development. The policies also recognise that the adverse effects of natural processes and climate change should be managed.

The methods of implementation also enable the Council involvement in initiatives that identify, manage or protect heritage values within the coastal environment.

In my opinion the Proposed District Plan gives effect to the heritage provisions of the New Zealand Coastal Policy Statement.

#### **4.2.2 National Policy Statements**

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements.

Although mention has been made of heritage values in the introductory sections and preamble to these documents, there are no National Policy Statements that directly relate to Heritage.

#### **4.2.3 National Environmental Standards**

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard.

Both the National Environmental Standards for Telecommunication Facilities and the National Environmental Standards for Electricity Transmission Activities include consideration of the effects of certain activities on heritage values. An example of a provision in the National Environmental Standards for Telecommunication Facilities is regulation 6 which includes consideration of heritage values in decisions on the location of telecommunication facilities. The Infrastructure rule in the Proposed District Plan includes the consideration of effects on heritage values when a resource consent is required for telecommunications facilities. In the National Environmental Standards for Electricity Transmission Activities the regulations include consideration of effects on heritage values when consents are required for the alteration, relocation or replacement of poles, and for earthworks relating to an existing transmission line.

These National Environmental Standards provide guidance on Infrastructure provisions and discussion on whether they are adequately considered and incorporated within the Proposed District Plan will be raised in the Infrastructure report, yet to come before the Hearings Committee. In saying this, my general opinion is that the Proposed District Plan provisions relating to Heritage do not conflict with any National Environmental Standards.

#### **4.2.4 Operative Regional Policy Statement**

Under Section 75 of the RMA, a District Plan must give effect to an operative Regional Policy Statements.

There is no specific heritage section focusing on Heritage issues in the Operative Regional Policy Statement. However, there are a number of policies and objectives from the Southland Regional Policy Statement (1997) that relate to Heritage. Heritage is briefly covered in section 5.10 Built Environment and less specifically within section 5.9 Landscapes and Natural Features.

The Heritage provisions set out within chapter 5.10 Built Environment include:

*Objective 10.2 To maintain and enhance the environmental quality of the Region's built environment.*

*Objective 10.3 To protect heritage values and archaeological sites of regional significance.*

*Policy 10.5 Protect buildings, structures, places, features or areas that have heritage, cultural or traditional value*

*Method 10.3 Advocating*

*Method 10.5 Prepare, Implement and administer Regional and District Plans – In preparing Regional and District Plans, regard is required to be given to the integrated management of effects of the use, development and protection of land and associated resources. Particular areas which require attention include: ...*

- *Research and monitoring into the identification of heritage values and archaeological sites*
- *Provision for protecting buildings, structures, places, features or areas with significant heritage values, and archaeological sites of significance ...*

*Method 10.6 Resource Consents and Public Works – In the preparation and consideration of resource consents and public works that concern the built environment, effects on natural and physical resources, and on heritage values shall be considered...*

The Heritage provisions in the Proposed District Plan give effect to these policies and objectives. The Proposed District Plan provisions seek to identify and protect heritage values from inappropriate subdivision, use and development, and the Proposed District Plan also includes provisions to protect archaeological sites.

#### **4.2.5 Proposed Regional Policy Statement**

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. The Proposed Regional Policy Statement addresses Heritage in greater depth than the Operative Regional Policy Statement and includes a specific chapter on Historic Heritage.

The Objectives and Policies in the Proposed District Plan are very similar to those in the Proposed Regional Policy Statement.

The one policy that differs between the Proposed Regional Policy Statement and the Proposed District Plan is Policy HH.8 "Decisions relating to protection". This Proposed Regional Policy Statement policy seeks to ensure that decisions relating to the protection of historic heritage take into account factors such as any heritage



values, financial cost and technical feasibility. Although the Proposed District Plan does not include a similar policy, the matters of consideration for resource consents triggered by the Heritage Rule include consideration of these matters.

The only matter from the Proposed Regional Policy Statement that is not included specifically in the Proposed District Plan is reference to a regional heritage forum, which is included in the Proposed Regional Policy Statement as a method that local authorities will be “encouraged” to do in METHOD HH.4. As will be discussed later in Section 5 of this report, the Proposed District Plan includes a number of policies and methods of implementation that will enable consideration of Council’s involvement in such a Forum in the future as a means of meeting its objectives.

It is my opinion that appropriate regard has been had to the Proposed Regional Policy Statement.

#### **4.2.6 Regional Plans**

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. Heritage values and sites are recognised throughout the regional plans.

Issue 7 of the Regional Effluent Land Application Plan for Southland recognises that heritage sites may be adversely affected by discharges of effluent and sludge on to land.

Amongst other things, the framework for the Water Plan for Southland seeks to protect heritage values. The matters of consideration throughout the Water Plan include consideration of the proximity of historic heritage sites or presence of historic heritage values.

The Regional Coastal Plan for Southland recognises sites of heritage value. Section 5.7 focuses on Heritage issues within the Coastal Environment and specifically within the Coastal Marine Area. There are a number of heritage and archaeological sites within the Invercargill city district that fall within the Coastal Marine Area. The provisions in the Proposed District Plan are not inconsistent with the provisions in the Regional Coastal Plan for Southland.

In general, the Heritage provisions of the Proposed District Plan are consistent with the Regional Plans.

#### **4.2.7 Iwi Management Plans**

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an Iwi authority and lodged with the territorial authority

Ngai Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Tauria*.

There is a strong link between Iwi values and heritage and this is recognised in the RMA and the Proposed District Plan definition of heritage which specifically include recognition of cultural values, sites of significance to Maori, including wahi tapu, and archaeological sites. The protection of heritage values and resources is a recurrent theme throughout the Iwi Management Plan with numerous references highlighting

the importance of recognising and protecting heritage values, including archaeological and cultural sites.

Part 2 of the Iwi Management Plan recognises the protection given to archaeological sites by the Historic Places Act 1993. In the Southland Plains section of the Iwi Management Plan 3.5.21 the Issues and policies in relation to protection of significant sites are set out as follows:

#### *Ngā Take – Issues*

- *Fossicking.*
- *Continued access to and protection of significant sites.*
- *Protection of cultural landscapes from inappropriate use and development.*
- *Protection of unknown sites.*
- *Accidental finds as a consequence of ground disturbance associated with land use.*
- *Passing on traditions and knowledge of significant sites to our tamariki.*
- *Ensuring respect for those places that are important to us.*
- *Inadequate or incomplete registers of sites.*

#### *Ngā Kaupapa – Policy*

1. *Ensure that Ngāi Tahu ki Murihiku are able to effectively exercise their role as kaitiaki over wāhi tapu and wāhi taonga in Murihiku.*
2. *Work with local authorities and other statutory agencies involved in the protection of cultural heritage to ensure that Ngāi Tahu perspectives and policies are reflected in statutory plans, best practice guidelines and strategies, and in resource consent processes (e.g. prohibited activity status for wāhi tapu areas).*
3. *Maintain good working relationships with those agencies involved in the protection of historic and cultural resources in Murihiku.*
4. *Develop and maintain effective working relationships with landowners and the wider community, with regards to the protection of, and access to, cultural and historic resources in the entire takiwā of Ngāi Tahu ki Murihiku.*
5. *Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.*
6. *Ensure that oral history and customary knowledge is considered equally alongside documented evidence when determining the cultural heritage values of a region or site.*
7. *Applications for activities in areas of cultural significance where there are no known sites but the likelihood of finding sites is high, will require one or more of the following (at the cost of the applicant):*
  - a. *site visit;*
  - b. *archaeological survey (walk over/test pitting), or a full archaeological description, by an archaeologist approved by Ngāi Tahu ki Murihiku;*
  - c. *archaeological authority;*
  - d. *cultural impact assessment;*
  - e. *cultural monitoring;*
  - f. *accidental discovery protocol agreement.*

8. *Where an archaeological survey is required to assess the cultural heritage values in an area, the archaeologist must have the mandate of the appropriate kaitiaki rūnanga.*
9. *Any site that fulfils the criteria of the Historic Places Act 1993, whether recorded or not (it just has to be suspected), is protected under the Act. This refers to unexpected sites that may be uncovered during development, even after approval of the overall project has been consented to by tangata whenua.*
10. *Ensure that resource consent applicants are aware that liaising with iwi on the cultural impacts of a development does not constitute an archaeological assessment.*
11. *Any interpretation or portrayal of Ngāi Tahu history or associations with wāhi tapu or wāhi taonga is subject to policies for cultural interpretation, as per Section 3.3.9 of this Iwi Management Plan.*

The Issues and Policies of the Iwi Management Plan have been had regard to in the development of the Proposed District Plan provisions. The Heritage provisions recognise the role of tangata whenua in managing and protecting the district's heritage resources and values, and they recognise the importance of collaboration.

#### **4.2.8 Management Plans and Strategies Prepared under other Acts**

A District Plan is required to have regard to management plans and strategies prepared under different Acts.

##### **4.2.8.1 Historic Places Act 1993**

The Historic Places Act 1993 was repealed after the submission phase of the Proposed District Plan was closed, however, it formed part of the considerations in developing the Proposed District Plan. Under the Historic Places Act 1993, heritage places, areas, sites, structures and buildings were considered for New Zealand Historic Places Trust registration and, where appropriate, were given either a Category I or Category II registration. This piece of legislation empowered the New Zealand Historic Places Trust with options to assist through recommendations for the conservation and protection of any historic area, or wahi tapu area. It provided for the protection of the human component of the environment, in relation to archaeological sites, land, buildings and structures.

The list of New Zealand Historic Places Trust registrations within the Invercargill city district is included in the Proposed District Plan and the items in this list are provided protection by the Heritage rule. There are also provisions in the Proposed District Plan that seek to protect archaeological sites. The archaeological site provisions of the Proposed District Plan have been the subject of a number of submission points and how the Proposed District Plan provisions work with the national legislation will be discussed further in section 5 of this report. The provisions also recognise the role that the New Zealand Historic Places Trust had in resource management processes involving heritage values.

##### **4.2.8.2 Heritage New Zealand Pouhere Taonga Act 2014**

The Heritage New Zealand Pouhere Taonga Act 2014 ("HNZPT Act") was passed in May 2014. It consolidates and revises previous historic places legislation and amendments. What was previously the New Zealand Historic Places Trust is now no

longer a Non-Governmental Organisation but a Crown entity. The HNZPT Act makes a number of amendments to the processes that the agency carries out.

The major provisions of the HNZPT Act require the board of Heritage New Zealand Pouhere Taonga to identify and protect historic buildings, archaeological sites, historic areas, and traditional sites. Similar to the Historic Places Act 1993, the HNZPT Act requires Heritage New Zealand Pouhere Taonga to establish and maintain a register of these items for the purpose of informing members of the public and landowners about these sites, and assisting in the protection of these sites through the Resource Management Act 1991.

Section 6 of the HNZPT Act provides for blanket protection of archaeological sites whether or not they are registered or recorded. In this Act, unless the context otherwise requires, “archaeological site”:

- (a) *means any place in New Zealand, including any building or structure (or part of a building or structure), that*
- (i) *was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
  - (ii) *provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand*
- (b) *includes a site for which a declaration is made under section 41(1) of the Act*

Pursuant to the HNZPT Act, any person wanting to destroy, damage or modify the whole or part of:

- any archaeological site; or
- all archaeological sites within a specified area of land; or
- any class of archaeological site within a specified area of land

must apply to Heritage New Zealand Pouhere Taonga for the authority to do so. Consent may be declined or an archaeological investigation may be required before such modification can proceed.

The implications of the introduction of this new piece of legislation on the Proposed District Plan are relatively minor. The RMA provisions addressing historic heritage are not altered. However, all references to the New Zealand Historic Places Trust will need to be replaced with Heritage New Zealand. The buildings, structures and areas listed in Appendix II Heritage Record will retain their classifications and protection, although the terms within the Appendix will need to be amended. The HNZPT Act will not change the status of archaeological sites, although, as stated earlier, a number of submission points have referred to the archaeological site provisions in the Proposed District Plan. These are addressed in section 5 of this report.

#### **4.2.8.3 Statutory Acknowledgements**

The Ngai Tahu Claims Settlement Act 1998 gives effect to the Deed of Settlement signed by the Crown and Te Runanga o Ngai Tahu to achieve a final settlement of Ngai Tahu’s historical claims against the Crown. The Act introduced an instrument called a Statutory Acknowledgement. A Statutory Acknowledgement is an acknowledgement by the Crown of Ngai Tahu’s special relationship with identifiable

areas, namely Ngai Tahu's particular cultural, spiritual, historical and traditional association with those areas (known as statutory areas). There are four statutory areas within and adjoining Invercargill. These areas are identified within the Proposed District Plan and there are provisions relating to them. Whilst they have significant heritage value, consideration of provisions relating to statutory areas was covered by the report on Tangata Whenua issues.

#### **4.2.8.4 International Charters**

New Zealand is a signatory to a number of international charters and at a national level has committed to ensuring the identification, protection, conservation, presentation and transmission of cultural and natural heritage for future generations. The key charters and conventions include:

- World Heritage Convention – Convention concerning the Protection of the World's Cultural and Natural Heritage 1972
- International Charter for the Conservation and Restoration of Monuments and Sites (ICOMOS, the Venice Charter 1966)
- Charter for the conservation of Places and Cultural Heritage Value, 1992 (ICOMOS NZ)
- Florence Charter 1982
- Lausanne Charter 1990

The World Heritage Convention establishes the World Heritage List and places an obligation for the Government to ensure the identification, protection, conservation, presentation and transmission of cultural and natural heritage to future generations and to require effective action to be taken, including the adoption of a general national policy.

The International Charter for the Conservation and Restoration of Monuments and Sites (ICOMOS, the Venice Charter 1966) sets out principles to safeguard the cultural heritage for humanity for the present and future generations. New Zealand has since established its own charter (ICOMOS NZ), Charter for the Conservation of Places of Cultural Heritage Value, 1992. The intention of the Charter is to establish principles to guide the conservation of places of cultural heritage in New Zealand. Clause 4 of the ICOMOS NZ Charter states that conservation should:

- (i) make use of all relevant conservation values, knowledge, disciplines, arts and crafts;
- (ii) show the greatest respect for, and involve the least possible loss of, material of cultural heritage value;
- (iii) involve the least degree of intervention consistent with long term care and the principles of the Charter;
- (iv) take into account the needs, abilities and resources of the particular communities; and be fully documented and recorded.

I believe that the importance given to the protection of heritage through the RMA and the Proposed District Plan is consistent with these Charters.

#### **4.2.8.5 Invercargill City Centre Action Plan**

In 2011, the Council developed a City Centre Action Plan. One of the key Council documents that can be used to implement this action plan is the Proposed District

Plan, which is the key Council policy document that can be used to provide a regulatory framework for activities within the City Centre.

Heritage protection and enhancement is identified as one of the eight priority areas of the Action Plan. The Heritage Enhancement and Protection Objective is set out as follows:

*“Invercargill’s heritage buildings are a valuable resource for the city and play an important part in defining the city’s character. The objective under this priority is to protect and celebrate the key aspects and elements of this built resource in order to retain the character of the Invercargill City Centre ...”*

The Action Plan identified the following issues relating to heritage buildings within the City Centre:

*“A large number of buildings have heritage value but are empty (especially in the upper stories) and underutilised. Many buildings are poorly maintained and in a state of advanced decay. Since the best way to maintain heritage buildings is to re-use them for a different purpose to what they were intended for, it is important to understand what the barriers to a commercially viable re-use are.”*

The Action Plan proposes a number of initiatives to address these issues. These include:

- Prioritisation - identifying priority buildings, strengthening verandahs, and as a last resort, focus on the retention and strengthening of historic facades only.
- Council policy and procedure – Including consideration of heritage as part of the District Plan Review.
- Advocacy and heritage focus in Council Actions.
- Growing knowledge and expertise.

The approach to Heritage in the Proposed District Plan was informed to some extent by the Action Plan initiatives. For example, the methods in the Proposed District Plan differ depending on the heritage merits of buildings. Adaptive re-use is favoured and the regulatory approach for activities proposing to retain the façade of heritage structures and to incorporate these within new developments is easier than complete demolition of heritage structures.

#### **4.2.8.6 The Big Picture**

In January 2012, the Council published a non-statutory spatial plan, *The Big Picture*. There are numerous mentions of heritage values, in terms of recognition of sites, places, and structures, throughout the document. The document mentions some of the history of the different areas of the district, such as background to the names of some of the suburbs, and notes on the cultural significance of areas.

One area that the Spatial Plan highlights heritage values is in the Central Business District. The Spatial Plan carries through the themes from the City Centre Action Plan and the prioritisation for the protection and enhancement of heritage buildings is specifically provided for. The Spatial Plan also seeks the improvement of the position of heritage buildings in the Council’s policies and actions.

The Spatial Plan, therefore, seeks that the District Plan addresses the protection and enhancement of heritage buildings. It is my opinion that regard has been had to the Spatial Plan in developing the Proposed District Plan.

### **4.3 Summary**

It is considered that the purpose and principles of the RMA are met by the Heritage provisions set out in the Proposed District Plan. The proposed provisions fall within the functions of local authorities. The requirements of Section 32 of the RMA have been met through the evaluations carried out prior to notification and in this report. The various documents required to be considered have been appropriately addressed in the preparation of provisions relating to Heritage.

## **5. ANALYSIS OF SUBMISSIONS**

There were 67 submission points and 12 further submission points raising a range of issues on the Heritage provisions. A majority of the submission points were in support of the provisions, with a number seeking either amendments to existing provisions, or the introduction of new provisions. Only about six submission points were opposed to particular provisions or opposed them in part.

Many of the submissions can be addressed through amending explanations that will result in very little impact on the approach to Heritage. However, there are a number of submissions that require the consideration of more significant changes.

The key issues raised in the submissions are:

1. Building Safety.
2. Specific references to heritage projects
3. Identification of new heritage items
4. Protection of the curtilage of listed heritage buildings.
5. Archaeological sites
6. Incentives for adaptive reuse of heritage building

The key issues are discussed below.

### **5.1 Building Safety**

#### **5.1.1 Enabling alterations for improving building safety**

There is concern that many heritage buildings in the Invercargill city district will require work in the near future to address building safety issues. One submitter suggests that there should be incentives for building owners to go through the demolition process. It is my opinion that encouraging demolition of heritage structures would be contrary to the protection of historic heritage, which is set as a matter of national importance in the RMA. However, one of the biggest challenges in drafting District Plan provisions on Heritage is protecting the heritage values of buildings without introducing a significant barrier or disincentive to undertaking building safety work. The adaptive reuse of heritage buildings is promoted in the Proposed District Plan as one of the better ways of protecting heritage values, and building strengthening and improving building safety is vital.

Heritage New Zealand submitted that the Proposed District Plan should provide guidance and regulation to promote and improve heritage building safety, to reduce the risks of hazards to people and the building. This, they submitted, may include the risk of earthquakes, fire, storms, and accidents and to improve physical access. The focus of a number of other submissions is on earthquake strengthening, however I believe that in the Invercargill city district there are a number of hazards that pose just as much risk to heritage buildings as earthquakes and that the focus should not be purely on earthquakes but on building safety in general.

Heritage New Zealand, in submission point 115.10, suggested two possible approaches to this. One would be to introduce a tailored rule to enable building safety works, provided adequate assessment criteria were drafted to support it, or to include the benefits of earthquake strengthening as an assessment matter.



The Proposed District Plan allows for the repair and maintenance of listed heritage buildings and structures where that work is undertaken using the same type of material as that originally used, and must retain original form and texture of the feature under repair. Heritage New Zealand is suggesting that the Proposed District Plan provisions go further than this and allow alterations for the primary purpose of improving building safety. For most heritage buildings, the impact of alterations for building safety on heritage values should be relatively minor. Enabling minor upgrades may reduce the barriers to adaptive reuse. However, some control in the Proposed District Plan over the scale of the alterations and their impact on the facades of the buildings and other heritage values is worth considering.

For the buildings listed in Appendix II.3 Sites of Local significance, alterations that do not affect the façade are permitted. As such, building strengthening work may already be permitted by the provisions as notified.

I note that the matters of discretion for consents for alterations, additions and/or signage on the facades of “Sites of Local Significance”, listed in 3.8.4, do include the consideration of any proposals to strengthen the structural integrity and the heritage value of the building’s façade (3.8.4(K)). This is an assessment matter that both the developer and the decision makers should take into consideration. I believe that this assessment criteria does cover the Heritage New Zealand suggested assessment criteria, but could be amended to also include the benefits of improving the building’s safety.

