



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

### **Decision No. 13**

#### **Heritage**

##### **Hearings Committee**

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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## **INTRODUCTION**

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged in relation to Heritage issues.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to those matters. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"FS" means Further Submission.

"Hearings Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"Heritage NZ" means Heritage New Zealand Pouhere Taonga (formerly the New Zealand Historic Places Trust).

"HNZPTA" means the Heritage New Zealand Pouhere Taonga Act 2014.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

## **THE HEARING TO CONSIDER SUBMISSIONS ON HERITAGE ISSUES**

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers of the Invercargill City Council on 25 August 2014.

### **Section 42A Report**

The Hearings Committee received a report from Liz Devery, Senior Policy Planner with the Invercargill City Council. In her report, Mrs Devery highlighted that the protection of heritage values from inappropriate subdivision, use and development is a matter of national importance under Section 6 of the RMA and provisions throughout the Proposed Plan focus on this. She noted there were 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 ones.

Of particular note however, Mrs Devery advised of submissions requesting permitted activity status for alterations to listed heritage buildings for improving building safety, noting that many heritage buildings in the Invercargill City District will likely require work in the near future to address building safety issues. She commented that the Proposed 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 advised that Heritage New Zealand had requested that the Plan provisions go further than this and allow alterations for the primary purpose of improving building safety.

Mrs Devery advised the Committee that alterations are allowed to the buildings listed in Appendix II:3 Sites of Local Significance provided that there is no alteration to the facade. Where the facade is affected, consent is required and an assessment matter seeks to take into account any improvements to safety. Mrs Devery accepted however that some minor changes were warranted to the provisions in Rule 3.8.4.

For the buildings listed in Appendix II:2 Sites Registered by Heritage New Zealand, Mrs Devery was of the view 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 assessed. She recommended additions to Rule 3.8.10 to reinforce this approach.

Mrs Devery discussed a submission by Heritage New Zealand to protect surroundings of historic structures within a "defined setting". She accepted the concept put forward but considered the outcome suggested had short-comings because of the vagueness of some of the terms proposed. She considered an alternative approach of requiring resource consent as a discretionary activity for buildings being erected on the same Certificate of Title, and any proposals for subdivision of sites containing heritage buildings, as being appropriate and recommended accordingly.

Mrs Devery noted that under the Proposed Plan, resource consent approval was required to disturb the land within 100m of identified archaeological sites listed in Appendix II:6 Archaeological Sites. She indicated that Heritage NZ have submitted stating it is not necessary or practical to require such consents as in most cases these can be managed through the Heritage New Zealand legislation. She agreed with Heritage New Zealand and recommended that the relevant rule (Rule 3.8.6) be deleted and that a note be included specifying the requirements under the HNZPT Act 2014.

Mrs Devery then considered which archaeological sites should be protected by the Proposed Plan, noting that the definition of such sites under the HNZPT Act 2014 is far wider than the list in the Proposed Plan, taken from the New Zealand Archaeological Association Recording Scheme. She referred to a submission from Heritage New Zealand that considered resource consent should only be required for archaeological sites of significance and that a study and prioritising exercise should be undertaken to identify sites of "significance". Mrs Devery supported this approach, and recommended that in the interim the Council not regulate on this issue, but have regard to archaeological values when considering land use and subdivision consents. She noted this would require retention of the list in Appendix II:6 in the interim, but not the associated rule.

Mrs Devery also recommended that Rule 3.20.1 be amended so that the off-street car parking requirements for heritage sites are waived where an application relates to the

adaptive reuse of a listed heritage building, together with various minor changes arising from the replacement of the Historic Places Act with the HNZPT Act 2014.

In reply to questions from the Hearings Committee, Mrs Devery advised that she considered the structure of the rules appropriate to provide robust protection to buildings and structures of "local significance" listed in Appendix II:3. In particular, she felt the matters over which the Council was restricting its discretion in considering any application to remove part of a building gave sufficient scope to consider the cumulative effects where multiple consents were lodged over time.

Mrs Devery also explained the process that Heritage NZ was adopting to review the classification of the Bluff Hotel following discovery of a procedural error in the original classification process. She referred to the listing currently in the Operative District Plan which continued to apply interim protection to the building.

Mrs Devery also assured the Committee that there were no procedural issues arising from the request of Heritage NZ to add the Shaws Building to the list of structures of local significance. This building at 146 Dee Street was identified in the Operative District Plan as having heritage values and while there was a partial demolition on the site at the rear of the building it still retained values that warranted protection. She added that the owner had the opportunity to oppose the submission and there was no need under the RMA to consult further with the owner.

### **Submitters Attending the Hearing**

#### Te Runaka o Waihopai and Te Runaka o Awarua

Dean Whaanga, Māori Resource Management Officer at Te Ao Mārama, supported the approach of the Proposed Plan to protect heritage values, noting that the Plan content reflected the outcome of the collaborative approach adopted by Council in consulting and workshopping with local runanga and gave effect to the Council's responsibilities under the RMA. He noted however that while the runanga were initially concerned at the risk to culturally important sites, particularly along the coastal margins, that concern had been somewhat alleviated by the Southland Coastal Heritage Inventory Project to which the Council contributed, together with Environment Southland, the Department of Conservation, the Southland District Council, New Zealand Historic Places Trust and Te Ao Mārama Inc.

Mr Whaanga outlined that Te Ao Mārama, which represents the four local runanga, has supported various provisions in the heritage section of the Proposed Plan and sought that they be retained. He noted that in most cases it was recommended that the provisions be retained. However, it was proposed to delete Rule 3.8.6 which protects areas within 100 metres of identified archaeological sites. Mr Whaanga advised the Committee that this was acceptable provided that mechanisms were in place to advise land occupiers and owners of their responsibilities in respect of listed and unlisted sites, and the need to obtain authorisations from Heritage NZ. He described how one particular culturally significant site was damaged each of three times when it changed ownership.

In reply to questions from the Committee, Mrs Devery explained that the Council provided information to new landowners when properties with significant vegetation changed ownership. She said that a similar approach could be adopted for archaeological sites if Council was of a mind. She also referred to Land Information Memoranda which most persons seek when considering purchase of a property, noting any Council held information on known archaeological sites is included on the LIM.