For the Buildings listed in Appendix II.2 Sites Registered by Heritage New Zealand, I believe that the discretionary activity status for alterations should remain, and that building strengthening and upgrades to meet the Building Act requirements (that go beyond the repair and maintenance covered in Rule 3.8.2) should involve some consenting process so that the impact of these upgrades on heritage values is kept in check. Including additional matters for consideration to Rule 3.8.10 as suggested by Heritage New Zealand would ensure that the benefits of upgrading and strengthening the buildings is given weight in the decision making processes, whilst enabling the decision makers to consider the impacts of proposed works on heritage values.

Another suggestion made by Heritage New Zealand in submission 115.10 is that the “strengthening or replacement of high-risk elements (e.g. parapets, façade decoration, chimneys) with high quality light weight material” should be a controlled activity. Whilst I understand the benefits of making such alterations, I believe concerns of Heritage New Zealand could be addressed by keeping the alterations of heritage structures as discretionary (or restricted discretionary in the case of “Sites of Local Significance”), but to add the benefits of such alterations into the list of considerations in 3.8.4 and 3.8.10.

### **5.1.2 References to National Earthquake Prone Buildings Policies**

A couple of submissions suggested that there should be greater reference in the Heritage provisions to the national Earthquake Prone Buildings Policies.

I acknowledge that there has been much publicity in the past few years about the risks of earthquakes to heritage structures and potential changes to building standards in response to this which may require the strengthening of buildings and structures. However, the national earthquake prone building policies are a work in progress and have yet to be finalised. The main focus of these national policies is likely to be on the assessment of buildings and the requirements for any necessary

upgrading. Owners of heritage structures may be able to apply for extensions of time to get the assessments and strengthening work completed.

My main concern in referring to the national Earthquake Prone Buildings policy is that the policy is yet to be finalised and any reference to these national policies would be premature. I also believe that there are other hazards in the Invercargill city district that pose a threat to the integrity of the heritage buildings and structures and that caution should be taken in focussing on just earthquakes. A more holistic approach to the risks of natural processes and hazards is preferred.

### **5.1.3 Recommendation**

I recommend that the activity status for alterations and repair work to Heritage buildings and structures remain as notified. However, the matters of consideration listed in Rule 3.8.4 and 3.8.10 should be expanded to include the consideration of proposals to strengthen the structural integrity of the building, including the benefits of alterations for the purpose of implementing building code upgrades for seismic, fire and access purposes. I also recommend that the benefits of any proposal to strengthen or replace high-risk elements (e.g. parapets, façade decoration, chimneys) with high quality light weight material should be included as matters for consideration in both 3.8.4 and 3.8.10.

Paragraph 11 of 2.8 Introduction acknowledges the risks of natural processes on buildings, including earthquakes. I recommend that this paragraph should be amended to ensure that it is acknowledged that the risks from natural processes are not just in the rural environment. I do not believe this paragraph should directly refer to national earthquake policies but rewording the paragraph should result in clarifying the fact that natural processes do pose a threat to many of the heritage sites, structures, and places within our District.

## **5.2 Specific references to heritage projects**

A couple of submitters have raised submission points seeking more specific reference to initiatives that identify and protect heritage resources within the Invercargill city district. These include references to a potential regional heritage strategy, Southland regional heritage forums and the Southland Coastal Heritage Inventory Project. While I see many benefits in these initiatives in the protection of heritage, I do not consider that the District Plan should make specific reference to particular initiatives that may result in an ongoing obligation on Council. It is not appropriate to make a commitment to specific projects in the District Plan that will result in the obligation on Council to provide ongoing resources.

There are also a number of unknown factors and details surrounding some of these initiatives, and the Council should be aware of the implications before making a commitment to them through the District Plan. For example, the details of a Regional Heritage Strategy have yet to be determined and the obligations on the Council in participating in such a strategy are not yet known. While the details and implications of a Regional Heritage Strategy are being discussed at the Heritage South Heritage Forum in early August 2014, there are too many uncertainties to make specific reference to the initiative at this stage. The Council is involved in these discussions, and is a sponsor of the Heritage Forum.

It should be noted that the Proposed Regional Policy Statement encourages the Council to participate in such a strategy and does not set it out as a method that territorial authorities “will do”. Also, in developing the Proposed District Plan, the

Council is only required to “have regard to” the Proposed Regional Policy Statement. The Heritage provisions, in particular the Methods of Implementation, have been drafted broadly enough to leave the possibility of being part of a Regional Heritage Strategy open.

As with the other Heritage initiatives referred to in submissions, involvement in the Regional Heritage Strategy has the potential to require the Council to commit to the expenditure of resources. How the Council allocates its resources is subject to the Annual Plan process. It would not be ideal for the Council to commit to involvement in an initiative in the District Plan, where that commitment may not be able to be followed through following the Annual Plan process.

There is also the potential for further Heritage initiatives to be developed over the live-span of the Proposed District Plan that are not yet considered. By keeping the Heritage provisions relatively non-specific in terms of the Council’s involvement in Heritage initiatives, it is considered that any future initiatives will be given equitable consideration by the Council.

### **5.2.1 Recommendation**

It is recommended that the provisions in the Proposed District Plan refer only indirectly to its potential involvement in Heritage initiatives. Keeping the wording non-specific does not mean that the Council will not support these initiatives, but it is my opinion that this leaves the Council with the option to consider a range of initiatives, to consider the full details and implications of each initiative and to consider how much involvement it would like to have over time.

### **5.3 Identification of new heritage items**

Heritage South/Heritage Forum Steering Group has raised concerns in a number of submission points about the limitations to the Heritage sites, buildings, places and areas “recorded, listed and registered” in the Proposed District Plan. The submitter believes that the identified heritage resources are mainly in the City Centre and in Bluff. In their submission they refer to this as a “bias” and believe that there is the omission of representative places in the suburban areas of the city.

It should be noted that the buildings, sites and areas listed with Heritage New Zealand and archaeological sites listed within the District Plan cover the greater district and are not focussed purely on the City Centre and Bluff areas of the Invercargill city district.

The identification of heritage resources and values is an ongoing process. This has been acknowledged in the Proposed District Plan and the provisions provide for the assessment of additional structures, areas and places, see Method 3 in particular. Where additional structures, sites, areas and places are brought to the Council’s attention, and they should be assessed and, if then considered to be of Heritage value, they can be listed in the Proposed District Plan through the Plan Change process.

Community groups, landowners and other interested parties may also approach Heritage New Zealand to determine whether particular structures, places, sites or areas meet the criteria for Heritage New Zealand classifications.

### **5.3.1 Recommendation**

I do not believe that it is beneficial, or accurate, to state in the Proposed District Plan that the recording, listing and classification of heritage values within Proposed District Plan is biased towards certain areas of the district. The issue of the continually evolving nature of information on heritage structures, sites, places and areas could, however, be spelt out in 2.8.1 Issues.

### **5.4 Protection of the curtilage of listed heritage buildings**

Heritage New Zealand has submitted that the settings and surroundings of historic heritage need to be afforded more attention in the Proposed District Plan. They have suggested that the construction of new buildings within a defined setting of a listed building should be a restricted discretionary activity in order to control new buildings within the curtilage of listed heritage buildings.

There are no specific rules in the Proposed District Plan that specifically deal with activities within a “defined setting” of a historic heritage. The one area where this is indirectly addressed is in the Business 1 Zone where some consideration of surrounding buildings is required in the design of new structures. The Height rule in particular requires that the height of buildings must match the height of the adjoining buildings. The matters of consideration in the height provisions requires assessment of the compatibility of the proposed building or structure with the scale of development and character of the local area.

Putting restrictions on buildings within a “defined setting” of a heritage building could be seen as a disincentive for development within the Central Business District where there are a number of heritage buildings, of either local, national or international significance. Given that there is very little, if any, physical separation between the buildings in the Central Business District, adding controls over properties within a “defined setting” would capture a large percentage of a Zone that the Council is working to encourage the regeneration of. Whilst there may be benefits for the heritage values of buildings and areas, these controls need to be balanced with the impacts on the bigger picture. The Council has developed heritage design and repainting guidelines for the city centre, and I believe that this non-regulatory approach is more appropriate.

However, including controls over new structures within the curtilage of heritage buildings may be more appropriate if the term “curtilage” can be defined to focus on that land within the legal title of the heritage building or structure. My understanding of the term “curtilage” is that it is the area immediately surrounding a building. Development immediately surrounding a heritage structure of building has the potential to adversely affect its heritage values. Often the Heritage New Zealand listing refers to the specific building in the identifier, rather than to the property as a whole. Adding an additional rule controlling new buildings on the same title as Heritage New Zealand listed buildings will ensure some consideration of the curtilage of the heritage buildings. The curtilage of heritage buildings is also protected to some degree by the subdivision provisions. The subdivision rule, as notified, makes most subdivisions discretionary and specifically requires consideration of the effects of subdivisions on heritage values. If the curtilage of a heritage building is to be subdivided in such a way as to potentially affect the heritage values of a site then this can be addressed through the subdivision consent process.

#### **5.4.1 Recommendation**

It is recommended that the discretionary activity status for subdivision and 3.18.4 (N) which requires consideration of the extent to which the subdivision acknowledges heritage values be retained. This will ensure that care is taken when subdividing off any surroundings considered to contribute to the heritage values of a building, structure or site.

Also, in order to protect heritage values, it is recommended that a new provision making it a restricted discretionary activity to erect a new building within the curtilage of a Heritage New Zealand listed heritage building or structure be included. Curtilage in respect of this rule is restricted to the land within the same certificate of title as the listed heritage building.

#### **5.5 Archaeological sites**

The Proposed District Plan includes provisions dealing with archaeological sites. These provisions have been the subject of a number of submissions.

Proposed Rule 3.8.6 as notified deems any land disturbance (including repair work) within 100m of an identified archaeological site listed in Appendix II.6 Archaeological Sites to be a discretionary activity. There are five submissions on this provision. Whilst Environment Southland, the Department of Conservation and Te Runaka o Waihopai and Te Runaka of Awarua all support Rule 3.8.6, Federated Farmers and Heritage New Zealand question the provision.

I am recommending a number of amendments to the Archaeological site provisions in the Proposed District Plan.

##### **5.5.1 Should the District Plan include any regulatory protection for archaeological sites?**

The approach in the Operative District Plan to archaeological sites is to list the known sites in the District Plan but to have no regulatory method of protection. The Operative District Plan includes a note under the Heritage rule stating the legislative requirements under the Historic Places Act 1993 that require an Authority from the New Zealand Historic Places Trust for any activity that proposes to damage, modify or destroy an archaeological site.

During the consultation phase of developing the Proposed Plan, local Iwi representatives raised concerns that Iwi were not always involved in the Archaeological Authority process carried out under the then Historic Places Act 1993. They considered that the resource consent process would result in greater involvement for all stakeholders. As a result of this consultation the Proposed District Plan, as notified, includes a rule requiring resource consent for land disturbance on and around archaeological sites. This rule has been the subject of a number of submissions both in support and opposition.

Heritage NZ, through the submission process, have stated that they consider it is not necessary or practical to require resource consent for land disturbance in the vicinity of all recorded archaeological sites and that in most cases these can be managed through the Heritage New Zealand legislation. I agree with Heritage New Zealand and am recommending that Rule 3.8.6 be deleted and that a note be included specifying the requirements under the HNZPT Act 2014.

The HNZPT Act 2014 requires an Authority for activities that propose to damage, modify or destroy archaeological sites. As such it could be argued that requiring resource consent for land disturbance is merely a duplication of process. Not only would the provision requiring consent result in an applicant having to apply to two different authorities to undertake an activity, but it could result in confusion. For example, even if Council decides to approve resource consent to modify or destroy an archaeological site, it will remain an offence to do so without the required authority from Heritage New Zealand.

In relation to the concerns that relying on the HNZPT Act 2014 would result in less consultation, it should be noted that as part of the authority process under the HNZPT Act 2104 consultation with Iwi and other directly affected parties is required and the HNZPT Act requires that the results of this consultation be considered in the decision making process. There is the ability to appeal decisions on authorities, so arguably where a decision directly affects a party, such as local Iwi, then they can appeal.

The consideration of the effects of activities on heritage values is referred to in a number of provisions throughout the Proposed District Plan. This, along with the policy framework, will enable the consideration of effects on archaeological sites where necessary and will enable consultation with affected parties, such as Iwi, where appropriate.

I feel it is important to respond here to Federated Farmers concerns. They noted concern that Rule 3.8.6 as notified may capture farming activities and stated that everyday farming activities should not be considered part of the land disturbance activities captured within this rule. The HNZPT Act 2014 makes it an offence to modify or destroy the whole or part of any archaeological site. If everyday farming activities have the potential to modify, damage or destroy an archaeological site, I do not believe they should be permitted as of right. I believe that activities that are considered part of an everyday farming operation have the real potential to have significant adverse effects on archaeological sites and that whilst I am recommending that the rule be removed from the Proposed District Plan, the HNZPT Act archaeological authority process should be carried through. It should be noted that an archaeological assessment of a site through this process may find that these everyday farming activities will not destroy or damage the heritage value of a site and, if this is the case, then Heritage New Zealand would have little reason to prevent these activities to continue. I stress that deleting Rule 3.8.6 would not enable 'everyday farming activities' where they could potentially modify or destroy archaeological sites but merely leaves the consenting process to Heritage New Zealand.

### **5.5.2 Which archaeological sites should be protected by the Proposed District Plan?**

There are various provisions in the Proposed District Plan that refer to archaeological sites. A submission has questioned the words used in the explanation to 2.8.3 Policy 2 "Identification" stating that *all known* archaeological sites are recorded on the Planning Maps. 2.8.3 Policy 7 "Archaeological and cultural sites", supported by two submitters, refers to the protection of *identified* archaeological and cultural sites. Rule 3.8.6 as notified only applies to land disturbance within 100m of *listed* archaeological sites. Appendix II.6 includes a list of archaeological sites listed with the New Zealand Archaeological Association Recording Scheme. There are inconsistencies throughout the Proposed District Plan as to which archaeological sites should be protected.

The HNZPT Act 2014 defines “archaeological site” in section 6 as follows:

*“Archaeological site means, subject to section 42(3), -*

- (a) Any place in New Zealand, including any building or structure (or part of a building or structure), that
  - (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
  - (ii) Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and**
- (b) includes a site for which a declaration is made under section 43(1)”*

Appendix II.6 lists the archaeological sites recorded under the New Zealand Archaeological Association Recording Scheme. This is current as at the date of notification of the Proposed District Plan. The New Zealand Archaeological Association Southland Filekeeper may also have knowledge of silent (non-public) files, and there may also be archaeological sites that are considered wahi tapu that are not covered by the New Zealand Archaeological Association records. There may also be structures and buildings that pre-date 1900 that are not listed in the Proposed District Plan. Amendments to the explanation to Policy 2 should be made to clarify that the list in the Appendix is not a complete list of *all* archaeological sites and that the list is for information purposes to aid land owners, occupiers and the community in the identification of sites.

Heritage New Zealand, through its submission, considered that resource consent should only be considered for archaeological sites of significance. They have suggested that a prioritising exercise be undertaken to identify those sites of “significance” and to afford those “significant” sites protection under the Proposed District Plan. Although a number of pre-1900 structures are identified in Appendix II as having heritage significance, no formal study of all archaeological sites has been undertaken by the Council to introduce a hierarchy of significance for archaeological sites. Should a study be undertaken in the future identifying a hierarchy of significance, then a Plan Change process can be considered to introduce necessary regulatory protection mechanisms.

2.8.3 Policy 7 reads:

**“Archaeological and cultural sites:** To protect identified archaeological and cultural sites from the adverse effects of land disturbance and/or modification.”

Two submitters have stated their support for this policy. Whilst I am recommending above that Rule 3.8.6 be deleted, I still believe that archaeological and cultural sites should be protected from the adverse effects of land disturbance and/or modification. As I have stated earlier, the list of sites identified in the Proposed District Plan may not be complete. Therefore I suggest that Policy 7 should be amended to remove the word “identified”. No study of archaeological sites has been carried out giving some archaeological sites greater significance than others and there is no justification for providing greater protection for those listed sites over those that are not listed. I believe those sites that are not listed should also be protected through the resource management processes. For example, where an unknown archaeological site is discovered in the development of a property, “accidental find” processes should be carried through and advice notes on consents and building consent processes are appropriate. Education and provision of information on newly discovered or unlisted archaeological sites should also be advocated through the

resource management processes, along with facilitating and encouraging consultation. The management of the adverse effects of natural processes is also a means of protecting archaeological sites.

### **5.5.3 Recommendation**

The protection of archaeological sites is a matter that should be addressed in the Proposed District Plan. However, I believe that the provisions dealing with archaeological sites in the Proposed District Plan should be amended. Archaeological sites should be afforded some protection through the Proposed District Plan but this protection does not need to be regulatory. Broadening the focus of the policies to cover the protection of all archaeological and cultural sites and using non-regulatory methods and other legislation will ensure that these heritage values are not compromised. My recommendations should result in a clarification of the status of information available on archaeological sites in the Invercargill city district and also seek to avoid a duplication of processes with other regulatory bodies such as Heritage New Zealand.

I support the retention of non-regulatory methods, such as providing information on sites in the Proposed District Plan, the accompanying Planning Maps, and through advocating for advice notes on consents. Facilitating consultation along with continued involvement in projects to identify additional sites, such as the Southland Coastal Heritage Inventory Project, are also non-regulatory methods provided for in the Proposed District Plan.

## **5.6 Incentives for adaptive reuse of heritage buildings**

The Heritage provisions of the Proposed District Plan identify adaptive reuse as one of the better ways of protecting values of heritage buildings into the future. Providing incentives to reuse a heritage building or structure, through either regulatory or non-regulatory means, may reduce the costs for the landowner or occupier and make the reuse a more attractive option. Heritage New Zealand have submitted suggesting that as an incentive to adaptive reuse of heritage buildings, the off-street car parking requirements for heritage sites should be waived by amending Rule 3.20 Transportation.

While off-street car parking is not required in the City Centre Priority Development Precinct in the Business 1 Zone, there are a number of heritage buildings listed in the Proposed District Plan that are not within this precinct. The reality of many sites containing heritage buildings, particularly in the Central Business District, is that the buildings take up a majority of the property and there is often little room for the provision of off-street car parking. Waiving the need for off-street car parking will reduce the resource management issues that owners, occupiers and developers of heritage buildings will need to consider, either in the design of their sites, or going through the resource consent process which may involve retaining parking spaces elsewhere to offset the effects.

Whilst waiving the need for off-street car parking will mean that the Council will need to absorb the adverse effects on the transport system and parking network, it makes good sense in terms of heritage management.

I do not believe that the wording provided by Heritage New Zealand in its submission is clear enough for the parties involved in terms to be enforceable, however if



reworded, the suggestion should be considered as a valid incentive to the adaptive re-use of heritage buildings and structures.

#### **5.6.1 Recommendation**

I recommend that Rule 3.20.1 be amended so that the off-street car parking requirements for heritage sites be waived where an application relates to the adaptive reuse of a listed heritage buildings.

#### **5.7 Minor Amendments**

I also recommend a number of minor changes to the Heritage provisions, as set out in Appendix 2 of this report. It is considered that these minor amendments will result in no consequence to the intention and outcome of the provisions. For example, some of these changes are in relation to the replacement of references to NZHPT with “Heritage New Zealand” in recognition of the legislative changes that have occurred since the notification of the Proposed District Plan. It is considered that the changes that the effects of the amendments are such that the amendments can be made at this stage under clause 16 (2) of the First Schedule to the RMA.

## 6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is to examine policies and rules to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed Plan.

Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Committee recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

### 6.1 Relevant Section 32AA Matters

This section of the report evaluates the recommended changes to the Heritage provisions. No changes are recommended to the Objectives of the Proposed District Plan. The following is a summary of the changes recommended to the proposed provisions:

#### 2.8 HERITAGE

##### Introduction

- Clarification of the threats posed by natural processes and natural hazards to archaeological and heritage sites.

##### Issues

- Clarification that inappropriate subdivision, use and development can lead to the loss or destruction of heritage values.