## Heritage New Zealand

Jane O'Dea, Heritage Adviser - Planner for Heritage New Zealand Pouhere Taonga (formerly the New Zealand Historic Places Trust), provided written evidence, with Jonathan Howard, Otago Southland Area Manager in attendance. Ms O'Dea noted that as a result of the Heritage New Zealand Pouhere Taonga Act 2014 the following key terms have changed, and the Proposed Plan should be updated to reflect these changes:

- The New Zealand Historic Places Trust is now called Heritage New Zealand.
- The New Zealand Historic Places Register is now the New Zealand Heritage List/Rārangi Kōrero (New Zealand Heritage List).
- The Historic Places Act 1993 has been replaced with the Heritage New Zealand Pouhere Taonga Act 2014.

Ms O'Dea supported the Planner's recommendation that a new rule be introduced to the Proposed Plan making it a restricted discretionary activity to erect a new building within the curtilage of a building or structure entered on the New Zealand Heritage List. This recommendation arose from a submission of Heritage New Zealand. She stressed that the significance of a heritage place, building or structure derives not only from its physical presence and historic fabric but also from its setting. She considered that the management of change within the surroundings of heritage places makes an important contribution to the quality of the built environment. She said that poorly managed development within heritage settings can adversely affect appreciation of a building or structure's heritage values.

Ms O'Dea noted that in all cases where an archaeological site is to be modified, damaged or destroyed, an archaeological authority is required pursuant to the HNZPTA. She did consider however, as expressed in the provisions of the RMA, there is a role for Councils in recognising and providing for the protection of significant archaeology. She said that relying on Heritage New Zealand and the provisions of the HNZPTA, is not in line with the provisions of the RMA and is not best practice as promoted by Heritage New Zealand. Ms O'Dea is of the view that significant archaeological sites should be identified and included in the District Plan with an appropriate level of protection through rules, and that work needs to be undertaken to identify the most significant archaeological sites in the District.

Ms O'Dea advised that Heritage New Zealand supported the Planner's recommendation to remove Rule 3.8.6 at this time. She then added:

*However this support is on the basis that the Council does have a responsibility to manage effects on significant archaeological sites as a heritage resource - to assess the effects of a proposal on archaeological values; and to consult the public where a significant archaeological site would be affected by land use activities. Accordingly the Council should commit to the work of assessing archaeological sites for possible inclusion in the District Plan heritage schedule as soon as possible.*

*This would avoid duplication of processes where a site is not of sufficient significance to merit recognition in the District Plan Heritage Schedule, and at the same time ensure that the Council has the opportunity to assess effects on significant archaeological values. This approach would also provide for public participation, where appropriate, in resource consent processes where significant heritage values would be affected by a proposal.*

Mr Howard advised the Committee that at times Heritage NZ supported partial demolition of buildings where this results in enhancement and protection of heritage values, for example, where additions had been to the original building that were not of the same character. He considered the Proposed Plan enabled adequate assessment of this but accepted that

significant values can be lost by one or more approvals to demolish parts of structures or make alterations.

Mr Howard went on to say that where requests are made to demolish buildings, the level of information included in applications is critical, with assessment being required outlining in a balanced manner what is needed to be done to save a building or parts of it. Mr Howard was of the view that what is reasonable depends on the circumstances of each case, and the answer is likely to be different in different parts of the country.

In reply to questions from the Committee, Ms O'Dea indicated that Heritage NZ is working closely with other Councils in developing provisions in District Plans similar to what was being suggested for Invercargill. She also indicated that in some instances regard is being given to protection of areas where there is a grouping of heritage buildings.

### **Material Tabled at the Hearing**

No material was tabled at the hearing.

### **THE HEARING TO CONSIDER SUBMISSIONS LODGED ON THE HOSPITAL ZONE**

The hearing to consider the submissions lodged to the Hospital Zone was held in the Council Chambers of the Invercargill City Council on 28 April 2015.

### **Section 42A Report**

The Hearings Panel received a report from Joanna Shirley, Policy Planner with the Invercargill City Council. In her report, Mrs Shirley noted the Hospital Zone comprises approximately 40 hectares located between Elles Road, Kew Road and State Highway 1 providing for the operation and ongoing development of the Southland Hospital, which is locally and regionally important. She added that as well as providing for public health care services, the zone is also utilised for many health education and training programmes and non-clinical support service activities that are ancillary to the hospital's functions. She considers its ongoing operation is vital for the health and well-being of the community.

### **Submitters Attending the Hearing**

#### Southern District Health Board

Shane Roberts, Work Group Leader for Property and Resource Management with Opus International, provided written evidence in which he advised that the SDHB submitted in support of the provisions of the Hospital Zone, and also the definition of Hospital Activity as notified, essentially as a "roll over" of the provisions in the Operative Plan.

Mr Roberts referred to the inclusion of the former Nurses' Home as a listed heritage building in the Proposed Plan. He explained that at the time the plan was open for submissions, the SDHB was seeking resource consent to demolish the Nurses' Home, Administration Building and Ross Corridor to redevelop that part of the Hospital Campus. This application was refused by the Council, and the SDHB made the decision not to appeal this to the Environment Court.

Mr Roberts then turned to the planner's recommendation on the heritage provisions which if adopted would require resource consent for the construction of a building on a Certificate of Title that contains a building listed in Appendix II.2. He explained that given the large size of the area held in one of the Certificates of Title for the hospital, resource consent would be required under the heritage provisions for a structure in the Hospital Zone that is

hundreds of metres away from the heritage buildings on site. He did not believe that was the intent of the recommendation.

### **Material Tabled at the Hearing**

No material was tabled at the hearing.

## **MATTERS REQUIRING PARTICULAR CONSIDERATION**

### **Archaeological sites**

Mrs Devery in her Section 42A Report outlined the provisions of Rule 3.8.6 which requires resource consent approval where land disturbance occurred within 100 metres of any archaeological site listed in Appendix II:6 Archaeological Sites. She advised the Committee that the source of information identifying those sites was the New Zealand Archaeological Association Recording Scheme. She also noted that 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 NZ Archaeological Association records.

Mrs Devery also referred to Section 6 of the Heritage New Zealand Pouhere Taonga Act 2014 which defines “archaeological sites” as including:

- Any building or structure that was associated with human activity that occurred before 1900;
- The site of the wreck of any vessel where the wreck occurred before 1900; and
- Evidence relating to the history of New Zealand obtained through investigation by archaeological methods.

It was the view of Mrs Devery that the Proposed Plan may not include all structures and buildings within the City that pre-date 1900, and that additional sites may be identified as a consequence of the Southland Coastal Heritage Inventory Project which is under way, or other work that may be undertaken in the future.

The Committee noted that while Environment Southland, the Department of Conservation and Te Runaka o Waihopai and Te Runaka o Awarua support the provisions of the Proposed Plan, Federated Farmers and Heritage NZ did not. Federated Farmers expressed concern at the impact of Rule 3.8.6 on farming activities. Heritage NZ considered it unnecessary to require resource consent for land disturbance in the vicinity of all recorded archaeological sites, noting that in most cases the Heritage New Zealand legislation would apply, with a consent being required under the HNZPT Act.

In response to the Heritage NZ submission, Mrs Devery recommended the deletion of Rule 3.8.6, but retention of other provisions in the Proposed Plan referring to use of non-regulatory methods to share information, and providing for the Council to have regard to archaeological values in assessing any land use and subdivision consents.

At the hearing, Mr Whaanga from Te Ao Mārama advised the Committee that subject to land owners being aware of the legal requirements, the recommendation to delete the rule was acceptable. Ms O'Dea of behalf of Heritage New Zealand stressed that resource consent should only be considered for archaeological sites of significance but that the rule should only be deleted if additional work was carried out to determine the sites of significance. She indicated that Heritage NZ was available to assist the Council in

assessing the listed sites to determine those which were significant and should be subject to rules in the Proposed Plan.

On the basis of the evidence before it the Committee concluded that the requiring of consent through the Proposed Plan would unnecessarily duplicate a process under the HNZPT Act and that the list of archaeological sites should be reviewed. The Committee did not have funding available to it, nor had the Council set aside any funds in the current Annual Plan to enable a study to be undertaken to determine the archaeological sites of significance. It noted that a request could be made to the Council for the work to be undertaken in the future. In the meantime, the Committee did not consider it appropriate to retain Rule 3.8.6 in the Proposed Plan. Consequentially, that then requires a change to Heritage Policy 7 to remove reference to "protection of archaeological sites".

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

Heritage New Zealand in Submission 115.11(a) advocated greater protection of the settings and surrounds of historic heritage than provided for in the Proposed Plan. They have suggested that the construction of new buildings within a "defined setting" of a listed building should be a restricted discretionary activity.

Mrs Devery in her Section 42A Report saw merit in the concept but considered restrictions within a "defined setting" of a heritage building could be a disincentive for development within the Central Business District where there are a number of heritage buildings. She noted that if the rule was adopted as submitted by Heritage NZ then it would affect development on sites other than those on which the heritage building is located. She therefore suggested that a rule apply only to the title of the property on which the structure is located. At the hearing, Ms O'Dea of behalf of Heritage New Zealand accepted the approach recommended by Mrs Devery.

Mr Roberts on behalf of the Southern District Health Board advised the Committee that the hospital contains allotments of a large area, held in a single Certificate of Title. Requiring consent for buildings anywhere within a title would be unreasonable, given they could be located several hundred metres away from the heritage building on the hospital site.

The Committee in considering this matter agreed that there was merit in the concept promoted by Heritage NZ, but saw problems arising in its implementation because of the uncertain wording describing "surroundings" and "defined setting". It also saw some potential disadvantage in applying the rule to a building on the same Certificate of Title if heritage structures were located on large properties. In such cases there may be a considerable distance between the proposed new building and the heritage item, with minimal adverse impact, if any. As a consequence, it has amended the rules to exclude those heritage buildings in the Hospital Zone and to cases where the new buildings are located on the same Certificate of Title as the registered building and within 50 metres of it.

### **Minor Amendments**

Mrs Devery in her Section 42A Report recommended a number of minor changes to the Heritage provisions, including those resulting from changes in legislation and others, some of which corrected typographical errors. The Hearings Committee agreed that these are minor amendments that will not alter the intent or outcome of the provisions and that such amendments were appropriate under Clause 16 (2) of the First Schedule to the RMA.

## SECTION 32 MATTERS

### Requirements

The Committee was advised by Mrs Devery that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that 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, with the detail of the assessment corresponding to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understand its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
  - Identifying 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)
  - Identifying other reasonably practicable options for achieving the objectives; and
  - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and/or explanatory text of provisions.

### Assessment

After some discussion on the recommended changes, Mrs Devery in her Section 42A Report advised the Committee as follows:

*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.*

For those decisions that reflect the recommendations made by Mrs Devery in her Section 42A Report, the Committee agrees with that approach and adopts it.

The approach to the development of land within the curtilage of heritage buildings adopted in this decision differs to that recommended in Mrs Devery's Section 42A Report. As such, Rule 3.8.5 requires further assessment under Section 32. The change reduces the area affected by this rule to that area within 50 metres of a Heritage New Zealand listed building on the same Certificate of Title. The recommendation did not specify a distance but referred to the whole of the Certificate of Title.

Due to the minor nature of the change to this provision, it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes. There are 83 Heritage New Zealand sites listed in the Proposed District Plan. This change will not affect those where the listed building comprises the majority of the Certificate of Title, or where the boundary of the Certificate of Title is within 50 metres of the listed building. For those where the boundary is outside the 50 metre buffer this change will enable new buildings to be built on the remainder of the site without necessarily requiring a resource consent under this Rule.

This change does not amend any Objectives.

The rule gives effect to the Heritage Objectives, particularly Objective 1 and Objective 3. As the setting of a heritage building or structure can contribute to its heritage values, it is considered that this rule gives 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 area within 50 metres of the listed building or structure and that is contained within the same Certificate of Title is preferable to the alternative of controls over new buildings within the entire Certificate of Title. Some of the listed buildings and structures sit on large properties, such as Anderson's Park. Requiring resource consent for all new buildings on these Certificates of Title may result in applications for activities that are some distance away from the item of heritage value and, due to their physical separation, may not affect these values in any way. Defining the setting of what the curtilage is will ensure the provision is enforceable and focused.