- Acknowledgement that natural hazards, like earthquakes, can have an adverse effect on heritage values.
- Introduction of an issue acknowledging that the identification of heritage sites, structures, places and areas is evolving.

#### Policies

- Policy 2 – Explanation – Specifying the limits of the information on archaeological sites within the Proposed District Plan.
- Policy 2 – Explanation – specifying that there will be a case-by-case assessment of any heritage items identified before it is included in the District Plan.
- Policy 6 – Including heritage street furniture as a feature in the Central Business District that should be protected.
- Policy 6 – Explanation – Clarification that the conservation and adaptive re-use of heritage features is important to retain the heritage values and character of the Central Business District.
- Policy 7 – Amend to broaden focus to all archaeological and cultural sites, not just those that are identified.
- Policy 8 – Explanation – Acknowledging that there may be a range of projects that the Council may consider to manage the effects of natural processes on heritage.

#### Methods of Implementation

- Method 8 - Rewording the method and including reference to a range of education initiatives.
- Method 10 – Amending the Method to broaden the focus away from purely financial incentives.

### 2.14 SUBDIVISION

#### Policies

- Replacing the term “preserved” with “protected”.

### 3.8 HERITAGE

- Removing rule protecting archaeological sites.
- Adding additional matters of consideration and discretion to include consideration of the benefits of building upgrades.
- Adding a rule making new buildings within the curtilage of heritage buildings and structures a restricted discretionary activity.
- Introducing a note setting out the role of Heritage New Zealand in relation to archaeological sites.

### 3.17 SOILS, MINERALS AND EARTHWORKS

- Including the consideration of the effects on sites of cultural significance.

### 3.20 TRANSPORTATION

- Waiving off-street car parking requirements for activities involving the adaptive re-use of heritage structures and buildings.

## SECTION 4 DEFINITIONS

- Including a definition of “archaeological site”.

### APPENDIX I –INFORMATION TO ACCOMPANY APPLICATIONS

- Including a provision that requires the identification of any significant heritage feature or archaeological site in any resource consent application.

### APPENDIX II HERITAGE RECORD

- Clarifying the limits of the information shown in Appendix II.6.
- Adding the Shaws Building, at 146 Dee Street, Invercargill into Appendix II.6.

The detail of the proposed changes to which this evaluation refers are set out in **Appendix 2**.

## **6.2 Section 32AA Further Evaluation**

The Heritage section of the original Section 32 report is relevant to this report.

### **6.2.1 Introduction and explanations**

There are recommended changes that affect the Heritage Introduction, as well as the explanations to a number of policies. These parts of the Proposed District Plan are included for information purposes. The recommendations ensure that the Proposed District Plan accurately and clearly portrays the background to the Heritage provisions, the role of the Council and its expectations. They also provide some guidance as to who should be involved in resource management processes and refer to general methods that may be used. These set the scene for Plan users and will not impact on the intention of the provisions.

### **6.2.2 Issues**

The recommendations include the introduction of an additional issue recognising that the identification of heritage items is a continual ongoing process. This issue is a resource management issue. There are limitations on the knowledge of heritage items within the District and there is the real potential that additional heritage features will be identified over the life of the Proposed District Plan. There are objectives, policies, and methods of implementation that address this issue and it is considered that this change is appropriate.

### **6.2.3 Objectives**

No changes to objectives are recommended. As stated in the original Section 32 report, the objectives are relevant and address the issue in a way that achieve the purpose of the RMA.

### **6.2.4 Policies**

The changes to 2.8.3 Policy 6 Conservation and Adaptive re-use are appropriate to achieve the objectives in the Proposed District Plan in that they recognise a heritage feature that should be protected from inappropriate subdivision, use and development, and a feature that should be recognised and utilised.

Amending 2.8.3 Policy 7, by widening the focus of the policy beyond just those identified archaeological and cultural sites will achieve the objectives of the Proposed District Plan. This amendment reduces the risk that those sites that have yet to be identified will not be covered by the provisions of the Proposed District Plan.

The amendment to 2.14.3 Policy 7, in the Subdivision section, is a minor amendment that remedies the terminology to ensure it is in line with the provisions from the RMA as well as the Heritage Objectives and Policies. This is the most appropriate means of achieving the Objectives of the Proposed District Plan.

### **6.2.5 Methods of Implementations**

The recommended amendments to the Methods of Implementation detailed in section 2.8 acknowledge the mixed regulatory/non-regulatory approach to Heritage issues and to addressing the Objectives. The amendment to Method 8 tidies up the drafting providing additional guidance on the types of educational methods that could be used to meet the objectives of the Proposed District Plan. The amendment to Method 8 acknowledges that there are a range of incentive options, beyond purely financial incentives.

### **6.2.6 Rules**

There are four key areas of change recommended in this report.

The recommended approach to archaeological sites is to delete the rule requiring resource consent for activities within 100m of a listed archaeological site. Replacing this rule with a note referring to the role of Heritage New Zealand in relation to archaeological sites is a more appropriate means of meeting the objectives. The recommended approach retains protection of archaeological sites through the consideration of effects of activities on heritage values in other rules, but removes the duplication of process. Heritage New Zealand has a consenting process for the modification or destruction of archaeological sites under the HNZPT Act 2014 and these sites, whether listed in the District Plan or not, should be afforded protection from inappropriate subdivision, use and development.

Recommended changes to the matters of consideration and discretion include the consideration of the benefits of building upgrades and strengthening work. These changes give effect to the policy promoting active management and adaptive reuse of heritage structures, and provide some guidance on what subdivision, use and development may be “appropriate” in relation to heritage. This is appropriate for achieving the objectives of the Proposed District plan and the purpose of the RMA.

Constructing new buildings within the curtilage of heritage buildings and structures listed with Heritage New Zealand will become a restricted discretionary activity under the recommended changes in this report. As the setting of a heritage building or structure can contribute to its heritage values it is considered that this recommended rule give effect to the policies to avoid, remedy or mitigate the potential adverse effects of use and development on heritage and to encourage the integration of use and development with heritage. This is appropriate as often the heritage listing in the Proposed District Plan refers only to the building or structure and not to the land surrounding it. Restricting the controls to the property that the heritage building is located on is preferable to the alternative of controls over new buildings within a “defined setting”, which could have the potential to affect adjoining land. If the controls extended beyond the boundary it could be seen by property owners as a disincentive to develop neighbouring properties, and this would, in particular, be

contrary to the wider Council direction of encouraging regeneration of the Central Business District.

The recommended changes to the Transport rule involve waiving off-street car parking requirements where an activity involves the adaptive reuse of heritage structures and buildings. This change gives effect to the policies promoting active management and adaptive reuse of heritage structures. This is a cost effective incentive that reduces barriers to development faced by developers and is appropriate for achieving the objectives of the Proposed District Plan and the purpose of the RMA.

### **6.2.7 Definitions**

The inclusion of a definition of “archaeological site” is recommended to make the Proposed District Plan more user-friendly and should aid in the interpretation of the Proposed District Plan provisions. The definition is consistent with the HNZPT Act 2014.

### **6.2.8 Appendices**

The recommended amendment to Appendix I seeks to make the Proposed District Plan more user-friendly and to ensure that the list of requirements is complete so that the effects of proposals on heritage are addressed.

The inclusion of Shaws Building, 146 Dee Street, Invercargill into the list of Sites of Local Significance is appropriate for achieving the Objectives of ensuring that heritage values are identified, recognised and protected. This building retains the heritage values that have been recognised in the past and the amendment ensures that the effects of any subdivision, use or development of the site on its heritage values are considered.

### **6.2.9 Conclusion**

Due to the minor nature of the recommended changes it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes. The Objectives remain unchanged and there are only minor changes recommended to the policies. The changes recommended to the methods and rules address the issues and are appropriate for achieving the Objectives.

## 7. CONCLUDING COMMENTS

The protection of heritage from the adverse effects of inappropriate subdivision, use and development is a matter of national importance under the RMA. Invercargill has a wealth of heritage buildings structures, places and sites. The approach in the Proposed District Plan is to acknowledge that protection does not always mean preservation. The approach does not freeze development of heritage buildings, structures, sites and places, but allows for the consideration of the effects of proposals on heritage values and promotes the active management of heritage buildings and structures. The Proposed District Plan sets out a mixed regulatory and non-regulatory approach seeking to ensure that key parties are involved in the resource management processes involving heritage values.

A number of submission points supported the general approach in the Proposed District Plan and a number raised concerns or made suggestions for additional provisions. On considering the submissions I have suggested a number of recommended changes. These changes would not affect the Objectives and the general intention of the Policies, but will change some of the means of meeting them.

Some of the recommended amendments support the promotion of the active management of heritage sites such as providing for a range of incentives and waiving carparking requirements for adaptive reuse of heritage structures. The recommendations also spell out that the benefits of building upgrade work on heritage buildings and structures are to be considered through the resource consent process. The other change to the Heritage rule is the recommendation to include a new provision making it a restricted discretionary activity to construct a new building within the curtilage of heritage buildings registered with Heritage New Zealand.

Removing the need for resource consent for land disturbance on and around archaeological sites will remove the duplication of process with Heritage New Zealand. It is my opinion that the effects of activities on archaeological sites, such as earthworks, will still be considered and affected parties will still have the opportunity to be involved through many resource consents due to the fact that effects on heritage values are included as a matter of discretion throughout the Proposed District Plan.

Whilst I have recommended that the Proposed District Plan should not include reference to specific heritage initiatives and projects, I believe the methods of implementation as drafted are broad enough to enable the Council to promote the identification, protection and management of heritage values through a range of initiatives.

The Heritage provisions in the Proposed District Plan, and the recommendations in this report, meet the requirements under the RMA and fall within the functions of local authorities.

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## APPENDIX 1 – RECOMMENDATIONS ON SUBMISSIONS

Submitter	Submission	Recommendation
<b>GENERAL</b>		
<p>21.3 Susan and Alastair Stark</p>	<p>The archaeological sites in Omaui need to be identified. Signage is important.</p> <p><b>DECISION SOUGHT</b> Not stated</p>	<p><b>Accept in part</b></p> <p>Section 6 of the Heritage New Zealand Pouhere Taonga Act 2014 defines “archaeological sites” as follows:</p> <p><b>“archaeological site</b> means, subject to section 42(3),—</p> <ul style="list-style-type: none"> <li>(a) any place in New Zealand, including any building or structure (or part of a building or structure), that— <ul style="list-style-type: none"> <li>(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and</li> <li>(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and</li> </ul> </li> <li>(c) includes a site for which a declaration is made under section 43(1)”</li> </ul> <p>The Planning Maps and Appendix II only list the archaeological sites recorded under the New Zealand Archaeological Association Recording Scheme. The New Zealand Archaeological Association Southland Filekeeper may also have knowledge of silent (non-public) files, and there may be archaeological sites that are considered wahi tapu that are not covered by the NZ Archaeological Association records. The Proposed District Plan may not include all structures and buildings that pre-date 1900. There may also be sites that have yet to be identified.</p> <p>As such, it is acknowledged that the information on archaeological sites in the Proposed District Plan is not a complete record of all archaeological sites and the wording in the Appendix II.6 sets this out.</p> <p>There are projects supported by the Council which are working to identify and record of heritage sites, such as the Southland Coastal Heritage Inventory Project. Any sites that are discovered or considered</p>

Submitter	Submission	Recommendation
		<p>of archaeological or heritage importance will need to be assessed to determine whether it is worth identifying them on the Planning Maps and Appendices. The Plan Change process will need to be undertaken in order to include further sites within the District Plan and on the Planning Maps.</p> <p>It should also be noted that archaeological sites, whether recorded in the Proposed District Plan or Planning Maps are protected through the Heritage New Zealand Pouhere Taonga Act 2014 and there are also a number of procedures to follow when potential new sites are discovered.</p> <p>It is agreed that signage may be a means of informing public and landowners of the presence of local heritage items and reference to this type of education mechanism could be included in 2.8.4 Methods of Implementation.</p> <p>RECOMMENDATION: Amend 2.8.4 Methods of Implementation, Method 8 as follows: <u>“Promoting the protection of heritage values through education, including the development and dissemination of guidelines, awards, brochures and leaflets; signage; supporting heritage forums, panel discussions and facilitating heritage presentations.”</u></p>
<p><b>56.18 Jenny Campbell</b></p>	<p>The submitter considers that heritage is a very significant aspect of life in the city with a huge upsurge in interest and concern. The submitter refers to the submission of the Heritage South/Heritage Forum Steering Group of which she is a member.</p> <p><b>DECISION SOUGHT</b> Not stated</p>	<p><b>Comment noted</b></p>
<p><b>56.20 Jenny Campbell</b></p>	<p>The submitter supports the Southland Coastal Heritage Inventory Project in light of climate change and sea level rise and being mindful of saving significant sites on the coast e.g. at Omaui.</p> <p><b>DECISION SOUGHT</b> Not stated</p>	<p><b>Comment noted</b></p>

Submitter	Submission	Recommendation
<b>60.13 Heritage South/Heritage Forum Steering Group</b>	<p>Other than as discussed in submission points below, the submitter supports the sections of the Plan relating to the protection, management and enhancement of heritage values.</p> <p><b>DECISION SOUGHT</b> Retain those parts of the Plan relating to the protection, management and enhancement of heritage values.</p>	<p><b>Accept, subject to recommendations on other submissions</b></p> <p>The submitter's comments are noted. However, whilst the protection and management of heritage values are retained as Objectives within the Proposed District Plan, amendments are recommended in response to a number of other submissions.</p>
<b>78.3 Ministry of Education</b>	<p>Support. The submitter notes that there are two schools listed in Appendix II and support the management approach of adaptive reuse</p> <p><b>DECISION SOUGHT</b> Retain objectives, policies and rules that pertain to adaptive reuse and permitted activity status for repair and maintenance. (See 78.4)</p>	<p><b>Accept</b> Adaptive reuse is an important tool to protect the district's heritage.</p> <p>The permitted activity status for repair and maintenance to preserve the integrity of heritage buildings and structures using the same type of material to that originally used should be retained. However, see submission 78.4 below for recommendations that the benefits of other repair and maintenance activities be considered through resource management processes.</p>
<b>106.2 Trevor Thayer</b>	<p>The submitter supports the retention of the city's rich architecture and history and suggests that the Council identify examples and provide incentives to look after them.</p> <p>For those buildings in ill-repair the submitter states that the Plan provides incentives to go through the demolition process. The submitter also questions whether there will be District Plan rules in conjunction with the national policies on earthquake prone buildings.</p> <p><b>DECISION SOUGHT</b> Not stated</p>	<p><b>Reject in part</b></p> <p>It is acknowledged that the Invercargill city district does have a wealth of heritage values that require protection. There are methods included within the District Plan which encourage the adaptive reuse of heritage buildings and structures, including incentives. The details of any financial incentives will need to be determined through the Annual Plan process.</p> <p>It is also acknowledged that there may be a number of heritage buildings that are in ill-repair. However, it would be contrary to the purposes if the RMA to protect historic heritage, and contrary to the Objectives and Policies in the Proposed District Plan, for the Council <i>encourage</i> the demolition of these structures. The Proposed District Plan provisions seek to encourage the adaptive re-use of heritage structures, and at the very least to encourage the retention of the facades of locally significant buildings.</p> <p>The national policies on earthquake prone buildings in their current state do not encourage the demolition of earthquake prone buildings,</p>

Submitter	Submission	Recommendation
		<p>but encourages the assessment and, where necessary the strengthening of buildings. The timeframes for building assessment reports proposed in the Building (Earthquake-prone Buildings) Amendment Bill are also outside the life of the Proposed District Plan.</p> <p>RECOMMENDATION: It is recommended, as detailed under submission 115.10 below, that alterations for the purpose of improving building safety could be encouraged by ensuring the benefits of this work are considered throughout resource management processes.</p>
<p><b>115.10 Heritage New Zealand</b></p>	<p>General – Earthquake strengthening</p> <p>The submitter recommends that RMA policies and plans provide guidance and regulation to promote and improve heritage building safety. (Building safety aims to reduce the risk of hazards to people and the building. This may include the risk of earthquakes, fire, storms, and accidents and to improve physical access.)</p> <p>In particular, the submitter believes that it is important that heritage rules should not be a barrier or disincentive to undertaking earthquake strengthening and should ensure the work is undertaken in a manner compatible with the heritage values of the building. Providing a tailored rule for building safety works would be supported by Heritage New Zealand provided that adequate assessment criteria are drafted to support this.</p> <p>Alternatively, the submitter recommends that the benefits of earthquake strengthening be included as an assessment matter.</p> <p><b>DECISION SOUGHT</b> The submitter suggests the following rule frameworks for heritage building safety works:</p> <p>“Temporary Shoring – Permitted Activity Definitions, standards and terms for repair and reconstruction should be included.</p>	<p><b>Accept in part</b></p> <p>It is important that heritage rules are not a barrier or disincentive to undertaking strengthening and building safety upgrades. The Proposed District Plan as notified allows for building safety work to a certain extent but minor changes are recommended to ensure that the benefits of this work are considered through the resource management processes. It is recommended that this can be done through clarifying assessment matters, rather than introducing another rule.</p> <p>Repair and maintenance of heritage structures and buildings are a permitted activity in the Proposed District Plan where the materials are the same as those originally used.</p> <p>Alterations to locally significant heritage buildings are also permitted, so long as the facades are retained. Amendments to the matters of consideration for alterations that will affect the facades will ensure that the benefits of building safety upgrades are considered as part of the consenting process.</p> <p>Alterations to nationally significant heritage buildings and structures are discretionary. As above, amendments to the matters of consideration will ensure that the benefits of building safety upgrades are considered as part of the consenting process.</p>

Submitter	Submission	Recommendation
	<p>Repairs and reconstruction to damaged buildings resulting from fire, earthquake or other hazard event – Permitted Activity</p> <p>Strengthening or replacement of high-risk elements (e.g. parapets, façade decoration, chimneys) with high quality light weight material – Controlled Activity</p> <p>Alterations for the purpose of improving building safety – earthquake strengthening, fire safety, access or other building code related work – Controlled Activity”</p> <p>NB: Demolition or partial demolition of an earthquake-prone building is recommended as a non-complying activity. It is noted that this is the case for Heritage New Zealand registered buildings under proposed rule 3.8.9.</p>	<p>I note that Heritage NZ have interpreted the Heritage rule as saying that partial demolition is a non-complying activity. Demolition of nationally significant heritage buildings and structures is a non-complying activity. Partial demolition is not specifically referred to in the rules. It will depend greatly on the scale of the proposal, but partial demolition would be dealt with as an alteration to a structure.</p> <p>RECOMMENDATION:</p> <p>It is recommended that Rule 3.8.4 be amended as follows:</p> <p>(K) <u>Any proposals to strengthen the structural integrity and heritage value of the building façade, including the benefits of alterations for the purpose of implementing building code upgrades for seismic, fire and access purposes.</u></p> <p>(L) <u>Any proposals to strengthen or replace high risk elements, such as parapets, façade decoration and chimneys, with high quality light weight material</u></p> <p>It is recommended that Rule 3.8.10 be amended as follows:</p> <p>(J) <u>Any proposals to strengthen the structural integrity and heritage value of the building, including the benefits of alterations for the purpose of implementing building code upgrades for seismic, fire and access purposes.</u></p> <p>(K) <u>Any proposals to strengthen or replace high risk elements, such as parapets, façade decoration and chimneys, with high quality light weight material</u></p>
<p><b>115.1 Heritage New Zealand</b></p>	<p>Supports various provisions relating to historic heritage values including, but not limited to:</p> <p>2.14.1(6), 2.14.2(4), 2.14.3(7) and (8), 3.18.4(L) and (N) - Subdivision;  2.16.1(3), 2.16.2(4), 2.16.3(3) - Tangata Whenua;  2.22.2(4), 2.22.3(22) - Business 1 (Central Business District) Zone;  2.33.3(9), 3.32.2(A)(F)(a), 3.32.5(B) and (D) - Industrial 4 (Awarua) Zone;  3.6.1(B), 3.6.5(H) and (I) - Energy;  3.9.24(D) - Infrastructure;  3.15.5(H) - Relocated Buildings;</p>	<p><b>Accept</b></p> <p>Given the importance of protecting heritage from inappropriate subdivision, land use and development, there are merits in ensuring that heritage values are considered throughout the resource management processes.</p> <p>The heritage matters raised in the Tangata Whenua and Relocated Buildings provisions have been considered in previous reports put</p>

Submitter	Submission	Recommendation
	<p>3.17.5(F) - Soils, Minerals and Earthworks</p> <p>The submitter notes the Council's obligations under the RMA, in particular s6(f).</p> <p>The submitter notes that in addition to the specific heritage provisions, the consideration of heritage values is embedded throughout the Plan.</p> <p>The submitter considers the approach recognises that not all important heritage values are listed in the District Plan Heritage Record or covered by the heritage rules of the Plan. The submitter believes it is appropriate that the Council has the opportunity to consider effects on heritage values even where such values are not particularly identified for protection in Appendix II</p> <p><b>DECISION SOUGHT</b> Adopt these provisions as they relate to historic heritage values:</p> <p>2.14.1(6), 2.14.2(4), 2.14.3(7) and (8), 3.18.4(L) and (N) - Subdivision;</p> <p>2.16.1(3), 2.16.2(4), 2.16.3(3) - Tangata Whenua;</p> <p>2.22.2(4), 2.22.3(22) - Business 1 (Central Business District) Zone;</p> <p>2.33.3(9), 3.32.2(A)(F)(a), 3.32.5(B) and (D) - Industrial 4 (Awarua) Zone;</p> <p>3.6.1(B), 3.6.5(H) and (I) - Energy;</p> <p>3.9.24(D) - Infrastructure;</p> <p>3.15.5(H) - Relocated Buildings;</p> <p>3.17.5(F) - Soils, Minerals and Earthworks</p>	<p>before the Hearings Committee with recommendations that these provisions be retained.</p> <p>I also recommend that the provisions relating to the consideration of effects on heritage values in the Subdivision, Business 1 Zone, Industrial 4 Zone, Energy and Infrastructure sections of the Plan be retained as notified.</p> <p>Minor amendments to the provisions relating to the consideration of effects on heritage values in the Soils, Minerals and Earthworks section are recommended under submission 115.5 below. The recommended changes will not remove consideration of the effects of activities on heritage values from the rule.</p> <p><b>RECOMMENDATION:</b></p> <p>Subject to numbering and other formatting changes that may result from other s42 reports, it is recommended that the following provisions as they relate to the consideration of effects on heritage values be retained as notified:</p> <p>2.14.1(6), 2.14.2(4), 2.14.3(7) and (8), 3.18.4(L) and (N) - Subdivision;</p> <p>2.22.2(4), 2.22.3(22) - Business 1 (Central Business District) Zone;</p> <p>2.33.3(9), 3.32.2(A)(F)(a), 3.32.5(B) and (D) - Industrial 4 (Awarua) Zone;</p> <p>3.6.1(B), 3.6.5(H) and (I) - Energy;</p> <p>3.9.24(D) - Infrastructure;</p> <p>It is recommended that 3.17.5(F) - Soils, Minerals and Earthworks be amended as set out under submission 115.5 below.</p>

Submitter	Submission	Recommendation
<b>SECTION TWO ISSUES, OBJECTIVES AND POLICIES</b>		
<b>Section 2.8 Heritage</b>		
<b>General</b>		
<b>60.1 Heritage South/Heritage Forum Steering Group</b>	<p>The submitter generally supports the objectives, policies and methods but feel they could be strengthened and made more meaningful. In particular the submitter believes the Plan needs to be more proactive for promotion, collaboration and strategic planning for heritage, and take account of the collective heritage community wishes to develop a single regional heritage strategy and hold a biennial Heritage Forum alternating with a regional heritage event.</p> <p><b>DECISION SOUGHT</b> The District Plan should give effect to the Proposed Regional Policy Statement, in particular Policy HH1, Policy HH6, Method HH4 and Method HH5</p>	<p><b>Reject</b></p> <p>It is my opinion that the provisions adequately give effect to the Proposed Regional Policy Statement.</p> <p>Policy 1 in the Proposed District Plan to promote public awareness and appreciation of Invercargill's heritage is virtually identical to the Policy HH.1 of the Proposed Regional Policy Statement. Other policies in the Proposed District Plan further build on this general policy, such as Policy 2 to identify and prioritise sites, structures.</p> <p>In terms of collaboration, Policy 8 specifically provides for collaboration with key stakeholders in the management of heritage.</p> <p>There are a number of methods of implementation set out in the Proposed District Plan to further promote collaboration and the promotion of heritage within the district.</p> <p>The District Plan is not required to give effect to a Proposed Regional Policy Statement, but to have regard to it. In my opinion this has been done. The objectives, policies and methods set out in section 2.8 "Heritage" of the Proposed District Plan are broad enough to cover a range of collaboration, promotion and strategic planning options that may arise over time. Whilst the development of a single regional heritage strategy and involvement in a Heritage Forum are not specifically provided for in the provisions, it is my opinion that the provisions do not exclude the potential for Council to consider involvement in such schemes in the future.</p>
<b>115.2 Heritage New Zealand</b>	<p>The submitter supports the provisions with amendments.</p> <p>The submitter states that the introduction and the issues, objectives and policies provide a strong basis for managing the District's heritage resources. However, suggest amendments to improve, clarify, qualify and strengthen the provisions.</p>	<p><b>Accept</b></p> <p>It is recommended that the suggested amendments to the Issues will not significantly affect the application of the Heritage provisions. They clarify and improve the issue statements and will not require subsequent amendments to other provisions.</p>

Submitter	Submission	Recommendation
	<p><b>DECISION SOUGHT</b> Adopt the Issues, Objectives, and Policies section 2.8 as proposed subject to amendments:</p> <p>a. 2.8.1 (1): Inappropriate subdivision, use and development of heritage sites, structures, places and areas can lead to the degradation of deterioration, <u>loss or destruction</u> of heritage values.</p> <p>b. 2.8.1(7): Natural processes <u>and events such as earthquakes;</u> and climate change (i.e. coastal erosion, sea level rise and river flooding) can have adverse effects on heritage values</p>	<p><b>RECOMMENDATION</b></p> <p>Adopt the Objectives and Policies in section 2.8 as notified, subject to minor amendments to Policies and their explanations as recommended in response to submissions as set out in the table below.</p> <p>Amend 2.8.1 Issues as follows:</p> <p>(1) Inappropriate subdivision, use and development of heritage sites, structures, places and areas can lead to the degradation of deterioration, <u>loss or destruction</u> of heritage values.</p> <p>(7) Natural processes <u>and natural hazards such as earthquakes;</u> and climate change (i.e. coastal erosion, sea level rise and river flooding) can have adverse effects on heritage values.</p>
<b>2.8 Introduction</b>		
<p><b>18.43 Environment Southland</b></p>	<p>The submitter believes that this section should include reference to the Government's new Earthquake Prone Buildings policy. This policy and its ultimate implementation by the City Council is likely to have more impact on built heritage than any of the other factors mentioned in the Introduction. Given that Issue 5 in Section 2.8.1 relates to this matter, the matter should be addressed in the Intro</p> <p><b>DECISION SOUGHT</b></p> <p>Add some introductory comment on the effect of the Government's recently announced Earthquake prone building policy on built heritage.</p>	<p><b>Reject</b></p> <p>The national earthquake-prone buildings policy has yet to be finalised. Whilst my interpretation of the proposed policies at the moment is that they focus on the assessment and strengthening of structures, the policies and legislation may yet change.</p> <p>The earthquake risk is a significant concern, but is my opinion that Issue 5 is not specifically related to just earthquake-prone strengthening. Building and safety standards have changed significantly over time to address more than just earthquake risks.</p> <p>There are other natural processes that place much of the Invercargill city district's heritage at risk, such as potential effects of sea level rise and flooding.</p> <p>Paragraph 11 of the Introduction to 2.8 refers to natural process, however this could be strengthened to clarify that a range of natural processes, including earthquakes, threaten heritage values district wide.</p>



Submitter	Submission	Recommendation
		<p>RECOMMENDATION</p> <p>Amend paragraph 11 of the Introduction to 2.8 as follows:</p> <p>Delete:</p> <p><del>“A large proportion of the heritage and archaeological sites within the rural area of Invercargill is located in close proximity to the coast and waterways. These are particularly susceptible to natural processes which can have adverse effects on their heritage values. Other natural processes, such as earthquakes, can compromise the strength of built heritage”</del></p> <p>And replace with:</p> <p><u>“Heritage and archaeological sites are vulnerable to natural processes and natural hazards. For example, erosion, flooding and the effects of climate change, like sea level rise, can erode and break down the physical structure of heritage sites and modify the surrounding landscapes of heritage and archaeological sites located in close proximity to the coast and waterways. Also, the safety and integrity of built heritage can be compromised by natural processes and natural hazards, such as earthquakes, flooding, and high winds. Managing the effects of these natural processes on heritage values is an ongoing challenge.”</u></p>
<p><b>60.7 Heritage South/Heritage Forum Steering Group</b></p>	<p>The submitter supports the Introduction to this section but considers that it is focussed on physical heritage values and there is no reference to associated beliefs, living cultural heritage traditions and practices, or the heritage community and groups which keep these alive.</p> <p>The submitter would like to see the introductory text revised to acknowledge the importance of living cultural heritage, traditions, practices and lifeways; the heritage community and heritage groups; living environment, significant trees, remnant native vegetation, dune systems, estuaries and places of traditional maika kai, and to recognise that these living aspects of heritage are vital to support the physical heritage values, and need to be fostered and cultivated.</p>	<p><b>Reject</b></p> <p>The definition of “historic heritage” in s2 of the RMA and of “heritage” in the Definitions section of the Proposed District Plan is focussed on “those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history...”. As such the focus of the provisions within the Proposed District Plan is on physical and natural resources, rather than cultural heritage traditions and practices. In saying this, the values and importance of these natural and physical resources in terms of heritage can be based around associated beliefs or values. The first paragraph of the Introduction acknowledges this link.</p>

Submitter	Submission	Recommendation
	<p><b>DECISION SOUGHT</b> Amend the introductory text to acknowledge the importance of living cultural heritage, traditions, practices and lifeways; the heritage community and heritage groups; and to acknowledge the importance of the living environment, significant trees, remnant native vegetation, dune systems, estuaries and places of traditional mahika kai, as living heritage</p>	<p>Heritage community and heritage groups are supported by the Council in a number of ways and are acknowledged indirectly in the Policies and Methods in the Proposed District Plan. They have a vital role to play in protecting the heritage of the district. However, as stated above, the provisions focus on the natural and physical resources and this is reflected in the Introduction.</p> <p>Areas of heritage value identified due to their connection with traditional mahinga kai sites are discussed in the Introduction to 2.8. The Heritage provisions and the Tangata Whenua section of the Proposed District Plan include references to cultural heritage values.</p> <p>The Natural Features and Landscapes section covers a number of areas in the district that have associated heritage values. The identification of natural features and landscapes specifically includes consideration of historical and cultural associations with places.</p> <p>Areas of significant indigenous biodiversity are covered in the Biodiversity section of the Plan. There are no individual trees that are protected by the Proposed District Plan.</p> <p>RECOMMENDATION:</p> <p>Retain the Introduction to 2.8 as notified, subject to amendments recommended above in relation to submission 18.43.</p>
<p><b>FS4.26 Federated Farmers</b></p>	<p><b><i>Oppose submission 60.7</i></b> The further submitter considers that the environment, indigenous vegetation, dune systems and estuaries etc are more appropriately addressed elsewhere in the district plan</p>	<p><b>Accept</b></p> <p>Heritage values are considered in the identification of outstanding natural features and landscapes and the importance of many of the district's areas of significant indigenous biodiversity are historic. These are covered in other sections of the Proposed District Plan.</p>

Submitter	Submission	Recommendation
<p><b>88.65 Federated Farmers</b></p>	<p>The submitter seeks a measured approach where adverse social and economic impacts of heritage provisions are carefully balanced against the social and cultural benefits of heritage preservation, and any mechanisms for heritage protection should encourage, rather than deter resource users in conserving heritage sites and other connections with the past.</p> <p>The submitter holds particular concern with the comment in paragraph 10 of the introduction that “<i>land use and subdivision activities could significantly and adversely affect heritage values</i>”. The submitter points out that the relevant provisions within Section 6 of the RMA refer to the impact of inappropriate activities and we consider it is inappropriate land use and subdivision that should be referenced here.</p> <p><b>DECISION SOUGHT</b> Federated Farmers seeks decisions on heritage provisions that are made in full consideration of the adverse economic, social and cultural effects, including adverse effects on ethics and aspirations of heritage conservation. We seek that Council amend paragraph 10’s final line to state:</p> <p>“.... <u>Inappropriate</u> land use and subdivision activities could significantly and adversely affect heritage values”</p>	<p><b>Reject</b></p> <p>The use of the word “could” implies that there is the potential for land use and subdivision activities to adversely affect heritage values. The wording does not empirically state that adverse effects will happen. The sentence in full acknowledges that there are methods of protecting heritage values, but that this needs to be considered in the knowledge that adverse effects could potentially eventuate. Finding the balance is important.</p> <p>RECOMMENDATION: Retain paragraph 10 of the Introduction to 2.8 as notified</p>
<b>2.8.1 Issues</b>		
<p><b>88.66 Federated Farmers</b></p>	<p>Support</p> <p><b>DECISION SOUGHT</b> Retain the issues as notified.</p>	<p><b>Accept in part</b></p> <p>RECOMMENDATION: It is recommended that 2.8.1 Issues be retained, subject to amendment as recommended for submission 77.19 below, 115.2 above, and 60.9 below. The recommended amendments will not significantly alter the intention of the provisions.</p>

Submitter	Submission	Recommendation
71.17 NZAS Ltd	<p>Support Issue 1</p> <p>The submitter supports the recognition of heritage values, and particularly reference in the issue to “inappropriate subdivision, use and development” as in some case this subdivision, use and development may be appropriate</p> <p><b>DECISION SOUGHT</b> Retain Issue 1</p>	<p><b>Accept in part</b></p> <p>RECOMMENDATION: It is recommended that 2.8.1 Issue 1 be retained, subject to amendment as recommended for submission 77.19 below, and 115.2 above. The recommended amendments will not significantly alter the intention of the provisions.</p>
77.19 Te Runaka o Waihopai and Te Runaka o Awarua	<p>Support Issue 1 subject to amendment.</p> <p><b>DECISION SOUGHT</b> Amend Issue 1 as follows: “Inappropriate subdivision, use and development of heritage sites can also lead to the <u>loss</u>... of values”</p>	<p><b>Accept</b></p> <p>RECOMMENDATION: As recommended for submission 115.2 above, it is recommended that Issue 1 is amended as follows: (1) Inappropriate subdivision, use and development of heritage sites, structures, places and areas can lead to the degradation or deterioration, <u>loss or destruction</u> of heritage values.</p>
60.9 Heritage South/Heritage Forum Steering Group	<p>New Issue</p> <p>The submitter considers that a new issue is needed to highlight the bias in recording, listing and registration of heritage in favour of the inner city and Bluff, and the omission of representative places in the suburban areas of the city</p> <p><b>DECISION SOUGHT</b> Add a new issue to highlight the bias in recording, listing and registration of heritage in favour of the inner city and Bluff, and the omission of representative places in the suburban areas of the city.</p>	<p><b>Accept in part</b></p> <p>It is acknowledged that Council has more in depth knowledge on the values of buildings in some areas of the District than in others and that the identification of heritage buildings, sites and areas is ongoing. Buildings, sites and areas listed with Heritage New Zealand and archaeological sites listed within the District Plan cover the greater district. The District Plan Heritage Record can be updated through the Plan Change process. The Objectives, Policies and Methods advocate the identification and recognition of heritage values. Method 3 specifically sets out the matters for consideration when identifying additional structures, areas and places to be included in the District Plan.</p> <p>RECOMMENDATION Include an additional issue, as follows:</p> <p>2.8.1 Issues <u>8. The identification of heritage sites, structures, places and areas is continually evolving as new sites are discovered and/or assessed.</u></p>
<b>2.8.2 Objectives</b>		

Submitter	Submission	Recommendation
<b>18.44</b> <b>Environment</b> <b>Southland</b>	Support Objectives  <b>DECISION SOUGHT</b> Retain objectives	<b>Accept</b>
<b>88.67</b> <b>Federated</b> <b>Farmers</b>	Support Objectives in part  Oppose Objective 1 The submitter has concerns with the open-ended reference to “are identified” within Objective 1 because of the lack of clarity as to intended procedure, and given the matter is more fully addressed within Policy 2, we do not consider it needs to be included here.  <b>DECISION SOUGHT</b> Amend Objective 1 as follows: “Heritage values are identified and protected from inappropriate subdivision, use and development”	<b>Reject in part</b>  It is important that the Council retains an Objective to identify heritage values. Identifying buildings, structures, sites and areas of heritage value within the District Plan enables the community, including landowners and decision-makers, to recognise where these sites are and why they are of value. Without identifying the heritage values it will be difficult to protect them.  It should be noted that Objectives are high level statements of intent with the Policies stating how these objectives may be met. The Objective guides the Policy, which guides the Methods. The methods and procedures for identifying additional sites are set out in the policies and methods.  <b>RECOMMENDATION:</b> It is recommended that 2.8.2 Objectives be retained as notified.
<b>FS13.1</b> <b>Heritage New</b> <b>Zealand</b>	<b><i>Oppose submission 88.67</i></b> The further submitter considers that the objective sets identification and appropriate protection of heritage as a broad District Plan objective with the policies and methods then supporting and clarifying the objective.  The further submitter considers that Policy 2 and Objective 1 are linked with the policy supporting the overall objective. Methods 1, 2 and 3 explain how the objective and policy will be achieved.  The further submitter does not consider that the objective is unduly open ended and considers that if the term was to be removed then it would jeopardise the supporting policy and methods relating to heritage identification  <b>DECISION SOUGHT</b> Retain the term “identify” within the objective	<b>Accept</b>

Submitter	Submission	Recommendation
<b>FS39.9</b> <b>Environment</b> <b>Southland</b>	<p><b>Oppose submission 88.67</b></p> <p>The further submitter considers Objective 1 to be consistent with the Proposed Southland Regional Policy Statement 2012, including Objective HH.1 and Method HH.3 which seek to identify and protect historic heritage</p> <p><b>DECISION SOUGHT</b> Disallow decision sought.</p>	<p><b>Accept</b></p> <p>Whilst the District Plan is not required to be consistent with the Proposed RPS, in order to protect heritage values, it is considered necessary to identify those values and the sites, buildings, features and areas with heritage values.</p>
<b>64.24</b> <b>Department of</b> <b>Conservation</b>	<p>Support Objective 1</p> <p>The submitter considers the objective recognises the significant heritage values in the Invercargill district and that protecting historic buildings, places and sites is necessary to ensure that these values are maintained. The submitter considers the objective is consistent with s6 of the RMA and Policy 17 of the NZCPS</p> <p><b>DECISION SOUGHT</b> Retain Objective 1.</p>	<p><b>Accept</b></p> <p>RECOMMENDATION: Retain 2.8.2 Objective 1 as notified</p>
<b>71.18</b> <b>NZAS</b> <b>Ltd</b>	<p>Support Objective 1</p> <p>The submitter supports the recognition of heritage values, and particularly reference in the issue to “inappropriate subdivision, use and development” as in some case this subdivision, use and development may be appropriate</p> <p><b>DECISION SOUGHT</b> Retain Objective 1.</p>	<p><b>Accept</b></p> <p>RECOMMENDATION: Retain 2.8.2 Objective 1 as notified</p>