Exempting the Southland Hospital site from this provision recognises that this site is an operational hospital with a functional need to operate from a number of different buildings. The 50 metre buffer would affect development on a large area of the site. The hospital site is highly modified and the heritage structures already sit amongst new buildings, some of which are already within the 50 metre area. The listed buildings are administrative buildings that fit within the function of the hospital site. The location of the heritage structures on the site in relation to the other buildings and the current traffic layout means that it is highly unlikely that any new structure will be built directly in front of them.

Dated at Invercargill this 11<sup>th</sup> day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

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## APPENDIX 1 - Decisions by Submission

SUBMISSION	DECISION
<b>GENERAL</b>	
<p><b>21.3 Susan and Alastair Stark</b> The archaeological sites in Omaui need to be identified. Signage is important.</p>	<p><b>Decision 13/1</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend 2.8.4 Methods of Implementation, Method 8 as follows:  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, consistency and facilitation.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Signage, together with other initiatives, informs the public of the presence of archaeological and heritage items and this should be recognised in the Methods section.</li> <li>2. Where signage for specific items, structures or events is sought then that should be requested to the Council through the Annual Plan process.</li> </ol>
<p><b>56.18 Jenny Campbell</b> 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>56.20 Jenny Campbell</b> 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 13/2</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submissions do not by themselves relate to matters in the Proposed Plan.</p>
<p><b>60.13 Heritage South/Heritage Forum Steering Group</b> 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 13/3</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports in general terms provisions in the Proposed Plan and does not through this submission seek any changes to them.</p>

## APPENDIX 1 - Decisions by Submission

SUBMISSION	DECISION
<p><b>78.3 Ministry of Education</b>  Support. The submitter notes that there are two schools listed in Appendix II and supports the management approach of adaptive reuse. Retain objectives, policies and rules that pertain to adaptive reuse and permitted activity status for repair and maintenance.</p>	<p><b>Decision 13/4</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitter supports the provisions in the Proposed Plan and does not through this submission seek any changes to them.</li> <li>2. Adaptive reuse is an important tool to protect the District's heritage.</li> </ol>
<p><b>106.2 Trevor Thayer</b>  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 that need demolishing the submitter recommends that the Plan provides incentives to go through the demolition process.</p> <p>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 13/5</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitter supports the retention of the City's rich architecture.</li> <li>2. It would be contrary to the purpose of the RMA and the Objectives and Policies in the Proposed Plan for the Council to encourage demolition of heritage buildings.</li> <li>3. Value judgement is required to determine if a building "needs demolishing" and such a decision requires consideration through the resource consent process.</li> <li>4. The national earthquake-prone buildings policy has yet to be finalised and any comment on its content is premature. Currently, the draft policy does not encourage the demolition of earthquake prone buildings, but their assessment and, where necessary, strengthening.</li> </ol>
<p><b>115.10 Heritage New Zealand</b>  General – Earthquake strengthening  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.) 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.</p>	<p><b>Decision 13/6</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <ol style="list-style-type: none"> <li>1. Rule 3.8.4 is amended as follows: <ul style="list-style-type: none"> <li>(K) 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.</li> <li>(L) Any proposals to strengthen or replace high risk elements, such as parapets.</li> </ul> </li> </ol>

## APPENDIX 1 - Decisions by Submission

SUBMISSION	DECISION
<p>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. Alternatively, the submitter recommends that the benefits of earthquake strengthening be included as an assessment matter.</p> <p><u>Decision Sought:</u> 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>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 style="text-align: center;"><u>façade decoration and chimneys, with high quality light weight material.</u></p> <p>2. Adding to Rule 3.8.10:</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>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Repair and maintenance of heritage structures and buildings is a permitted activity in the Proposed District Plan where the materials are the same as those originally used.</li> <li>2. Alterations to locally significant heritage buildings are also permitted, so long as the façades are retained.</li> </ol>
<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>Subdivision - 2.14.1(6), 2.14.2(4), 2.14.3(7) and (8), 3.18.4(L) and (N);</p> <p>Tangata Whenua - 2.16.1(3), 2.16.2(4), 2.16.3(3);</p> <p>Business 1 Zone - 2.22.2(4), 2.22.3(22);</p> <p>Industrial 4 Zone - 2.33.3(9), 3.32.2(A)(F)(a), 3.32.5(B) and (D);</p> <p>Energy - 3.6.1(B), 3.6.5(H) and (I);</p> <p>Infrastructure - 3.9.24(D);</p> <p>Relocated Buildings - 3.15.5(H);</p> <p>Soils, Minerals and Earthworks - 3.17.5(F).</p> <p>The submitter notes the Council's obligations under the RMA, in particular s6(f) and that in addition to the specific heritage provisions, the consideration of heritage values is embedded throughout the Plan. 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</p>	<p><b>Decision 13/7</b></p> <p>This submission is noted.</p> <p><b>Amendments to District Plan</b></p> <p>None required.</p> <p><b>Reason</b></p> <p>The submitter supports various provisions in the Proposed Plan and does not seek any changes to them.</p> <p>It should be noted that minor amendments are made to the heritage value provisions applying to Soils, Minerals and Earthworks in Decision 13/37.</p>

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<p>are not particularly identified for protection in Appendix II.</p> <p>Adopt these provisions as they relate to historic heritage values.</p> <p><b>FS46.5 - Leven Investments Ltd</b> oppose Submission 115.1 and embedding heritage values throughout the Plan. The further submitter considers that the effects on heritage values should only be considered in resource consent processing where items of historic heritage listed in Appendix II of the Plan are involved and the heritage rules of the Plan are triggered. The further submitter considers that widening the consideration of heritage values to cover activities that do not involve listed items of heritage would give rise to unnecessary regulation.</p>	
<b>SECTION TWO ISSUES, OBJECTIVES AND POLICIES</b>	
<b>Section 2.8 Heritage</b>	
<b>General</b>	
<p><b>60.1 Heritage South/Heritage Forum Steering Group</b></p> <p>The submitter generally supports the objectives, policies and methods but feels 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><u>Decision Sought:</u> 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>Decision 13/8</b></p> <p>This submission is rejected.</p> <p><b>Amendments to District Plan</b></p> <p>None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitter generally supports the objectives, policies and methods and through this submission does not seek any changes to them.</li> <li>2. The District Plan is not required to give effect to a Proposed Regional Policy Statement, but to have regard to it. Notwithstanding that, the Proposed Plan provisions are sufficiently broad to be consistent with the various provisions of Proposed Regional Policy Statement referred to. That is supported by FS39.9 Environment Southland in opposing Submission 88.67B Federated Farmers (see decision 13/16 below).</li> </ol>
<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.</p>	<p><b>Decision 13/9</b></p> <p>This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p>

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<p>Given that Issue 5 in Section 2.8.1 relates to this matter, the matter should be addressed in the Introduction.</p> <p><u>Decision Sought:</u> Add some introductory comment on the effect of the Government's recently announced Earthquake prone building policy on built heritage.</p>	<p>(i) Replace paragraph 11 of the Introduction to 2.8 (commencing "A large proportion") 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>(ii) Amend the Explanation of Policy 9 to read:</p> <p><i>... 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.</i></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The national earthquake-prone buildings policy has yet to be finalised and any comment on its content is premature.</li> <li>2. Issue 5 is not specifically related to just earthquake-prone strengthening.</li> <li>3. While paragraph 11 of the Introduction to 2.8 refers to natural processes, this has been strengthened to clarify that a range of natural processes, including earthquakes, threatens heritage values District wide.</li> <li>4. A consequential addition is also made to Policy 9.</li> </ol>
<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 focused 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 mahika 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>Decision 13/10</b></p> <p>This submission is rejected.</p> <p><b>Amendments to District Plan</b></p> <p>None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The definition of "historic heritage" in Section 2 of the RMA focuses on natural and physical resources, rather than cultural heritage traditions and practices. However, the importance of these natural and physical resources can be based around associated beliefs or values. The first paragraph of the Introduction acknowledges this, while both the Heritage and Tangata Whenua sections of the Proposed Plan include references to cultural heritage values, and the Natural Features and Landscapes section</li> </ol>

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<p><u>Decision Sought:</u> 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><b>FS4.26 Federated Farmers</b> oppose Submission 60.7. 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>covers a number of areas in the District that have associated heritage values.</p> <p>2. The 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.</p>
<p><b>88.65 Federated Farmers</b> 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><u>Decision Sought:</u> Decisions are sought 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. 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>Decision 13/11</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The use of the word “could” implies that there is the potential for land use and subdivision activities to adversely affect heritage values.</li> <li>2. It is accepted that "balance" is important, and the Proposed Plan provisions provide for this.</li> </ol>
<b>2.8.1 Issues</b>	
<p><b>88.66 Federated Farmers</b> Support. Retain the issues as notified.</p> <p><b>71.17 NZAS Ltd</b> Support Issue 1. The submitter supports the recognition of heritage values, and particularly reference in the issue to “inappropriate subdivision, use and</p>	<p><b>Decision 13/12</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p>

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<p>development” as in some cases this subdivision, use and development may be appropriate. Retain Issue 1.</p>	<p><b>Reason</b> The submitters support the provisions in the Proposed Plan and do not seek any changes to them.</p> <p>It should be noted that rewording of Issues 1 and 7 is provided for in Decisions 13/13 but these changes do not significantly alter the intent of the provisions.</p>
<p><b>77.19 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support Issue 1 subject to amendment. Amend Issue 1 as follows:</p> <p>(1) Inappropriate subdivision, use and development of heritage sites can also lead to the <u>loss</u>... of values</p> <p><b>115.2 Heritage New Zealand</b> The submitter supports the provisions with amendments. Amend the Issues to improve, clarify, qualify and strengthen the provisions as follows:</p> <p>(1) Inappropriate subdivision, use and development of heritage sites, structures, places and areas can lead to the degradation <del>or</del> deterioration, <u>loss or destruction</u> of heritage values.</p> <p>(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>Decision 13/13</b> These submissions are accepted.</p> <p><b>Amendments to District Plan</b> Amend Issues (1) and (7) as follows:</p> <p>1. Inappropriate subdivision, use and development of heritage sites, structures, places and areas can lead to the degradation <del>or</del> deterioration, <u>loss or destruction</u> of heritage values.</p> <p>7. Natural processes, <del>and events such as earthquakes,</del> and climate change (<del>i.e. including</del> coastal erosion, sea level rise and river flooding) can have adverse effects on heritage values.</p> <p><b>Reason</b> The amendments clarify and improve the issue statements.</p>
<p><b>60.9 Heritage South/Heritage Forum Steering Group</b> 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 13/14</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Include an additional issue in Section 2.8.1 as follows:</p> <p>8. <u>The identification of heritage sites, structures, places and areas is continually evolving as new sites are discovered and/or assessed.</u></p> <p><b>Reasons</b></p> <p>1. Council has more in-depth knowledge of the values of buildings in some areas of the District than in others and identification of heritage buildings, sites and areas is ongoing.</p> <p>2. The Objectives, Policies and Methods advocate the identification and recognition of heritage values and that includes identifying additional structures. That does not mean there is bias in the areas and places to be included in the District Plan, but reflects the current extent of knowledge.</p>

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<b>2.8.2 Objectives</b>	
<p><b>18.44 Environment Southland</b> Support Objectives. Retain.</p> <p><b>88.67A Federated Farmers</b> Support Objectives 2 and 3.</p> <p><b>64.24 Department of Conservation</b> Support Objective 1 as it 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. Retain Objective 1.</p> <p><b>71.18 NZAS Ltd</b> Support Objective 1 particularly reference “inappropriate subdivision, use and development” as in some cases this subdivision, use and development may be appropriate. Retain.</p>	<p><b>Decision 13/15</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitters support the provisions in the Proposed Plan and do not seek any changes to them.</p>
<p><b>88.67B Federated Farmers</b> 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. Amend Objective 1 as follows: “Heritage values are identified and protected from inappropriate subdivision, use and development”</p> <p><b>FS13.1 Heritage New Zealand</b> oppose Submission 88.67B. 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</p>	<p><b>Decision 13/16</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. As noted by Heritage NZ "<i>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.</i>" The Objective is therefore clear within the framework of the Proposed Plan and consistent with the Proposed Regional Policy Statement.</li> </ol>