Submitter	Submission	Recommendation
<b>60.2 Heritage South/Heritage Forum Steering Group</b>	<p>New Objective</p> <p>The submitter considers that the Council should include specific text in the objectives, policies and methods relating to heritage, that provide for the Council to contribute to and be involved in the development of a single regional heritage strategy for southland in cooperation and collaboration with territorial authorities, tangata whenua, the NZ Historic Places Trust, Department of Conservation, Te Ao Marama Incorporated, the NZ Archaeological Association and other stakeholders, and especially Heritage South and other community heritage groups.</p> <p><b>DECISION SOUGHT</b> Add a new objective that: <u>“ICC works collaboratively with other territorial authorities and key stakeholders (i.e. tangata whenua, the New Zealand Historic Places Trust, Department of Conservation, Te Ao Marama Incorporated, the New Zealand Archaeological Association and other stakeholders, and especially community heritage groups) to promote heritage and develop an integrated strategic direction for heritage”.</u></p>	<p><b>Reject</b></p> <p>It is acknowledged that the promotion of heritage and collaboration with interested parties is important and this has been acknowledged in the Heritage policies.</p> <p>The Objectives in the Proposed District Plan are drafted in broad terms and the suggested Objective does not fit with the framework of the Proposed District Plan. It includes a number of Methods that can be used to attain the overall general objective of protecting heritage values and is not necessary or appropriate as an Objective in the Proposed District Plan.</p> <p>RECOMMENDATION: Retain 2.8.2 Objectives as notified</p>
<b>2.8.3 Policies</b>		
<b>18.45 Environment Southland</b>	<p>Support 2.8.3 Policies</p> <p><b>DECISION SOUGHT</b> Retain policies</p>	<p><b>Accept in part</b></p> <p>RECOMMENDATION: Retain 2.8.3 Policies as notified, subject to minor amendments as recommended in response to submissions outlined in the table below.</p>
<b>88.68 Federated Farmers</b>	<p>Support 2.8.3 Policies in part.</p> <p>The submitter supports Policies 1, 2 3 and 4 and the promotion of active management, conservation and adaptive reuse of heritage buildings.</p> <p>The submitter considers that collaboration with key stakeholders is vital if there is to be success in this area and notes that Policy 8 makes reference to this but limits specified parties within the explanation to</p>	<p><b>Accept in part</b></p> <p>It is acknowledged that landowners and community groups have an important role to play in the management of the district’s heritage. Their role should be acknowledged in the Proposed District Plan.</p> <p>I believe Policy 8 is worded broadly enough to cover all key stakeholders, however, the explanation could be expanded to include reference to key stakeholders, other than just the agencies.</p>

Submitter	Submission	Recommendation
	<p>agencies and tangata whenua. The submitter considers it imperative that private landowners are involved throughout any process involving their land, and there must also be acknowledgement that preservation and management of heritage sites and buildings can be disproportionately costly, particularly in the area of earthquake strengthening</p> <p><b>DECISION SOUGHT</b></p> <ul style="list-style-type: none"> <li>• That Council specifically provide reference to private landowners within Policy 8 or similarly provide a new policy alongside Policy 10 that refers to the importance of, and need to collaborate with private landowners throughout any heritage process.</li> <li>• Adopt other policies as proposed.</li> </ul>	<p><b>RECOMMENDATION:</b> Retain 2.8.3 Policies as notified, subject to amendments as recommended in response to submissions outlined in the table below.</p> <p>Amend the explanation to 2.8.3 Policy 8 Collaboration as follows:</p> <p><b>“Explanation:</b> A number of agencies including Environment Southland, territorial authorities, Te Ao Mārama Incorporated, the Department of Conservation, the New Zealand Historic Places Trust and the New Zealand Archaeological Association have roles and responsibilities regarding the management of heritage in Invercargill. <u>Landowners, occupiers and community heritage groups also have vital roles in the management of heritage.</u> To ensure the resources of each agency are employed to greatest effect and the best outcome is achieved, open communication and the free flow of information between all parties is important.</p> <p>To recognise the sensitivity associated with some heritage resources this policy affirms the need to involve tangata whenua as kaitiaki, when managing Invercargill’s heritage resources.”</p>
<p><b>60.3 Heritage South/Heritage Forum Steering Group</b></p>	<p>Support in part 2.8.3 Policy 1 – Promotion</p> <p>The submitter considers that the Council should include specific text in the objectives, policies and methods relating to heritage, that provide for the Council, in collaboration with other Territorial Local Authorities, to support an annual Heritage Month and a biennial Heritage Forum for the Southland Region</p> <p><b>DECISION SOUGHT</b></p> <p>Add to the explanation for Policy 1 that this includes support for an annual Heritage Month and Biennial Heritage Forum in Southland.</p>	<p><b>Reject</b></p> <p>Whilst the Council may support these events and community heritage groups, care should be taken in detailing specific events and projects at a policy level within the District Plan. These types of ventures require a range of forms of support, including funding from Council. The provisions of the Proposed District Plan should be kept at more general with the specifics best dealt with outside the District Plan process and should be considered in the Annual Plan process.</p> <p><b>RECOMMENDATION:</b> Retain the explanation to 2.8.3 Policy 1 as notified.</p>



Submitter	Submission	Recommendation
<p><b>60.8(a)</b> <b>Heritage South/Heritage Forum Steering Group</b></p>	<p>Support in part 2.8.3 Policy 2 – Identification The submitter is supportive of this section but considers it could be improved. The submitter considers that the Plan needs to include in the Issues, Policies and Methods the need for further heritage identification studies, in particular one to identify buildings in suburban areas.</p> <p><b>DECISION SOUGHT</b> Revise Policy 2 to acknowledge the need for and indicate action to identify heritage (through a similar study to those done for the inner city and Bluff) in the wider city suburban area including homes/dwellings and industrial buildings with heritage value.</p>	<p><b>Accept in part</b></p> <p>It is recommended that the explanation to Policy 2 could be expanded to acknowledge that there may be gaps in the information available to Council and that the identification and prioritisation of heritage sites, structures, places and areas of heritage value is an on-going process. The Methods included in 2.8 Heritage recognise the processes involved in identifying these places of value. Method 1 provides for the identification of heritage sites, structures, places, and areas that have heritage value. Method 3 states what types of things will be considered if new heritage sites, structures, places, and areas are brought to Council's attention</p> <p>RECOMMENDATION: Amend the Explanation to 2.8.3 Policy 2 Identification by adding the following paragraph:</p> <p><u>“Where any additional sites, structures, places, and areas with heritage value are discovered or brought to Council’s attention, these should be assessed on a case-by-case basis to determine whether they should be afforded protection through the District Plan.”</u></p>
<p><b>65.19 ICC Environmental and Planning Services</b></p>	<p>Support 2.8.3 Policy 2</p> <p><b>DECISION SOUGHT</b> Amend the first sentence of the second paragraph of the explanation to read: “<del>All known</del> archaeological sites are recorded on the Planning Maps and are listed in Appendix II.”</p>	<p><b>Accept in part</b></p> <p>Section 6 of the Heritage New Zealand Pouhere Taonga Act 2014 defines “archaeological sites” as follows:</p> <p>“<b>archaeological site</b> means, subject to section 42(3),—</p> <p>(a) any place in New Zealand, including any building or structure (or part of a building or structure), that—</p> <p>(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and</p> <p>(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and</p> <p>(b) includes a site for which a declaration is made under section 43(1)”</p>

Submitter	Submission	Recommendation
		<p>The Planning Maps and Appendix II only lists the archaeological sites recorded under the New Zealand Archaeological Association Recording Scheme. The New Zealand Archaeological Association Southland Filekeeper may also have knowledge of silent (non-public) files, and there may be archaeological sites that are considered wahi tapu that are not covered by the NZ Archaeological Association records. The Proposed District Plan may not include all structures and buildings that pre-date 1900. There may also be sites that have yet to be identified.</p> <p>As such, it is acknowledged that the information on archaeological sites in the Proposed District Plan is not a complete record of all archaeological sites and the wording in the explanation needs to be amended to clarify this.</p> <p>RECOMMENDATION: Retain 2.8.3 Policy 2 Identification as notified</p> <p>Amend paragraph 2 of the Explanation to 2.8.3 Policy 2 Identification as follows:  <i><u>"All known archaeological sites are recorded on the Planning Maps and are listed in Appendix II. Archaeological sites recorded under the New Zealand Archaeological Association Recording Scheme, as at the date of notification of this Plan, are listed in Appendix II and shown on the Planning Maps for information purposes. Historically, archaeological sites were not identified precisely in order to discourage wilful damage. The location of these archaeological sites will be recorded on the Planning Maps and within the District Plan where information is available to Council."</u></i></p> <p>Include the HNZPT Act definition of "archaeological site" in the Definitions section of the Proposed District Plan</p> <p>Amend the introduction to Appendix II as follows:  <u>"Appendix II.6 details archaeological sites recorded under the New Zealand Archaeological Association Recording Scheme within the Invercargill city district as at May 2013"</u></p>

Submitter	Submission	Recommendation
<p><b>64.25</b> <b>Department of Conservation</b></p>	<p>Support 2.8.3 Policy 3 Effects on Heritage</p> <p>The submitter supports this policy as it seeks to avoid adverse effects on historic buildings, places and sites resulting from subdivision, use and development</p> <p><b>DECISION SOUGHT</b> Retain</p>	<p><b>Accept</b></p> <p>RECOMMENDATION: Retain 2.8.3 Policy 3 'Effects on Heritage' as notified</p>
<p><b>77.20</b>      <b>Te</b> <b>Runaka</b>      <b>o</b> <b>Waihopai and</b> <b>Te Runaka o</b> <b>Awarua</b></p>	<p>Support 2.8.3 Policy 3 Effects on Heritage</p> <p><b>DECISION SOUGHT</b> Retain</p>	<p><b>Accept</b></p> <p>RECOMMENDATION: Retain 2.8.3 Policy 3 "Effects on Heritage" as notified</p>
<p><b>60.10 Heritage</b> <b>South/Heritage</b> <b>Forum</b> <b>Steering</b> <b>Group</b></p>	<p>Support in part 2.8.3 Policy 6 – Conservation and adaptive re-use</p> <p>The submitter considers that Policy 6 should be revised to take account of the heritage values of verandas and beyond the facades of heritage buildings.</p> <p><b>DECISION SOUGHT</b> Revise Policy 6 to include reference to verandas as part of the heritage value of heritage buildings and streetscapes, and to state that heritage value may extend beyond the façade.</p>	<p><b>Accept in part</b></p> <p>In the Central Business District, street furniture, such as the verandahs and cobblestones, also contribute to the heritage character of the streetscape. John Gray, in his 1997 report on heritage structures within the Invercargill City Centre, noted that:</p> <p>"A wonderful feature is the predominance of decorative verandah posts on the buildings in the main shopping streets. This feature is relatively unique in New Zealand Cities in the 90s and should be encouraged, preserved and promoted. Replica posts could be cast off existing examples and replaced on buildings where this feature has been removed."</p> <p>And</p> <p>"Another exciting feature in Invercargill's uniqueness is the intact areas of curbstone along both sides of Dee Street going north from Tay Street. This feature adds old world charm to the city for the pedestrian tourists and must be preserved and protected."</p> <p>The conservation of these features is promoted through regulatory methods in the Proposed District Plan, they are listed in Appendix II and protected by Rule 3.8.7.</p>

Submitter	Submission	Recommendation
		<p>Policy 6 recognises that there are a number of heritage buildings within the City Centre that add to the character and uniqueness of the city. Whilst there are a number of New Zealand Heritage listed buildings in the City Centre, there are even more buildings that have been identified for their local significance and the value that their facades add to the area and to the district. The policy seeks to highlight the importance of adaptive re-use of these buildings and the retention of their facades. Amending the policy to include the promotion of the conservation of heritage street furniture in the City Centre will not detract from the intention of the Policy.</p> <p>RECOMMENDATION: Amend 2.8.3 Policy 6 ‘Conservation and adaptive re-use’ and its accompanying explanation as follows: “To promote the conservation and adaptive re-use of heritage buildings, groups of heritage buildings, <u>and</u> heritage facades <u>and</u> <u>heritage street furniture</u> in the Central Business District of Invercargill</p> <p><b>Explanation:</b> Invercargill can be seen as a heritage precinct within the context of New Zealand. The city accommodates a valuable heritage resource of which much is visible in the street frontages <u>and</u> <u>streetscapes</u> in the <del>City Centre</del> Central Business District. This heritage is the basis of the city’s qualities of authenticity and uniqueness which are valued by residents and visitors.</p> <p><u>The conservation and adaptive reuse of these features is important to retain the heritage value and character of the Central Business District.</u></p>
<p><b>64.26</b> <b>Department of Conservation</b></p>	<p>Support Policy 7 Archaeological and cultural sites</p> <p>The submitter considers protection of these sites is necessary to ensure the heritage values relating to them are retained.</p> <p><b>DECISION SOUGHT</b> Retain</p>	<p><b>Accept in part</b></p> <p>The protection of archaeological and cultural sites is necessary to ensure the heritage values relating to them are retained, however this policy would be enhanced if it related to all archaeological and cultural sites, not just those “identified”.</p>

Submitter	Submission	Recommendation
		<p>RECOMMENDATION: Amend 2.8.3 Policy 7 “Archaeological and cultural sites” as follows:</p> <p>“To protect identified archaeological and cultural sites from the adverse effects of land disturbance and/or modification.”</p>
<p>77.21 Te Runaka o Waihopai and Te Runaka o Awarua</p>	<p>Support Policy 7 Archaeological sites</p> <p><b>DECISION SOUGHT</b> Retain</p>	<p><b>Accept in part</b></p> <p>As per recommendation for submission 64.26 above.</p>
<p>60.4 Heritage South/Heritage Forum Steering Group</p>	<p>Policy 8 – Collaboration</p> <p>The submitter considers that the Council should include specific text in the objectives, policies and methods relating to heritage, that provide for the Council to contribute to and be involved in the development of a single regional heritage strategy for Southland in cooperation and collaboration with territorial authorities, tangata whenua, the NZ Historic Places Trust, Department of Conservation, Te Ao Marama Incorporated, the NZ Archaeological Association and other stakeholders, and especially Heritage South and other community heritage groups.</p> <p><b>DECISION SOUGHT</b> Add the following to Policy 8:</p> <p>“To collaborate with key stakeholders in the management of heritage and the development of a single Regional Heritage Strategy.”</p> <p>Add the following to the explanation for Policy 8:</p> <p>“The Invercargill City Council will also seek to work with the diverse range of heritage groups who are also aiming to work more collaboratively.”</p>	<p><b>Accept in part</b></p> <p>The Regional Heritage Strategy is not a Council initiative and the details of this strategy are still to be determined.</p> <p>The proposed strategy is a potentially useful concept that could provide guidance on a range of heritage issues. However, the District Plan is not the place to make a commitment to a specific project.</p> <p>Being tied to a <i>single</i> Regional Heritage Strategy may also not provide the best fit for all circumstances. Council may want to consider heritage issues on a case-by-case basis and may wish to retain some autonomy on heritage issues and this may not fit with a Regional Heritage Strategy.</p> <p>Without knowing the details of what is involved in the Regional Heritage Strategy and what outcomes it is anticipating (e.g. is the strategy providing recommendations or direction), it is best not specifically referred to in the Policies.</p> <p>I recommend that the explanation to Policy 8 be amended, as stated for submission 88.68 above, recognising that in order for heritage provisions to be successful in the protection of heritage values, landowners, occupiers and community heritage groups should also be involved as key stakeholders.</p>

Submitter	Submission	Recommendation
		<p><b>RECOMMENDATION:</b> It is recommended that 2.8.3 Policy 8 Collaboration be retained as notified.</p> <p>Amend the explanation to 2.8.3 Policy 8 Collaboration recommended for submission 88.68 above.</p>
<p><b>FS2.29 NZAS Ltd</b></p>	<p><b>Support in part submission 60.4</b> As an owner/occupier of land with heritage values, the further submitter considers that it should be involved in the development of a Regional Heritage Strategy. The further submitter would be satisfied being involved during a public consultation phase.</p> <p><b>DECISION SOUGHT</b> Ensure owners/occupiers of land with heritage values are consulted in the development of a Regional Heritage Strategy.</p>	<p><b>Further submission noted</b></p> <p>The Regional Heritage Strategy is not a Council initiative and the details of this strategy are still to be determined.</p> <p>It is acknowledged that landowners and occupiers have a vital role in the protection of heritage and that their role as a key stakeholder should also be acknowledged. It is considered that the suggested amendment to the explanation to 2.8.3 Policy 8 Collaboration set out under submission 88.68 above, will ensure that the role of landowners and occupiers in heritage processes are acknowledged.</p> <p><b>RECOMMENDATION:</b> Amend the explanation to 2.8.3 Policy 8 Collaboration set out under submission 88.68 above.</p>
<p><b>77.22 Te Runaka o Waihopai and Te Runaka o Awarua</b></p>	<p>Support Policy 8 – Collaboration</p> <p><b>DECISION SOUGHT</b> Retain</p>	<p><b>Accept</b></p> <p><b>RECOMMENDATION:</b> Retain 2.8.3 Policy 8 as notified, subject to amendments to the explanation set out under submission 88.68 above.</p>
<p><b>60.11 Heritage South/Heritage Forum Steering Group</b></p>	<p>The submitter strongly supports Policy 9 but suggests the explanation should be amended to indicate its participation in the Southland Coastal Heritage Inventory Project as a key way of implementing this policy in a collaborative way.</p> <p><b>DECISION SOUGHT</b> Amend the explanation for Policy 9 to include specific reference to the Southland Coastal Heritage Inventory Project.</p>	<p><b>Accept in part</b></p> <p>Increasing knowledge of archaeological sites and heritage sites within the coastal environment will aid in determining what management methods are appropriate to protect these heritage resources. The Southland Coastal Heritage Inventory Project (SCHIP) was designed to address a lack of knowledge of archaeological sites and historic places in the Southland coastal marine environment and provides the</p>

Submitter	Submission	Recommendation
		<p>required information to the groups involved, through a systematic, intensive, archaeological site survey of the Southland coastal marine environment.</p> <p>Whilst the Council is currently involved in SCHIP, it is not ideal to tie the Council down to a specific project through the District Plan as the Council's involvement may require a commitment to funding and resources that are subject to the Annual Plan process.</p> <p>It is recommended that the explanation could be amended to refer to a less specific range of projects, including those that identify and create inventories of heritage sites.</p> <p>RECOMMENDATION: Amend the explanation to 2.8.3 Policy 9 'Natural Processes' as follows: "... A number of methods are available to manage heritage values at risk from natural processes and climate change, and to obtain information from the site for records. <u>Council may consider a range of methods including involvement in projects that identify and keep records of sites within areas susceptible to natural processes.</u></p>
<p><b>77.23 Te Runaka o Waihopai and Te Runaka o Awarua</b></p>	<p>Support Policy 9 Natural Processes</p> <p>The submitter specifically refers to the continuation of support of the Southland Coastal Heritage Inventory Partners Projects</p> <p><b>DECISION SOUGHT</b> Retain.</p>	<p><b>Accept</b></p> <p>RECOMMENDATION:</p> <p>Retain 2.8.3 Policy 9 Natural Processes as notified, subject to amendment to the explanation as detailed for submission 60.11 above.</p>

Submitter	Submission	Recommendation
<b>117.8</b> <b>Southern District Health Board</b>	Support Policy 10 Tangata Whenua  The submitter acknowledges that heritage values can strengthen a sense of community and contribute to community connectedness. The submitter appreciates the introduction which identifies the heritage values of tangata whenua and European cultures and endorses Policy 10 – Tangata Whenua.  <b>DECISION SOUGHT</b> Supports in general, in particular Policy 10.	<b>Accept</b>  RECOMMENDATION:  Retain 2.8.3 Policy 10 Tangata Whenua as notified
<b>77.24</b> Te Runaka o Waihopai and Te Runaka o Awarua	Support Policy 10 Tangata Whenua  <b>DECISION SOUGHT</b> Retain	<b>Accept</b>  RECOMMENDATION:  Retain 2.8.3 Policy 10 Tangata Whenua as notified
<b>2.8.4 Methods of Implementation</b>		
<b>64.21</b> <b>Department of Conservation</b>	Support.  The submitter refers specifically to the proposal to maintain and update a detailed list of heritage sites and to append it to the Plan, and the intention that this will involve consultation and collaboration with key stakeholders to keep the information as up-to-date as possible  <b>DECISION SOUGHT</b> Retain 2.8.4	<b>Accept</b>  RECOMMENDATION: Retain 2.8.4 Methods of Implementation, subject to amendments to Methods 8 and 10 in response to submissions 60.6 and 115.7 outlined in the table below.
<b>77.25</b> Te Runaka o Waihopai and Te Runaka o Awarua	Support all  <b>DECISION SOUGHT</b> Retain	<b>Accept</b>  RECOMMENDATION:  Retain 2.8.4 Methods of Implementation, subject to amendments to Methods 8 and 10 in response to submissions 60.6 and 115.7 outlined in the table below.