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<p>identification.</p> <p><b>FS39.9 Environment Southland</b> Opposes Submission 88.67B and 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>60.2 Heritage South/Heritage Forum Steering Group</b> 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 Mārama Incorporated, the NZ Archaeological Association and other stakeholders, and especially Heritage South and other community heritage groups. Add a new objective that:</p> <p>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 Mārama 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.</p>	<p><b>Decision 13/17</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Policy 8 Collaboration expresses in general terms what is sought by the submitter.</li> <li>2. An objective is a high level position or something to be aimed for. What is being suggested is more of a method of implementation, and that is covered by Method 7.</li> </ol>
<b>2.8.3 Policies</b>	
<p><b>18.45 Environment Southland</b> Support 2.8.3 Policies. Retain.</p> <p><b>64.25 Department of Conservation</b> Support 2.8.3 Policy 3 Effects on Heritage as it seeks to avoid adverse effects on historic buildings, places and sites resulting from subdivision, use and development. Retain.</p> <p><b>88.68A Federated Farmers</b> Support Policies 1, 2 3 and 4 and the promotion of active management, conservation and adaptive reuse of heritage buildings.</p> <p><b>77.22 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support Policy 8 – Collaboration. Retain.</p>	<p><b>Decision 13/18</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b> The submitters support the provisions in the Proposed Plan and do not seek any changes to them.</p> <p>It should be noted that a minor addition has been made to Policy 6 (Decision 13/22) and the Explanations of Policy 2 (Decisions 13/20 and 13/21), Policy 6 (Decision 13/22), Policy 8 (Decision 13/24) and Policy 9 (Decision 13/25). These changes do not alter the overall intent of the policies.</p>

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<p><b>77.20 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support 2.8.3 Policy 3 Effects on Heritage. Retain.</p> <p><b>64.26 Department of Conservation</b> Support Policy 7 Archaeological and cultural sites. The submitter considers protection of these sites is necessary to ensure the heritage values relating to them are retained. Retain.</p> <p><b>77.21 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support Policy 7 Archaeological sites. Retain.</p> <p><b>77.23 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support Policy 9 Natural Processes. The submitter specifically refers to the continuation of support of the Southland Coastal Heritage Inventory Partners Projects. Retain.</p> <p><b>77.24 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support Policy 10 Tangata Whenua. Retain.</p> <p><b>117.8 Southern District Health Board</b> Supports in general, in particular 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.</p>	
<p><b>60.3 Heritage South/Heritage Forum Steering Group</b> Support in part 2.8.3 Policy 1 – Promotion. 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><u>Decision Sought:</u> 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>Decision 13/19</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The District Plan stays in force for ten years, and it is not the usual practice to include details of specific events because they may cease or change their name over that period.</li> <li>2. The Proposed District Plan is kept at a general level to provide flexibility on how funding is allocated for individual projects through the Annual Plan process.</li> </ol>
<p><b>60.8(a) Heritage South/Heritage Forum Steering Group</b> Support in part 2.8.3 Policy 2 – Identification</p>	<p><b>Decision 13/20</b> This submission is accepted in part.</p>

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<p>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>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>Amendments to District Plan</b> Add to the Explanation to 2.8.3 Policy 2:</p> <p><u>Where any additional sites, structures, places, and areas with heritage value are discovered or brought to Council's attention, these can be assessed on a case by case basis to determine whether it is appropriate for them to be afforded protection through the District Plan.</u></p> <p><b>Reason</b> The submitter raises a good point. However, the particular means by which additional heritage items are identified is not critical to state explicitly, but it is appropriate to indicate that regard will be given to identifying new items on an ongoing basis.</p>
<p><b>65.19 ICC Environmental and Planning Services</b> Support 2.8.3 Policy 2 but amend the first sentence of the second paragraph of the explanation to read:</p> <p><del>"All known</del> <u>Archaeological</u> sites are recorded on the Planning Maps and are listed in Appendix II."</p>	<p><b>Decision 13/21</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> The second paragraph of the explanation of Section 2.8.3 Policy 2 is amended as set out in Decision 13/37.</p> <p><b>Reason</b> The change clarifies the now intended purpose of Appendix II following Decision 13/37.</p>
<p><b>60.10 Heritage South/Heritage Forum Steering Group</b> Support in part 2.8.3 Policy 6 – Conservation and adaptive re-use. 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>Decision 13/22</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend 2.8.3 Policy 6 "Conservation and adaptive re-use" as follows:</p> <p>To promote the conservation and adaptive re-use of heritage buildings, groups of heritage buildings, <del>and</del> heritage facades <u>and heritage street furniture</u> in the Central Business District of Invercargill.</p> <p><b>Explanation:</b> <i>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 streetscapes in the City Centre</u>Central Business District. This heritage is the basis of the city's qualities of authenticity and uniqueness which are valued by residents and visitors.</i></p> <p><u>The conservation and adaptive re-use of these features is important to retain the heritage value and character of the Central Business District.</u></p> <p><b>Reason</b></p>