Submitter	Submission	Recommendation
<p><b>88.69 Federated Farmers</b></p>	<p>Support in part. The submitter reiterates the absolute need for full landowner involvement throughout any process involving private land, and that the process needs to be consistent, defined and transparent.</p> <p>The submitter considers that non-regulatory methods are the most effective way of managing and protecting heritage values.</p> <p><b>DECISION SOUGHT</b> That Council adopt the methods as proposed but ensure full landowner involvement throughout any process involving private land. The submitter's preference is for non-regulatory methods to be the focus in this area.</p>	<p><b>Accept in part</b></p> <p>It is considered that a mixed regulatory and non-regulatory approach to the protection of heritage values is appropriate in order to address what is highlighted in the RMA as a matter of national importance.</p> <p>There are a number of references to the role of landowners within the Methods of implementation.</p> <p><b>RECOMMENDATION:</b> Retain 2.8.4 Methods of Implementation, subject to amendments to Methods 8 and 10 in response to submissions 60.6 and 115.7 outlined in the table below.</p>
<p><b>60.8(b) Heritage South/Heritage Forum Steering Group</b></p>	<p>The submitter is supportive of Method 1 but considers it could be improved. The submitter considers that the Plan needs to include in the Issues, Policies and Methods the need for further heritage identification studies, in particular one to identify buildings in suburban areas.</p> <p><b>DECISION SOUGHT</b> Revise Method 1 to acknowledge the need for and indicate action to identify heritage (through a similar study to those done for the inner city and Bluff) in the wider city suburban area including homes/dwellings and industrial buildings with heritage value</p>	<p><b>Reject</b></p> <p>Council may endeavour into projects to identify further heritage sites for protection in the District Plan in future. Projects are also being carried out with regional heritage groups. All identification projects will depend on funding.</p> <p>Individual members of the public and other groups can also identify places, sites and buildings that they considered should be assessed for their heritage values and afforded protection through the Proposed District Plan.</p> <p>The methods of implementation acknowledge that there may be additional heritage structures, areas and places recommended for inclusion in the District Plan in the future and Method 3 sets out the process involved in determining whether these should be provided protection under the District Plan. Care would be needed to make specific reference to identification projects that could potentially lead to resource obligations.</p> <p><b>RECOMMENDATION:</b> Retain 2.8.4 Method 1 as notified.</p>

Submitter	Submission	Recommendation
<b>65.20 ICC Environmental and Planning Services</b>	<p>Support in part Methods 5 and 6 The submitter considers that these methods are unnecessarily repetitive. It is considered that these two methods should be combined into one method.</p> <p><b>DECISION SOUGHT</b> Amend Method 5 to read: <u>“Consulting with Collaborating with key stakeholders in the management of heritage, including:...”</u> AND Delete Method 6.</p>	<p><b>Reject</b></p> <p>It is considered that the two Methods should be kept separate as they focus on two separate processes. As stated by Heritage NZ in its further submission point FS13.2, Method 5 is carried through from the Operative District Plan and relates to consultation on regulatory matters. Method 6 is more focussed on collaboration in the context of wider management initiatives.</p> <p><b>RECOMMENDATION:</b> It is recommended that 2.8.4 Methods 5 and 6 be retained as notified</p>
<b>FS4.27 Federated Farmers</b>	<p><b>Support submission 65.20</b> The further submitter considers that the suggested amendment will ensure that landowners have a say in the management of heritage</p> <p><b>DECISION SOUGHT</b> Not stated</p>	<p><b>Reject</b></p> <p>Retaining the methods as notified will not diminish the role of landowners as key stakeholders in the management of heritage.</p> <p><b>RECOMMENDATION:</b> Retain 2.8.4 Methods 5 and 6 as notified for the reasons as set out under submission 65.20 above.</p>
<b>FS13.2 Heritage New Zealand</b>	<p><b>Oppose submission 65.20</b> The further submitter considers that these methods are distinct enough to be retained individually. The further submitter presumes that Method 5 relates to consultation on regulatory matters and that Method 6 is more focussed on collaboration in the context of wider heritage management initiatives.</p> <p>The further submitter suggests that if these methods were to be rationalised then the new provision should refer to both consultation and collaboration.</p> <p><b>DECISION SOUGHT</b> Not stated</p>	<p><b>Accept</b></p> <p><b>RECOMMENDATION:</b> Retain 2.8.4 Methods 5 and 6 as notified for the reasons as set out under submission 65.20 above.</p>

Submitter	Submission	Recommendation
<p><b>60.5 Heritage South/Heritage Forum Steering Group</b></p>	<p>Object in part to 2.8.4 Method 6</p> <p>The submitter considers that the Council should include specific text in the objectives, policies and methods relating to heritage, that provide for the Council to contribute to and be involved in the development of a single regional heritage strategy for Southland in cooperation and collaboration with territorial authorities, tangata whenua, the NZ Historic Places Trust, Department of Conservation, Te Ao Marama Incorporated, the NZ Archaeological Association and other stakeholders, and especially Heritage South and other community heritage groups.</p> <p><b>DECISION SOUGHT</b> Add the following to Method 6:</p> <p><u>“Collaborating with key stakeholders and the wider heritage community in the management of heritage, including development of a single Regional Heritage Strategy.”</u></p>	<p><b>Reject</b></p> <p>As set out in the amended explanation to Policy 8, key stakeholders include a number of agencies, community groups and landowners and occupiers. It is not considered necessary to qualify in the Methods of Implementation who these key stakeholders are.</p> <p>It is also not considered appropriate to include reference to a specific project aimed at managing heritage within the District. While the Council may wish to be involved in a Regional Heritage Strategy, there are currently too many unknown factors to specifically refer to it. The Methods of Implementation are set out in broad terms to enable the Council to consider a range of options that may arise over the lifetime of the Proposed District Plan. The Council’s involvement in projects, such as the development of a single Regional Heritage Strategy, also involves funding considerations that should be considered through the Annual Plan process.</p> <p>RECOMMENDATION:</p> <p>Retain 2.8.4 Methods of Implementation – Method 6 as notified.</p>
<p><b>FS2.30 NZAS Ltd</b></p>	<p><b>Support in part submission 60.5</b></p> <p>As an owner/occupier of land with heritage values, the further submitter considers that it should be involved in the development of a Regional Heritage Strategy. The further submitter would be satisfied being involved during a public consultation phase</p> <p><b>DECISION SOUGHT</b> Ensure owners/occupiers of land with heritage values are consulted in the development of a Regional Heritage Strategy.</p>	<p><b>Reject in part</b></p> <p>As stated above under submission 60.5, landowners and occupiers are identified elsewhere in the Proposed District Plan as having a role in the management of heritage within the district.</p> <p>It should also be noted that the processes involved in developing a possible Regional Heritage Strategy are not included within the Proposed District Plan.</p>

Submitter	Submission	Recommendation
<p><b>FS39.10 Environment Southland</b></p>	<p><b>Support in part submission 60.5</b></p> <p>The further submitter comments that Method HH.4 of the Proposed Southland Regional Policy Statement 2012, encourages Local Authorities to develop a collaborative forum and a framework to manage historic heritage, including “the development of regional and local heritage strategies”.</p> <p><b>DECISION SOUGHT</b></p> <p>That the submission be allowed in part, by amending Method 6 of the Proposed District Plan so that it is consistent with Method HH.4 of the Proposed Regional Policy Statement 2012.</p>	<p><b>Reject</b></p> <p>The District Plan is not required to be consistent with the Proposed Regional Policy Statement, but “to have regard to” it. Method HH.4 is not a method that territorial authorities “will do”. Council may not be opposed to being involved in the establishment of a Regional Heritage Strategy, however until the details of the Regional Heritage Strategy have been developed it is recommended that the method be retained as notified without specific reference to the potential strategy.</p> <p>The method as notified is broad enough to enable involvement in a Regional Heritage Strategy in the future, as well as ensuring all key stakeholders are collaborated with.</p> <p><b>RECOMMENDATION:</b> Retain 2.8.4 Methods of Implementation Method 6 as notified.</p>
<p><b>60.6 Heritage South/Heritage Forum Steering Group</b></p>	<p>Object in part to 2.8.4 Method 8</p> <p>The submitter considers that the Council should include specific text in the objectives, policies and methods relating to heritage, that provide for the Council, in collaboration with other TLAs, to support an annual Heritage Month and a biennial Heritage Forum for the Southland Region.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend 2.8.4 Method 8 as follows:</p> <p>“Promoting the protection of heritage values through education – guidelines, awards, brochures and leaflets, consultation, <u>supporting an annual heritage month and biennial Heritage Forum</u>, and facilitation.”</p>	<p><b>Accept in part</b></p> <p>It is considered that the wording of Method 8 could be amended to include the potential for involvement in heritage forums, panel discussions, facilitating presentations etc. The wording however should not include specific mention of a particular project. The finer details of the methods that will be used by Council, such as potential involvement in a heritage month, will need to be considered through the Annual Plan process. The Plan does not count out the Council’s involvement in these but using broader terms will not bind Council to a particular project that may involve the expenditure of funds.</p> <p><b>RECOMMENDATION</b></p> <p>Amend 2.8.4 Methods of Implementation Method 8 as set out in response to submission 21.3 above, as follows:</p> <p>“Promoting the protection of heritage values through education, <u>including the development and dissemination of guidelines, awards, brochures and leaflets; signage; supporting heritage forums, panel discussions and facilitating heritage presentations.</u>”</p>

Submitter	Submission	Recommendation
<b>115.7 Heritage New Zealand</b>	<p>Support in part 2.8.4 Method 10</p> <p>The submitter supports this provision with amendments as it considered incentives as essential for achieving the preservation and re-use of heritage. The submitter states that as well as financial incentives, there are a number of heritage incentives that could be considered to encourage and support the protection of heritage values.</p> <p><b>DECISION SOUGHT</b> Amend 2.8.4 Method 10 as follows:</p> <p>“Using <del>financial</del> <u>a range of</u> incentives where protection is undertaken and as a method to encourage the protection of heritage values.”</p>	<p><b>Accept</b></p> <p>It is acknowledged that there are a number of heritage incentives that could be considered to encourage and support the protection of heritage values other than just financial incentives, such as awards or waiving car parking requirements for example.</p> <p>RECOMMENDATION: Amend 2.8.4 Method 10 as follows:</p> <p>“Using <del>financial</del> <u>a range of</u> incentives where protection is undertaken and as a method to encourage the protection of heritage values.”</p>
<b>60.12 Heritage South/Heritage Forum Steering Group</b>	<p>The submitter suggests the inclusion of a new method to acknowledge and empower the Council’s participation in the Southland Coastal Heritage Inventory Project as a priority means of responding to the adverse effects of natural processes and climate change</p> <p><b>DECISION SOUGHT</b> Add a new method to identify the Councils support for the Southland Coastal Heritage Inventory Project as a priority means of responding to the adverse effects of natural processes and climate change.</p>	<p><b>Reject</b></p> <p>The Council has a history of involvement with the Southland Coastal Heritage Inventory Project (SCHIP). The Council may also be involved in a number of other projects over the life of the District Plan. Methods 5 and 6 are broad enough to cover the Council’s involvement in the SCHIP project. It is recommended that the wording in the methods be kept non-specific to cover any other projects or forums that Council may wish to consider over the lifetime of the Proposed District Plan.</p> <p>RECOMMENDATION: Reject the submission to include an addition method of implementation</p>
<b>FS39.11 Environment Southland</b>	<p><b>Support submission 60.12</b></p> <p>The further submitter comments that Method HH.4 of the Proposed Southland Regional Policy Statement 2012 encourages Local Authorities to develop a collaborative forum and a framework to manage historic heritage, including “the development and management of the Southland Coastal Heritage Inventory Project.”</p> <p><b>DECISION SOUGHT</b> That the submission be allowed by adding a new method into the District Plan that identifies Council’s involvement with the Southland Coastal Heritage Inventory Project.</p>	<p><b>Reject</b></p> <p>Council is not obliged to be consistent with the Proposed Regional Policy Statement, or to give effect to it. Regard has been had to the proposed provisions. As stated above, Council’s involvement in projects like SCHIP is covered by 2.8.4 Methods 5 and 6.</p>

Submitter	Submission	Recommendation
<b>Section 2.14 Subdivision</b>		
<b>65.37 ICC Environmental and Planning Services</b>	<p>Support 2.14.3 Policy 7 Landscapes and Heritage in part subject to amendment of explanation.</p> <p>The submitter notes that the RMA requires the “protection” of historic heritage values while the explanation incorrectly includes the term “preserve”. The submitter considers this is inconsistent with the other Proposed District Plan objectives, policies and methods.</p> <p><b>DECISION SOUGHT</b> Amend the explanation to 2.14.3 Policy 7 “...Sites of significant landscape, known heritage sites and sites of cultural significance should be <del>preserved</del> <u>protected</u> where possible...”</p>	<p><b>Accept</b></p> <p>The term “protect” is consistent with the wording used in the RMA and the other Proposed District Plan provisions. Amending the explanation will not affect the Policy itself.</p> <p>RECOMMENDATION Retain 2.14.3 Policy 7</p> <p>Amend the explanation to 2.14.3 Policy 7 as follows: “...Sites of significant landscape, known heritage sites and sites of cultural significance should be <del>preserved</del> <u>protected</u> where possible...”</p>
<b>77.41 Te Runaka o Waihopai and Te Runaka o Awarua</b>	<p>Support 2.14.3 Policy 7 Landscapes and Heritage</p> <p><b>DECISION SOUGHT</b> Retain</p>	<p><b>Accept</b></p> <p>RECOMMENDATION:  Retain 2.14.3 Policy 7 Landscapes and Heritage subject to amendment of the explanation as set out in submission 65.37 above</p>
<b>SECTION THREE - RULES</b>		
<b>Section 3.8 Heritage</b>		
<b>115.3 Heritage New Zealand</b>	<p>The submitter supports the rule framework in terms of the activity status of various activities affecting scheduled heritage items. They believe the rules are consistent with Heritage New Zealand’s best practice guidance for District Plans</p> <p><b>DECISION SOUGHT</b> Retain</p>	<p><b>Accept</b></p> <p>RECOMMENDATION: Retain the rule framework, subject to amendments of the details of the provisions in response to other submissions</p>
<b>115.11(a) Heritage New Zealand</b>	<p>General – settings / surrounds of heritage.</p> <p>The submitter advocates for more attention to the protection of the settings and surroundings of historic heritage in the District Plan.</p> <p>The submitter would like to see the introduction of rules controlling new buildings within the curtilage of listed heritage buildings.</p>	<p><b>Accept in part</b></p> <p>It is acknowledged that the setting and surroundings of historic heritage sites, structures, places and areas are often part of the heritage value of a site.</p> <p>However, care would need to be taken to ensure that such a rule will</p>

Submitter	Submission	Recommendation
	<p><b>DECISION SOUGHT</b></p> <p>Introduce a new rule to section 3.8 Heritage as follows or similar:</p> <p><u>“The construction of a new building within a defined setting of a listed historic building is a restricted discretionary activity. The Council shall restrict its discretion to the following matters:</u></p> <p>(a) <u>The extent to which the new building respects the historical surroundings of the scheduled building. Respect for surroundings may be achieved by, for example, ensuring that any new building is appropriately located so as not to detract from the appearance or prominence of the listed building and by ensuring that new adjacent buildings are compatible in terms of design, proportions, scale and materials.”</u></p> <p>Include definition of “Surroundings” in Section 4 as follows or similar:</p> <p><u>“Surroundings (associated with historic heritage items): An area of land surrounding a place, site or area of heritage significance which is essential for retaining and interpreting its heritage significance. It can apply either to land which is integral to the heritage significance of items or an area which includes buildings, sites, trees, and place/area of significance to Maori.”</u></p>	<p>not result in restrictions on what people can do on properties adjoining properties with a listed historic building. The heritage record in the Proposed District Plan and the Planning Maps identify the property that the building or structure is sitting on. It would not be appropriate to extend the extent of the registration and record to include neighbouring properties. If the curtilage is a significant part of the heritage values of a building, structure, place or site, then this should be considered at the time of any subdivision.</p> <p>Additional controls on development within the Business 1 (Central Business District) Zone for buildings adjoining heritage buildings or structures would be contrary to the Council’s desire to encourage development in the city centre and could be interpreted as an additional barrier to development.</p> <p>The Council has Heritage Design Guidelines in the City Centre that advocate for consideration of the architectural features of adjoining heritage buildings and structures. Whilst the design guidelines are a non-regulatory method, they are also supported by provisions in the Business 1 Zone where in a number of rules the matters of consideration include consideration of how the development will integrate with or complement the buildings in the immediate vicinity, and the extent to which the buildings contribute to the character and identity of the area.</p> <p>Controlling new buildings within the curtilage of a heritage building or structure as a restricted discretionary activity is appropriate where curtilage is defined to the land surrounding the heritage building or structure within the same legal title.</p> <p>RECOMMENDATION:</p> <p>It is recommended that a new rule be included as follows:</p> <p><u>“The construction of a new building on land comprising of the certificate of title of a building listed in Appendix II.2 is a restricted discretionary activity.</u></p>

Submitter	Submission	Recommendation
		<p>The matter over which the Council shall exercise its discretion is:</p> <p>(A) <u>The extent to which the new building respects the historical surroundings of the scheduled building. Respect for surroundings may be achieved by, for example, ensuring that any new building is appropriately located so as not to detract from the appearance or prominence of the listed building and by ensuring that new adjacent buildings are compatible in terms of design, proportions, scale and materials.</u></p>
<p><b>77.4 Ministry of Education</b></p>	<p>Support in part 3.8.2</p> <p>The submitter seeks to modify the rule as there may be times where it is not appropriate to replace materials with the same type of material (e.g. asbestos)</p> <p><b>DECISION SOUGHT</b> Amend 3.8.2 as follows: “... using the same type of material to that originally used, <u>where practicable and appropriate</u>, and must retain the original design, form and texture of the feature under repair.”</p>	<p><b>Reject</b></p> <p>“Appropriate” and “practicable” are not terms that are specific enough to be enforceable. The appropriateness and practicalities of the types of materials to be used could be assessed as part of the resource consent process. If the alterations are such that an asbestos material is being replaced with a similar sympathetic material that will not affect the heritage values of the building then that would be considered through the consent process.</p> <p>It is recommended that amendments to Rule 3.8 as recommended under submission 115.10 above which include the consideration of the benefits of any building safety upgrades will address the concerns of the submitter to a certain extent.</p> <p>RECOMMENDATION: Retain Rule 3.8.2 as notified.</p>
<p><b>FS13.3 Heritage New Zealand</b></p>	<p><b>Oppose submission 77.4</b></p> <p>The further submitter considers that the relief sought would not achieve the objective of the rule which is to control the use of non-original and potentially unsympathetic materials in repairs to and maintenance of heritage buildings. The further submitter considers that the resource consent process is appropriate to deal with situations where it isn't appropriate to use the same type of materials as originally used.</p>	<p><b>Accept</b></p>



Submitter	Submission	Recommendation
<p>18.93 Environment Southland</p>	<p>Support 3.8.6</p> <p><b>DECISION SOUGHT</b> Retain</p>	<p><b>Reject</b></p> <p>Requiring resource consent for an activity that may modify or destroy an archaeological site is a duplication of Heritage New Zealand’s role provided for under the HNZPT Act 2014, which requires an archaeological authority before any such activities can be carried out. Retaining Rule 3.8.6 would result in applicants having to carry out two separate consent processes. Conflicts and confusion would also arise if the Council were to grant consent but Heritage NZ did not.</p> <p>Retaining the policy framework and references to effects on heritage values throughout the other provisions of the Proposed District Plan will enable consideration of potential adverse effects on archaeological sites through the resource consent process and concerns of stakeholders could be considered through these processes.</p> <p>RECOMMENDATION:</p> <p>Delete Rule 3.8.6</p> <p>Insert a note at the end of Rule 3.8 Heritage <b>as follows:</b></p> <p><u>“Note: The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of a recorded, suspected or unrecorded archaeological site without the prior authority of Heritage New Zealand. Before commencing any activity that may affect an archaeological site, an authority from Heritage New Zealand must be obtained.”</u></p> <p>Insert definition of “archaeological site” as follows:</p> <p><b><u>“archaeological site means</u></b></p> <p>(A) <u>any place, including any building or structure (or part of a building or structure), that—</u></p> <p>(i) <u>was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and</u></p>

Submitter	Submission	Recommendation
		<p>(ii) <u>provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; or</u></p> <p>(B) <u>a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.</u>"</p>
<p><b>64.28</b> <b>Department of Conservation</b></p>	<p>Support 3.8.6 The submitter supports the need for resource consent for any land disturbance within 100m of an identified archaeological site, and the requirements to consult with key stakeholders and the consideration of alternatives.</p> <p><b>DECISION SOUGHT</b> Retain.</p>	<p><b>Reject</b></p> <p>RECOMMENDATION: See recommendation set out under submission 18.93 above.</p>
<p><b>88.81</b> <b>Federated Farmers</b></p>	<p>Oppose in part 3.8.6.</p> <p>The submitter considers the rule has the potential to inadvertently capture farming activities as inappropriate where they occur on or near archaeological sites and it needs to be clear that minor everyday operations are not considered to be part of the land disturbance activities captured within this rule.</p> <p>The submitter believes the rule needs to include a consideration as to whether the activity can be reasonably expected to occur and also if it is in character with the surrounding land uses.</p> <p><b>DECISION SOUGHT</b></p> <ul style="list-style-type: none"> <li>• Ensure that normal farm practices are not unfairly captured by this rule;</li> <li>• Limit the rule to disturbance “within <del>100 metres</del> of an identified archaeological site”</li> </ul>	<p><b>Accept in part</b></p> <p>There are a number of everyday farming activities that can have significant impacts on archaeological sites. Ploughing, fencing, creating farm tracks, for example, could all have a devastating impact on these sites. The Heritage New Zealand Pouhere Taonga Act 2014 states that archaeological sites cannot be destroyed, damaged or modified with the consent of Heritage New Zealand and an archaeological authority process should be used where there is the potential threat to archaeological sites.</p> <p>RECOMMENDATION: See recommendation set out under submission 18.93 above.</p>
<p><b>115.5 Heritage New Zealand</b></p>	<p>The submitter partially supports the proposed approach to archaeological sites.</p> <p>The submitter supports the inclusion in the Plan of the archaeological</p>	<p><b>Accept in part</b></p> <p>As set out under submission 18.93, it is recommended that rule 3.8.6 be deleted.</p>

Submitter	Submission	Recommendation
	<p>sites recorded in the New Zealand Archaeological Association database. The submitter also supports the cross-referencing of these sites to the planning maps.</p> <p>However, the submitter does not believe it is necessary or practical to require resource consent for land disturbance in the vicinity of all recorded archaeological sites. The submitter states that in most cases these can be managed through the Historic Places Act 1993 but where the site is of sufficient significance it should be considered for protection by inclusion in the Heritage Record and subsequent heritage rules.</p> <p>The submitter suggests an approach similar to that used for earthworks activities by the Dunedin City Council. This would ensure that effects are able to be addressed were a resource consent is required for earthworks without imposing resource consent requirements where consent would not otherwise be needed.</p> <p><b>DECISION SOUGHT</b> Delete rule 3.8.6 and adopt an approach similar to that of the Dunedin City District Plan to manage the effects of land disturbance on recorded archaeological sites. See attached extract from the Dunedin City District Plan.</p> <p><u>or</u></p> <p>Assess the significance of the archaeological sites listed in Appendix II.6. Where archaeological sites are identified as being of sufficient significance to warrant protection through rule 3.8.6 then the rule should be applied to these sites rather than every recorded archaeological site. The HERITAGE NEW ZEALAND has offered to assist with this work in the past and this offer still stands.</p> <p>In addition to the above:</p> <ul style="list-style-type: none"> <li>• Adopt Appendix II.6 and cross references to the planning maps <u>for information purposes.</u></li> <li>• Include the following advice note in section 3.17:</li> </ul>	<p>The Dunedin City District Plan approach to earthworks in relation to archaeological and cultural sites, suggested by the submitter, does not fit neatly into the framework of the Proposed District Plan. The Proposed District Plan definition of earthworks, for example, does not cover all land disturbance activities.</p> <p>The Proposed District Plan approach does enable some consideration of effects of earthworks on heritage and archaeological sites. The need to consider effects on sites of heritage significance is spelt out in Rule 3.17.5(F).</p> <p>One modification that could be carried through to the Proposed District Plan from the Dunedin City District Plan approach would be to add the consideration of effects on sites of cultural significance to the earthworks provision. This may further clarify the need to consider the values of sites to tangata whenua.</p> <p>The introduction to Appendix II.6 Archaeological sites within the District sets out the limitations to the information. Recommendations have been made to amend the explanations to policies in 2.8 detailing the 'information only' nature of the archaeological list.</p> <p>It is also recommended that the inclusion of a note advising Plan Users of their obligations under the Heritage New Zealand Pouhere Taonga Act 2014 will</p> <p><b>RECOMMENDATION:</b> See recommendation set out under submission 18.93 above.</p> <p>Amend Rule 3.17.5(F) as follows “(F) Any effect on sites of heritage <u>or cultural</u> significance, outstanding natural features and landscapes and/or significant indigenous biodiversity.”</p> <p>AND</p> <p>Include a Note in Section 3.8 Heritage advising of the Heritage New</p>

Submitter	Submission	Recommendation
	<p><u>All earthworks must comply with section 10 of the Historic Places Act 1993, which protects recorded, suspected and unrecorded archaeological sites from destruction, damage and modification.</u></p>	<p>Zealand Pouhere Taonga Act 2014 as set out under submission 18.93 above.</p>
<p>77.64 Te Runaka o Waihopai and Te Runaka o Awarua</p>	<p>Support 3.8.6</p> <p><b>DECISION SOUGHT</b> Retain</p>	<p><b>Reject</b></p> <p>RECOMMENDATION: See recommendations set out under submission 18.93 above.</p>
<p>115.4 Heritage New Zealand</p>	<p>The submitter supports the matters that applications must address, as listed in 3.8.10.</p> <p>The submitter particularly supports 3.8.10(H) as this clause is seen to provide for proper consideration of the rationale for a proposal.</p> <p>However the submitter believes that often the background information leading up to a proposal are not often well-documented leaving the Council, and the submitter, in a position of trying to make a judgement about whether a chosen course of action would be the most appropriate or reasonable outcome and whether the alternatives have been properly explored. They state that there would be benefit for informed decision making by in requiring the involvement of a heritage specialist in the process and requiring professional advice.</p> <p><b>DECISION SOUGHT</b> Add additional assessment matters to provision 3.8.10 as follows or similar: (J) <u>The extent to which the proposed alterations, additions to or demolition of a scheduled heritage building have been informed by the advice of qualified professionals such as conservation architects, heritage consultants, engineers and quantity surveyors as appropriate. Such advice should include a thorough analysis of the alternative options available and the extent of professional advice obtained should be proportional to the scale and intensity of the effects of the works being undertaken.</u></p>	<p><b>Accept</b></p> <p>3.18.10(G) states that any advice received from Iwi, Heritage New Zealand, the New Zealand Archaeological Association and archaeologists is to be provided to the Council with the application.</p> <p>The suggested amendment builds further on this.</p> <p>RECOMMENDATION: Add additional assessment matters to provision 3.8.10 as follows: <u>“(L) The extent to which the proposed alterations, additions to or demolition of a listed heritage building have been informed by the advice of qualified professionals such as conservation architects, heritage consultants, engineers and quantity surveyors as appropriate. Such advice should include a thorough analysis of the alternative options available and the extent of professional advice obtained and should be proportional to the scale and intensity of the effects of the works being undertaken.”</u></p> <p><b>(Note:</b> Numbering of this provision will depend on the decision for submission 115.2 above.)</p>

Submitter	Submission	Recommendation
77.65 Te Runaka o Waihopai and Te Runaka o Awarua	Support 3.8.10 (G)  <b>DECISION SOUGHT</b> Retain	<b>Accept</b>  RECOMMENDATION:  Retain 3.8.10(G) as notified
<b>3.18 Subdivision</b>		
115.11 (b) New Zealand Historic Places Trust	General – settings / surrounds of heritage The submitter advocates for more attention to the protection of the settings and surroundings of historic heritage in the District Plan.  The submitter supports the requirement for resource consent to subdivide a property containing a listed heritage item.  <b>DECISION SOUGHT</b> Adopt provisions 3.18.1(a); 3.18.4(L) & 3.18.4(N)	<b>Accept in part</b>  RECOMMENDATION: Retain provisions 3.18.1(a); 3.18.4(L) & 3.18.4(N) as notified.
<b>Section 3.20 Transportation</b>		
115.6 Heritage New Zealand	The submitter suggests that an additional provision be added to this rule to encourage the adaptive reuse of heritage buildings. The submitter's suggestion is to encourage the redevelopment and adaptive reuse of heritage buildings by exempting these development from the on-site car parking requirements.  <b>DECISION SOUGHT:</b> Add the following text to 3.20.1: "Except where an application relates to the adaptive reuse of a heritage buildings listed in Appendix II.2 or II.3 the Council will consider allowing exemptions to the parking requirements set out in the following rules."	<b>Accept in part</b>  It is agreed that waiving car parking requirements would be an incentive to the adaptive reuse of heritage buildings or structures. Many of the recorded heritage sites within the City Centre do not currently have space for the required off-street car parking and, pursuant to the Transport Rule in the Proposed District Plan, the redevelopment of these sites would require a number of parks. Providing these car parks would be in many cases to the detriment of the character of the buildings or structures. The priority for heritage buildings is the protection and enhancement of heritage value and character.  Removing this requirement would also reduce the planning requirements for the adaptive reuse of these buildings and hopefully make the redevelopment of these valuable heritage structures more desirable. The costs in terms of effects, such as traffic and parking, are outweighed by the benefits of encouraging the adaptive reuse of heritage buildings and structures.

Submitter	Submission	Recommendation
		<p>In saying this, the drafting of the waiver needs to be transparent, clear and enforceable. The wording provided by the submitter introduces discretion as to whether the exemption would apply which does not provide the developer or the Council with any clarity as to whether parks may or may not be required. The term adaptive reuse is also not defined in the proposed District Plan and is not used elsewhere in Rule 3.20. Amendments to the relief sought are recommended.</p> <p>RECOMMENDATION: Amend 3.20.1 as follows: “All land use activities specified in the table below, <del>except within the Seaport, Smelter and the City Centre Priority Development Precinct in the Business 1 Zone</del> shall provide the following minimum off-street car parking facilities <u>except:</u></p> <ul style="list-style-type: none"> <li>• <u>Within the Seaport, Smelter and the City Centre Priority Development Precinct in the Business 1 Zones</u></li> <li>• <u>In respect of any activity on any site involving a heritage building, place or object listed in Appendix II.2, where the protected building, place or object is to be retained on site.</u></li> <li>• <u>In respect of any activity on any site involving a heritage building, place or object listed in Appendix II.3 , where the façade of the protected building, place or object is to be retained on site”</u></li> </ul>
<b>SECTION FIVE APPENDICES</b>		
<b>Appendix I – Information to accompany applications</b>		
<b>115.8 Heritage New Zealand</b>	<p>The submitter states that as with the requirements of subdivision applications, it is appropriate for applications for land use consent to provide information on the location of significant heritage values at the time of lodging an application.</p> <p><b>DECISION SOUGHT</b> Add the following clause to Appendix I.2(i): <u>“(?) The location of any significant heritage features or archaeological sites, including any feature that is listed in Appendix II of this Plan.”</u></p>	<p><b>Accept</b></p> <p>RECOMMENDATION: Add the following clause to Appendix I.2(i): <u>“(xv) The location of any significant heritage features or archaeological sites, including any feature that is listed in Appendix II of this Plan.”</u></p>

Submitter	Submission	Recommendation
<b>Appendix II – Heritage Record</b>		
<p><b>65.124 ICC Environmental and Planning Services</b></p>	<p>The submitter notes that there are some identifiers that are out-of-date and should be accurate as at the date the Proposed Plan becomes operative.</p> <p><b>DECISION SOUGHT</b> Update the identifier column of the Heritage Record.</p>	<p><b>Accept</b></p> <p>The identifier column is a snap-shot of what the buildings are known as or what businesses are operating out of the buildings at the time of notification. It is acknowledged that the identifiers will change over time and this column of the tables in Appendix II could be updated to be current at the date that the decisions on the District Plan are notified.</p> <p>RECOMMENDATION: Update the Identifier column in the tables of Appendix II to be current at the date that the decisions on District Plan are notified.</p>
<p><b>115.9 Heritage New Zealand</b></p>	<p>The submitter supports the inclusion of the Heritage Record in the District Plan and that the Heritage New Zealand registrations are recognised.</p> <p>However, the submitter questions the exclusion of the Shaw’s Building at 146 Dee Street from the Heritage Record. The submitter states that this building was listed in the operative District Plan and that they are not aware that the building had been demolished or removed.</p> <p><b>DECISION SOUGHT</b> Adopt Appendix II Heritage Record in its current form except for the following amendment:</p> <p>Add <u>Shaw’s Building, 146 Dee Street, Invercargill</u> to the Record if this building still exists.</p>	<p><b>Accept</b></p> <p>Shaws Buildings at 146 Dee Street was identified in the Operative District Plan as having heritage values. There was a partial demolition on the site of 146 Dee Street, at the rear of the building. The façade of the Shaw’s Building was identified by John Gray in his 1997 report as one that “should remain and be preserved”. The façade still exists and its heritage value remains. This building should be added back into the Heritage Record as a Site of Local Significance.</p> <p>RECOMMENDATION:</p> <p>Add <u>Shaw’s Building, 146 Dee Street, Invercargill, Part Section 16 Block LXXII Town of Invercargill, Class 2, Map 9</u> to Appendix II.3</p> <p>Amend Planning Map 9 to show the location of this heritage building.</p> <p>Subsequent renumbering of Heritage items.</p>

Submitter	Submission	Recommendation
<p>116.4 Kylie Fowler</p>	<p>The submitter asserts that the DB Bluff Hotel (Flynn's Club Hotel) – Reference Number 1 in Bluff is not listed with Heritage New Zealand and should be removed from the Appendix.</p> <p><b>DECISION SOUGHT</b> Remove the listing of the DB Bluff Hotel (Flynn's Club Hotel) from Appendix II.</p>	<p><b>Reject</b></p> <p>The Flynn's Club Hotel is still on the Heritage New Zealand list as a "Proposed Registration". The building was originally listed by NZHPT as a Category II building in 1977. Apparently there was an administrative error by staff at Heritage New Zealand that meant the evidence of the building's registration was lost and Heritage NZ had to redo its registration. The proposed registration is currently still "in progress".</p> <p>In 2001 the Council commissioned John Gray, a heritage architect from Dunedin, to investigate the architectural and heritage features of the Bluff Ward to:</p> <ul style="list-style-type: none"> <li>(a) identify those buildings that have heritage values</li> <li>(b) identify the features of the Bluff Ward that make it unique.</li> </ul> <p>John Gray's 2001 report identified the Flynn's Club Hotel as having architectural and heritage significance, social history significance, as well as significance as a unique feature in Bluff. He gave the building a Class 1 rating, meaning that in his opinion the complete building must be protected and every effort made to encourage restoration, refurbishment, signage or alteration, in keeping with the original style of the building.</p> <p>The history of the Flynn's Club Hotel was further investigated in 2004 by Dr A Fox who was commissioned by Council to further understand and appreciate the Class 1 and 2 Heritage Buildings and Unique Features within the Bluff Ward area</p> <p>The Flynn's Club Hotel has enough heritage values to justify its retention in the Heritage Record. Whilst the New Zealand Heritage registration is under review, in order to protect the heritage values of the building in the interim, it is recommended that the Council retain some protection for the building under the District Plan. Any proposal to alter or demolish the structure should be considered through the resource consent process which would enable all stakeholders to be involved in the process and its heritage value to be considered.</p> <p>Since notifying the proposed District plan the Heritage New Zealand status of the D B Bluff Hotel has changed from "under investigation" to now being referenced as a "Proposal".</p> <p><b>RECOMMENDATION</b></p> <p>Retain the listing of the D B Bluff Hotel (Flynn's Club Hotel) in</p>



Submitter	Submission	Recommendation
<b>FS13.4</b> <b>Heritage New Zealand</b>	<p><b>Oppose submission 116.4</b></p> <p>The further submitter notes that it has recently completed a registration proposal for this item as the previous Heritage New Zealand registration was technically deficient due to an administrative error. The item has been recommended to be registered as Category II and in the further submitter's view its heritage significance means that it remains worthy of inclusion in the Heritage Record.</p>	<p><b>Accept</b></p>
<b>7.3 Southern District Health Board</b>	<p>The submitter opposes the listing of "Southland Hospital (Former)", Reference Number 47, in the District Plan.</p> <ul style="list-style-type: none"> <li>The submitter believes the extent of the listing of the Southland Hospital (Former), List number 7747, on the Heritage New Zealand registration is inaccurate because of the demolition of a number of buildings covered by this listing.</li> <li>The legal description of the listing in the Proposed District Plan covers the whole hospital site, whereas the buildings are only located on some of the parcels of land listed.</li> <li>At the time of making their submission there was an outstanding resource consent application to demolish more of the structures covered by this listing. The submitter believes that the buildings are at risk of collapse and are not suitable for use as a Hospital Activity.</li> <li>The submitter believes that the need to obtain resource consent to modify or demolish the buildings covered by this listing does not allow for the sustainable management of the Hospital site.</li> </ul> <p><b>DECISION SOUGHT</b> Remove the listing of the "Southland Hospital (Former) from Appendix II.</p>	<p><b>Accept in part</b></p> <p>It is recommended that the listing be retained in Appendix II.2 of the Proposed District Plan.</p> <p>The listing in the Proposed District Plan's Heritage Record reflects the Heritage New Zealand listing of the site. The Southland Hospital (Former) is still recognised by Heritage New Zealand as a Category I listed site. The details of the listing reflect the Heritage New Zealand listing. Any possible inaccuracies in the extent of the Heritage New Zealand listing are matters that need to be addressed by Heritage New Zealand. Alterations to the Heritage New Zealand listing will need to be processed following the Heritage New Zealand Pouhere Taonga Act 2014 provisions.</p> <p>The resource consent application that was outstanding at the time the submission was lodged to demolish buildings covered by this listing was declined.</p> <p>There are errors in referencing the legal description of the listing. Neither the Proposed District Plan nor the Heritage New Zealand List refer to the accurate legal description of the sites included in the listing. They should refer to Part Lot 2 DP1860, Lot 29 DEEDS 3, and Lot 28 DEEDS 3.</p> <p><b>RECOMMENDATION:</b> Retain reference to the Southland Hospital Site but update the legal description as follows: "<del>Lots 27-29 Part Lots 24-26, 40, 45 DP 3, Lot 1 Part Lot 2 DP 1860 Block III Invercargill Hundred Pt Lot 2 DP1860, Lot 29 DEEDS 3, and Lot 28 DEEDS 3</del>".</p>

Submitter	Submission	Recommendation
<b>FS13.5 Heritage New Zealand</b>	<p><b>Oppose submission 7.3</b></p> <p>The further submitter considers that the matters raised by the submitter relating to the extent of the scheduled heritage site is an administrative matter which is able to be rectified as part of the current process.</p> <p>The further submitter also considers that the heritage values of the listing are clearly established and it is appropriate to recognise the item in the Proposed Plan. The further submitter considers it appropriate for resource consent to be required for modifications to and demolition of the buildings, as this enables the Council to make robust decisions on such matters, taking into account the outstanding heritage values of the buildings as well as other relevant factors such as the sustainable management of the hospital zone.</p>	<b>Accept</b>
<b>65.125 ICC Environmental and Planning Services</b>	<p>Spotlight (Former Macaulays Building Façade) Reference Number 155</p> <p>The submitter notes that the legal description for 33 Leven Street should be updated</p> <p><b>DECISION SOUGHT</b></p> <p>Replace the legal description with: "Lot 1 DP 387059"</p>	<b>Accept</b>  RECOMMENDATION: Amend the legal description as follows:  " <del>Proposed Lot 1 DP 341374</del> <u>Lot 1 DP 387059</u> "

## APPENDIX 2- RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(Underline indicates recommended additions, strikethrough indicate recommended deletions.)

Replace references throughout the District Plan to the New Zealand Historic Places Trust with Heritage New Zealand

### SECTION 2 ISSUES, OBJECTIVES AND POLICIES

#### 2.8 Heritage (Page 2-22)

...