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	Street furniture, such as the verandahs and cobblestones, contribute to the heritage character of the streetscape and it is appropriate to recognise that in the policy and its explanation.
<p><b>60.4 Heritage South/Heritage Forum Steering Group</b>  Policy 8 – Collaboration  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 Mārama Incorporated, the NZ Archaeological Association and other stakeholders, and especially Heritage South and other community heritage groups.</p> <p><u>Decision Sought:</u> Add the following to Policy 8 and the Explanation:  To collaborate with key stakeholders in the management of heritage <u>and the development of a single Regional Heritage Strategy.</u></p> <p>Explanation: 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>FS2.29 NZAS Ltd</b> Support in part Submission 60.4. 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. The Council should ensure the owners/occupiers of land with heritage values are consulted in the development of a Regional Heritage Strategy.</p>	<p><b>Decision 13/23</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The Regional Heritage Strategy is not a Council initiative and the details of this strategy, whether it will proceed and the form of any consultation that may be undertaken are still to be determined.</li> <li>2. 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 document to make a commitment to a specific project.</li> </ol>
<p><b>88.68B Federated Farmers</b>  Oppose Policy 8 in part. 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 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 13/24</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>  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, <del>the New Zealand Historic Places Trust</del> <u>Heritage New Zealand Pouhere Taonga</u> and the New Zealand Archaeological Association have roles and responsibilities regarding the management of heritage in Invercargill. <u>Landowners,</u></p>

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<p><u>Decisions Sought:</u> That Council specifically provides 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 and adopt other policies as proposed.</p>	<p><i>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.</i></p> <p><b>Reason</b> It is accepted that landowners and community groups have an important role to play in the management of the District's heritage and their role should be acknowledged in the Proposed Plan.</p>
<p><b>60.11 Heritage South/Heritage Forum Steering Group</b> 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 13/25</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> While the Council is currently involved with the Southland Coastal Heritage Inventory Project it is not appropriate to limit the Council to a single initiative.</p>
<b>2.8.4 Methods of Implementation</b>	
<p><b>64.21 Department of Conservation</b> Supports the Methods. 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. Retain.</p> <p><b>77.25 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support all. Retain.</p> <p><b>88.69 Federated Farmers</b> 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. The submitter considers that non-regulatory methods are the most effective way of managing and protecting heritage values.</p> <p><u>Decision Sought:</u> Adopt the methods as proposed but ensure full landowner involvement throughout any process involving private land. The submitter's</p>	<p><b>Decision 13/26</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitters support the provisions in the Proposed Plan and through these submissions do not seek any changes to them.</p>

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<p>preference is for non-regulatory methods to be the focus in this area.</p>	
<p><b>60.8(B) Heritage South/Heritage Forum Steering Group</b>  The submitter supports 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 to identify buildings in suburban areas.</p> <p>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>Decision 13/27</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The methods of implementation already acknowledge 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.</li> <li>2. There is no need to refer to particular projects as these will generally be of short duration while the District Plan remains in place for an extended period of time.</li> </ol>
<p><b>65.20 ICC Environmental and Planning Services</b>  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. Delete Method 6 and amend Method 5 to read:</p> <p><del>“Consulting with</del> <u>Collaborating with key stakeholders in the management of heritage, including:...</u>”</p> <p><b>FS4.27 Federated Farmers</b> Support Submission 65.20.  The further submitter considers that the suggested amendment will ensure that landowners have a say in the management of heritage.</p> <p><b>FS13.2 Heritage New Zealand</b> Oppose Submission 65.20.  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 focused on collaboration in the context of wider heritage management initiatives. If these methods were to be rationalised then the new provision should refer to both consultation and collaboration.</p>	<p><b>Decision 13/28</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  The Methods focus on two separate processes. As stated by Heritage NZ, Method 5 is carried through from the Operative District Plan and relates to consultation on regulatory matters, while Method 6 is more focused on collaboration in the context of wider management initiatives.</p>

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<p><b>60.5 Heritage South/Heritage Forum Steering Group</b> Object in part to 2.8.4 Method 6. 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 Mārama Incorporated, the NZ Archaeological Association and other stakeholders, and especially Heritage South and other community heritage groups. Add the following to Method 6:</p> <p>“Collaborating with key stakeholders <u>and the wider heritage community</u> in the management of heritage, including <u>development of a single Regional Heritage Strategy</u>.”</p> <p><b>FS2.30 NZAS Ltd</b> Support in part Submission 60.5. 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. Ensure owners/occupiers of land with heritage values are consulted in the development of a Regional Heritage Strategy.</p> <p><b>FS39.10 Environment Southland</b> Support in part Submission 60.5. 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”. Allow the submission 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>Decision 13/29</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. The Regional Heritage Strategy is not a Council initiative and the details of this strategy, whether it will proceed and the form of any consultation that may be undertaken are still to be determined.</li> <li>3. 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 document to make a commitment to a specific project.</li> </ol>
<p><b>60.6 Heritage South/Heritage Forum Steering Group</b> Object in part to 2.8.4 Method 8. 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. 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</u></p>	<p><b>Decision 13/30</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend 2.8.4 Methods of Implementation Method 8 by adopting Decision 13/1.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Reference to heritage forums, panel discussions, facilitating presentations etc are appropriate, but only in general terms. The details of the precise</li> </ol>

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<p>month and biennial Heritage Forum, and facilitation.”</p>	<p>methods used by Council, such as potential involvement in a heritage month, will need to be considered through the Annual Plan process.</p> <p>2. The District Plan stays in force for ten years, and it is not the usual practice to include details of specific events because they may cease or change their name over that period.</p>
<p><b>115.7 Heritage New Zealand</b>  Support in part 2.8.4 Method 10. 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. 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>Decision 13/31</b>  This submission is accepted.</p> <p><b>Amendments to District Plan</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>Reason</b>  It is accepted 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><b>60.12 Heritage South/Heritage Forum Steering Group</b>  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><u>Decision Sought:</u> Add a new method to identify the Council's 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>FS39.11 Environment Southland</b> Support Submission 60.12.  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 13/32</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The District Plan stays in force for ten years, and it is not the usual practice to include details of specific events because they may cease or change their name over that period.</li> <li>2. The Proposed Plan is kept at a general level to provide flexibility on how funding is allocated for individual projects through the Annual Plan process.</li> </ol>