(Paragraph 11 – Page 2-23) ~~A large proportion of the heritage and archaeological sites within the rural area of Invercargill is located in close proximity to the coast and waterways. These are particularly susceptible to natural processes which can have adverse effects on their heritage values. Other natural processes, such as earthquakes, can compromise the strength of built heritage.~~ Heritage and archaeological sites are vulnerable to natural processes and natural hazards. For example, erosion, flooding and the effects of climate change, like sea level rise, can erode and break down the physical structure of heritage sites and modify the surrounding landscapes of heritage and archaeological sites located in close proximity to the coast and waterways. Also the safety and integrity of built heritage can be compromised by natural processes and natural hazards, such as earthquakes, flooding and high winds. Managing the effects of these natural processes on heritage values is an ongoing challenge.

##### 2.8.1 Issues (page 2-23)

**The significant resource management issues for heritage are:**

1. Inappropriate subdivision, use and development of heritage sites, structures, places and areas can lead to the degradation, ~~or~~ deterioration, loss or destruction of heritage values.
2. No change
3. No change
4. No change
5. No change
6. No change
7. Natural processes, ~~and~~ climate change (i.e. coastal erosion, sea level rise and river flooding) and natural hazards, such as earthquakes, can have adverse effects on heritage values.
8. The identification of heritage sites, structures, places and areas is continually evolving as new sites are discovered and/or assessed.

## 2.8.2 Objectives (page 2-23)

**Objective 1:** No change

**Objective 2:** No change

**Objective 3:** No change

## 2.8.3 Policies (page 2-23)

**Policy 1 Promotion** (page 2-23): No change

**Explanation:** No change

**Policy 2 Identification** (page 2-24): No change

**Explanation:**

...  
*All known archaeological sites are recorded on the Planning Maps and are listed in Appendix II. Archaeological sites recorded under the New Zealand Archaeological Association Recording Scheme, as at the date of notification of this Plan, are listed in Appendix II and shown on the Planning Maps for information purposes. Historically, archaeological sites were not identified precisely in order to discourage wilful damage. The location of ~~these~~ archaeological sites will be recorded on the Planning Maps and within the District Plan where information is available to Council.*

*Where any additional sites, structures, places, and areas with heritage value are discovered or brought to Council's attention, these should be assessed on a case-by-case basis to determine whether they should be afforded protection through the District Plan.*

**Policy 3 Effects on heritage** (page 2-24): No change

**Explanation:** No change

**Policy 4 Integration** (page 2-24): No change

**Explanation:** No change

**Policy 5 Active management** (page 2-25): No change

**Explanation:** No change

**Policy 6 Conservation and adaptive re-use** (page 2-25): To promote the conservation and adaptive re-use of heritage buildings, groups of heritage buildings, and heritage facades and heritage street furniture in the Central Business District of Invercargill

**Explanation:** *Invercargill can be seen as a heritage precinct within the context of New Zealand. The city accommodates a valuable heritage resource of which much is visible in the street frontages and streetscapes in the ~~City Centre~~*

*Central Business District. This heritage is the basis of the city's qualities of authenticity and uniqueness which are valued by residents and visitors.*

*The conservation and adaptive reuse of these features is important to retain the heritage value and character of the Central Business District.*

**Policy 7 Archaeological and cultural sites** (page 2-25): To protect identified archaeological and cultural sites from the adverse effects of land disturbance and/or modification

**Explanation:** *No change.*

**Policy 8 Collaboration** (page 2-25): No change

**Explanation:** *A number of agencies including Environment Southland, territorial authorities, Te Ao Mārama Incorporated, the Department of Conservation, the New Zealand Historic Places Trust and the New Zealand Archaeological Association have roles and responsibilities regarding the management of heritage in Invercargill. Landowners, occupiers and community heritage groups also have vital roles in the management of heritage. To ensure ~~the~~ resources of each agency are employed to greatest effect and the best outcome is achieved, open communication and the free flow of information between all parties is important.*

*To recognise the sensitivity associated with some heritage resources this policy affirms the need to involve tangata whenua as kaitiaki, when managing Invercargill's heritage resources.*

**Policy 9 Natural processes** (page 2-26): No change.

**Explanation:** *Many of Invercargill's heritage sites are located along the coastline, so they are particularly vulnerable to coastal erosion. Natural processes such as flooding and changing weather patterns and alterations associated with climate change, such as sea level rise, can erode and break down the physical structure of heritage sites and modify the surrounding landscape. In many situations the heritage site may not be able to be protected from these natural processes and climate change. A number of methods are available to manage heritage values at risk from natural processes and climate change, and to obtain information from the site for records. Council may consider a range of methods including involvement in projects that identify and keep records of sites within areas susceptible to natural processes.*

**Policy 10 Tangata whenua** (page 2-26): No change

**Explanation:** *No change.*

#### **2.8.4 Methods of Implementation** (page 2-26)

**Method 1** (page 2-26) No change

**Method 2** (page 2-26) No change

**Method 3** (page 2-27): No change

**Method 4** (page 2-27) No change.

**Method 5** (page 2-27) No change:

**Method 6** (page 2-27) No change

**Method 7** (page 2-27) No change.

**Method 8** (page 2-27) Promoting the protection of heritage values through education, including the development and dissemination of guidelines, awards, brochures and leaflets; signage; supporting heritage forums, panel discussions and facilitating heritage presentations.

**Method 9** (page 2-27) No change.

**Method 10** (page 2-27) Using financial a range of incentives where protection is undertaken and as a method to encourage the protection of heritage values.

**Method 11** (page 2-28) No change

## 2.14 SUBDIVISION

### 2.14.1 Issues

6. (page 2-50) No change

### 2.14.2 Objectives

**Objective 4** (Page 2-51) No change

### 2.14.3 Policies

**Policy 7 Landscapes and Heritage:** (page 2-52) To protect outstanding natural features and landscapes and heritage values from the adverse effects of inappropriate subdivision and associated development.

***Explanation:** Throughout Invercargill, there are areas that are significant because of the natural features, landscapes, heritage and other significant features. Sites of significant landscape, known heritage sites and sites of cultural significance should be preserved where possible to maintain the specific elements which determine their significance.*

*All subdivisions should be appropriately located so that any future use of the site brought about by the subdivision avoids, remedies and mitigates the adverse effects on significant features.*

**Policy 8 Iwi:** (Page 2-52) No change  
**Explanation:** (Page 2-52) No change

## **2.22 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE**

### **2.22.2 Objectives**

**Objective 4** (Page 2-77) No change

### **2.22.3 Policies**

**Policy 22 Heritage Value:** (Page 2-84) No change

## **2.33 INDUSTRIAL 4 (AWARUA) ZONE**

### **2.33.3 Policies**

**Policy 9 Heritage:** (Page 2-130) No change

## **SECTION 3 RULES**

### **3.6 ENERGY**

**3.6.1(B)** (Page 3-5) No change

**3.6.5(A)(h)** (Page 3-5) No change

**3.6.5(A)(i)** (Page 3-5) No change

### **3.8 HERITAGE**

**3.8.1** (page 3.8) This Rule applies to any building, structure, place or area identified in Appendix II – Heritage Record in this District Plan ~~including any archaeological site listed in Appendix II.6 – Archaeological Sites.~~

**3.8.2** (Page 3.8) No change

**3.8.3** (Page 3.8) No change

**3.8.4** (Page 3.9) In relation to buildings listed in Appendix II:3 Sites of Local Significance the following activities are restricted discretionary activities:

- (A) Any alteration or addition to the façade.
- (B) Any signage attached to the façade.

The matters over which the Council shall exercise its discretion are:

- (A) The classification of the buildings.
- (B) Any effects on the façade of the building.
- (C) Any design guidelines pertaining to the area.
- (D) Screening mechanisms if needed.
- (E) Mitigation of effects of any earthworks undertaken in association with the demolition or alterations.
- (F) Site rehabilitation.
- (G) The imposition of a bond (if required) to ensure the completion of rehabilitation. The value of the bond shall be calculated at up to 1.5 times the value of the work required to complete rehabilitation of the site.
- (H) Potential for the reuse and/or recycling of any material or heritage features from the historic building.
- (I) The creation and maintenance of a record of heritage features of the building on its original site (e.g. photos of existing vistas for public record of the history of the site).
- (J) Potential impact on the structural integrity of adjoining buildings and structures.
- (K) Any proposals to strengthen the structural integrity and heritage value of the building's façade, including the benefits of alterations for the purpose of implementing building code upgrades for seismic, fire and access purposes.
- (L) Any proposals to strengthen or replace high risk elements, such as parapets, façade decoration and chimneys, with high quality light weight material.

**3.8.5** The construction of a new building on land comprising of the certificate of title of a building listed in Appendix II.2 is a restricted discretionary activity.

The matter over which the Council shall exercise its discretion is:

- (A) The extent to which the new building respects the historical surroundings of the scheduled building. Respect for surroundings may be achieved by, for example, ensuring that any new building is appropriately located so as not to detract from the appearance or prominence of the listed building and by ensuring that new adjacent buildings are compatible in terms of design, proportions, scale and material.

**3.8.56** (Page 3.9) No change.



- ~~3.8.6 (Page 3.9) Any land disturbance (including repair work) within 100 metres of an identified archaeological site listed in Appendix II.6 Archaeological Sites is a discretionary activity.~~
- 3.8.7 (Page 3.9) No change
- 3.8.8 (Page 3.9) Any alteration, addition and/or the attaching of any signage to any building, structure or place listed in Appendix II.2 Sites Registered by ~~the New Zealand Historic Places Trust~~ Heritage New Zealand is a discretionary activity.
- 3.8.9 (Page 3.10) The relocation or demolition of any building or structure listed in Appendix II.2 Sites Registered by ~~the New Zealand Historic Places Trust~~ Heritage New Zealand is a non-complying activity.
- 3.8.10 (Page 3.10) Applications under Rules 3.8.5 - 3.8.9 above shall address the following matters, which will be among those taken into account by Council:
- (A) The extent to which the heritage values including the design of any buildings and the context of Heritage are likely to be retained, protected and/or enhanced.
  - (B) Whether the activity is likely to have cumulative adverse effects on heritage values.
  - (C) In the case of relocation of a heritage building, measures that may be necessary to protect the fabric of the building during relocation.
  - (D) Potential for the reuse and/or recycling of any material or heritage features from the historic building.
  - (E) Consideration of any relevant Invercargill City Council heritage design guidelines.
  - (F) The extent and effect of any earthworks, tunnelling, digging, vibration or excavation that may destabilise the site, structure, place or area.
  - (G) The results of consultation undertaken including any written advice obtained as follows:
    - (a) In the case of the site having identified tangata whenua values, comment from the relevant iwi.
    - (b) Any recommendations of ~~the New Zealand Historic Places Trust~~ Heritage New Zealand, and the New Zealand Archaeological Association File Keeper.
    - (c) Where the site history indicates that there may be historical artefacts or other physical remains, any advice obtained from a suitably qualified and experienced archaeologist.
- Note:** All advice obtained is to be provided to the Council with the resource consent application.

- (H) The reasons for the proposed activity and reasons why alternative less adverse options for achieving the same or similar outcome have been discounted. For clarification, reasons for discounting alternative options can include amongst other matters financial cost, natural hazards, safety and technical feasibility.
- (I) The creation and maintenance of a record of heritage features of the building on its original site (e.g. photos of existing vistas for public record of the history of the site).
- (J) Any proposals to strengthen the structural integrity and heritage value of the building, including the benefits of alterations for the purpose of implementing building code upgrades for seismic, fire and access purposes.
- (K) Any proposals to strengthen or replace high risk elements, such as parapets, façade decoration and chimneys, with high quality light weight material
- (L) The extent to which the proposed alterations, additions to or demolition of a listed heritage building have been informed by the advice of qualified professionals such as conservation architects, heritage consultants, engineers and quantity surveyors as appropriate. Such advice should include a thorough analysis of the alternative options available and the extent of professional advice obtained and should be proportional to the scale and intensity of the effects of the works being undertaken.

Note: The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of a recorded, suspected or unrecorded archaeological site without the prior authority of Heritage New Zealand. Before commencing any activity that may affect an archaeological site an authority from Heritage New Zealand must be obtained.”

### **3.9 INFRASTRUCTURE**

**3.9.24(D)** (page 3-15) No change

### **3.17 SOILS MINERALS AND EARTHWORKS**

**3.17.5(F)** (page 3-31) Any effect on sites of heritage or cultural significance, outstanding natural features and landscapes and/or significant indigenous biodiversity.

### **3.18 SUBDIVISION**

**3.18.4(L)** (page 3-33) No change

**3.18.4(N)** (page 3-34) No change

## 3.20 TRANSPORTATION

**3.20.1 (Page 3-36) Off-Street Car parking Requirements:** All land use activities specified in the table below, ~~except within the Seaport, Smelter and the City Centre Priority Development Precinct in the Business 1 Zone~~ shall provide the following minimum off-street car parking facilities except:

- Within the Seaport, Smelter and the City Centre Priority Development Precinct in the Business 1 Zones
- In respect of any activity on any site involving a heritage building, place or object listed in Appendix II.2, where the protected building, place or object is to be retained on site
- In respect of any activity on any site involving a heritage building, place or object listed in Appendix II.3 , where the façade of the protected buildings, place or object is to be retained on site

## 3.32 INDUSTRIAL 4 (AWARUA) ZONE

**3.32.2 (A) and (F)(a)** (Page 3-61) No change

**3.32.5(B)** (Page 3-62) No change

**3.32.5(D)** (Page 3-62) No change

## SECTION 4 DEFINITIONS

**“Façade”** (Page 4-6) No change

**“Heritage”** (Page 4-6) No change

Insert addition definition as follows:

**“archaeological site means**

- (A) any place, including any building or structure (or part of a building or structure), that—
- (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900;
  - and
  - (ii) Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; or
- (B) a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.”

## SECTION 5 APPENDICES

### APPENDIX I – INFORMATION TO ACCOMPANY APPLICATIONS

2. **Information to Accompany Land Use Resource Consent Applications** (Page 5-4)
  - (i) A site plan to appropriate scale of the property illustrating:
    - (xv) The location of any significant heritage features or archaeological sites, including any feature that is listed in Appendix II of this Plan.

### APPENDIX II – HERITAGE RECORD

#### 1. INTRODUCTION (page 5-9)

Appendix II includes a number of lists of historic heritage items within the Invercargill city district.

Appendix II.2 sets out the sites registered by the Heritage New Zealand Historic Places Trust (NZHPT) as at May 2013. These will have either a Category I or Category II registration. The table also states those registered Historic Areas, as well as items that are subject to Heritage Covenants. (Note: Heritage New Zealand NZHPT review their registrations on an ongoing basis and as a result items on this list may be added or removed. For current details on NZHPT Heritage New Zealand registrations, please contact Heritage New Zealand NZHPT.)

Appendix II.3 sets out items and areas of local historic heritage significance as recognised in Gray, J. (July 1997) *Invercargill City, Central City Area, Heritage Buildings Review*. This report gives an overview of the heritage values which the central city area of Invercargill possesses and identifying what the features are that make it a unique or nationally significant place from an heritage architecture perspective. The items identified are listed in the table along with a Class number which prioritises the items in terms of importance. (Note: Where an item is both registered by Heritage New Zealand NZHPT and the 1997 report, the item is listed in the Heritage New Zealand NZHPT list only.)

Appendix II.4 identifies items of Street Furniture that were identified in the 1997 report as requiring some form of protection.

Appendix II.5 identifies War Memorials/relics within the Invercargill city district.

Appendix II.6 details archaeological sites recorded under the New Zealand Archaeological Association Recording Scheme within the Invercargill city district as at May 2013.

**2. SITES REGISTERED BY THE NEW ZEALAND HISTORIC PLACES TRUST HERITAGE NEW ZEALAND (Page 5-9)**

- (I) ~~Heritage New Zealand Historic Places Trust Category I Registration Historic Places Act 1993.~~
- (II) ~~Heritage New Zealand Historic Places Trust Category II Registration Historic Places Act 1993~~

<b>BUILDINGS AND STRUCTURES</b>							
<b>IDENTIFIER (<del>AUGUST 2013</del> INSERT DATE OF NOTIFICATION)</b>	<b>ADDRESS</b>	<b>LOCALITY</b>	<b>LEGAL DESCRIPTION</b>	<b>NZHPT HERITAGE NEW ZEALAND RECORD NUMBER AND CLASSIFIC ATION</b>	<b>1997 HERITAGE BUILDING REVIEW CLASS</b>	<b>MAP No.</b>	<b>REF. No.</b>
DB Bluff Hotel (Flynn's Club Hotel) (II) (Under NZHPT investigation Heritage New Zealand Proposal)	104 Gore Street	Bluff	Sections 2, 3 Block I Campbelltown Township			29, 30	1

<b>REGISTERED HISTORIC AREAS (Page 5-15)</b>							
<b>IDENTIFIER (<del>AUGUST 2013</del> INSERT DATE OF NOTIFICATION)</b>	<b>ADDRESS</b>	<b>LOCALITY</b>	<b>DESCRIPTION</b>	<b>NZHPT HERITAGE NEW ZEALAND RECORD NUMBER AND CLASSIF- ICATION</b>	<b>1997 HERITAGE BUILDING REVIEW CLASS</b>	<b>MAP No.</b>	<b>REF No.</b>

No change to detail of table

<b>HERITAGE COVENANTS</b>							
<b>IDENTIFIER (<del>AUGUST 2013</del> INSERT DATE OF NOTIFICATION)</b>	<b>ADDRESS</b>	<b>LOCALITY</b>	<b>LEGAL DESCRIPTION</b>	<b>NZHPT HERITAGE NEW ZEALAND RECORD NUMBER AND CLASSIF- ICATION</b>	<b>1997 HERITAGE BUILDING REVIEW CLASS</b>	<b>MAP No.</b>	<b>REF No.</b>

No change to detail of table

### 3. SITES OF LOCAL SIGNIFICANCE

The following table includes those buildings of local significance identified and classified in Gray, J. (July 1997) *Invercargill City, Central City Area, Heritage Buildings Review* that are not also registered by NZHPT.

Class 1: Complete Building must be protected – Generally NZHPT Category I Buildings.

Class 2 – Facades must remain and be preserved.

Class 3 – Desirable for façade to remain from streetscape aspect.

IDENTIFIER ( <del>AUGUST 2013</del> INSERT DATE OF NOTIFICATION)	ADDRESS	LOCALITY	LEGAL DESCRIPTION	CLASS	MAP No.	REF. No.
Spotlight (Former Macaulays Building Façade)	33 Leven Street	Invercargill	<del>Proposed Lot 1 DP 341374 Lot 1 DP 387059</del>	2	9	155
Shaws Building	<u>146 Dee Street</u>	<u>Invercargill</u>	<u>Part Section 16 Block LXXII Town of Invercargill</u>	<u>2</u>	<u>9</u>	

#### HISTORIC AREAS (PAGE 5-20)

No change to detail of table

### 4. STREET FURNITURE (Page 5-20) No change

IDENTIFIER ( <del>AUGUST 2013</del> INSERT DATE OF NOTIFICATION)	ADDRESS	LOCALITY	LEGAL DESCRIPTION	MAP No.	REF. No.
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No change to detail of table

### 5. WAR MEMORIALS/RELICS (Page 5-21) No change

### 6. ARCHAEOLOGICAL SITES WITHIN THE DISTRICT (Page 5-21)

Archaeological sites ~~pre-1900~~ are protected against any disturbance under ~~Section 99 of the Historic Places Act 1993~~ Heritage New Zealand Pouhere Taonga Act 2014. Permission of Heritage New Zealand the New Zealand Historic Places Trust is required before they can be modified or destroyed. Under Section ~~2 6~~ of the Historic Places Act 1993 Heritage New Zealand Pouhere Taonga Act 2014, and “archaeological site” is defined as:

~~“... any place in New Zealand that —~~

~~(a) — Either —~~

~~— (i) — Was associated with human activity that occurred before 1900;  
or~~

~~— (ii) — Is the site of the wreck of any vessel where that wreck occurred  
before 1900; and~~

~~Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.”~~

- ~~(a) any place in New Zealand, including any building or structure (or part of a building or structure), that—
  - ~~(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and~~
  - ~~(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and~~~~
- ~~(b) includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014”~~

The following is a list of Southland Land District archaeological sites recorded under the New Zealand Archaeological Association Recording Scheme (which began in the 1950s)....

(No further changes)

## **PLANNING MAPS**

Retain heritage information shown on Planning Maps

Amend Planning Map 9 to identify location of the heritage building at 146 Dee Street, Invercargill.