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<b>Section 2.14 Subdivision</b>	
<p><b>77.41 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support 2.14.3 Policy 7 Landscapes and Heritage. Retain.</p> <p><b>65.37 ICC Environmental and Planning Services</b> Support 2.14.3 Policy 7 Landscapes and Heritage in part subject to amendment of explanation. 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. Amend the explanation to 2.14.3 Policy 7 to read: “... 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>Decision 13/33</b> Submission 77.41 Te Runaka o Waihopai and Te Runaka o Awarua is noted.</p> <p>Submission 65.37 ICC Environmental and Planning Services is accepted.</p> <p><b>Amendments to District Plan</b> 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> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitters support the policy.</li> <li>2. The term “protect” is consistent with the wording used in the RMA and the other provisions in the Proposed Plan provisions. Amending the explanation does not affect the Policy itself.</li> </ol>
<b>SECTION THREE - RULES</b>	
<b>Section 3.8 Heritage</b>	
<p><b>115.3 Heritage New Zealand</b> 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. Retain.</p>	<p><b>Decision 13/34</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the provisions in the Proposed Plan and through this submission does not seek any changes to them.</p> <p>It should be noted however that as a consequence of Decision 13/37 Rule 3.8.6 has been deleted. That arises in part as a consequence of a submission by Heritage NZ.</p>
<p><b>115.11(a) Heritage New Zealand</b> 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 would like to see the introduction of rules controlling new buildings within the curtilage of listed heritage</p>	<p><b>Decision 13/35</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <ol style="list-style-type: none"> <li>(i) A new rule (3.8.5) be included in Section 3.8 Heritage as follows: <u>Within zones other than the Hospital Zone, the construction of a new building on land</u></li> </ol>

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<p>buildings.</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 Māori.”</u></p>	<p><u>held in the same Certificate of Title of a building listed in Appendix II:2 is a restricted discretionary activity where that new building is located within 50 metres of the building listed in Appendix II:2.</u></p> <p><u>The matters over which the Council shall exercise its discretion are:</u></p> <p>(A) <u>The proximity of the new building to the building listed in Appendix II:2.</u></p> <p>(B) <u>The scale, design and appearance of the new building.</u></p> <p>(C) <u>The manner in which land within the curtilage of each building is to be developed and used.</u></p> <p>(ii) The following be added to the explanation in Section 2.8.3 Policy 3:</p> <p><u>Where a new building is erected close to a listed building then regard should be given to the extent to which the new building respects the historical surroundings of the scheduled building. Respect for surroundings may be achieved by, for example, appropriately locating that building so as not to detract from the appearance or prominence of the listed building and by adopting compatible design, proportions, scale and materials for the new building.</u></p> <p><b>Reasons</b></p> <p>As set out on page 6 of this Decision:</p> <ol style="list-style-type: none"> <li>1. The setting and surrounds of historic heritage buildings are part of the heritage value of a site and it is appropriate to manage building development within the vicinity of such buildings.</li> <li>2. The rule suggested by Heritage NZ included a definition of "surroundings" which was uncertain and would be difficult to administer but the overall concept is accepted.</li> <li>3. The size of lots within the Hospital Zone and the need to provide for the functionality and connectivity of buildings within the Zone result in it being impractical for the rule to apply to that Zone.</li> </ol>
<p><b>78.4 Ministry of Education</b></p> <p>Support in part 3.8.2. 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>Amend 3.8.2 as follows:</p>	<p><b>Decision 13/36</b></p> <p>This submission is rejected.</p> <p><b>Amendments to District Plan</b></p> <p>None required.</p> <p><b>Reasons</b></p>

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<p>“... 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>FS13.3 Heritage New Zealand</b> Oppose Submission 77.4.</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>	<ol style="list-style-type: none"> <li>1. “Appropriate” and “practicable” are not terms that are specific enough to be enforceable and therefore not appropriate in a rule.</li> <li>2. The appropriateness and practicalities of the types of materials to be used can be assessed as part of the resource consent process. As a consequence of Decision 13/6 Rule 3.8 has been amended to include the consideration of the benefits of any building safety upgrades.</li> </ol>
<p><b>18.93 Environment Southland</b> Support 3.8.6. Retain.</p> <p><b>77.64 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support 3.8.6. Retain.</p> <p><b>64.28 Department of Conservation</b> 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. Retain.</p> <p><b>88.81 Federated Farmers</b> Oppose in part 3.8.6. 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. 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><u>Decisions Sought:</u></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 400 metres of an identified archaeological site”</li> </ul> <p><b>115.5 Heritage New Zealand</b> The submitter partially supports the proposed approach to archaeological sites.</p>	<p><b>Decision 13/37</b> Submissions 18.93 Environment Southland, 77.64 Te Runaka o Waihopai and Te Runaka o Awarua and 64.28 Department of Conservation are noted.</p> <p>Submissions 88.81 Federated Farmers and 115.5 Heritage New Zealand are accepted in part.</p> <p><b>Amendments to District Plan</b></p> <ol style="list-style-type: none"> <li>1. Amend the Explanation to Policy 2 to read:   <del>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 District 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 District Planning Maps and within the District Plan where information is available to Council.</del> </li> <li>2. Amend Policy 7 to read:             Policy 7     <del>Archaeological and eCultural sites:</del> To protect identified archaeological and cultural sites from the adverse effects of land disturbance and/or modification.             Explanation: <del>Archaeological sites are important for the scientific, social and technological information that they convey about New Zealand's past and are also often of considerable interest to both local and overseas visitors. It is important that the potential of these resources and their values be sustained for future generations.</del>   <del>Controls are necessary to ensure that heritage values are protected. The Council will provide information as to the appropriate procedure to follow when an unrecorded</del> </li> </ol>

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<p>The submitter supports the inclusion in the Plan of the archaeological sites recorded in the New Zealand Archaeological Association database. The submitter also supports the cross-referencing of these sites to the planning maps. 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 where a resource consent is required for earthworks without imposing resource consent requirements where consent would not otherwise be needed.</p> <p><u>Decision Sought:</u> 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 (attached to the submission).</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. Heritage NZ 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: 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.</li> </ul>	<p><del>archaeological site is discovered.</del></p> <p><u>A range of methods are required to maintain, enhance, and where appropriate protect, cultural sites. For buildings of heritage value this will include the use of rules. For other cultural sites, including those of archaeological value, regard will be given to them in considering any land use or subdivision consent. The Council will also provide information to landowners, including advice when LIMs are requested.</u></p> <p>3. Delete Rule 3.8.6.</p> <p>4. Amend Rule 3.8.1 to read:  This Rule applies to any building, structure, place or area identified in Appendix II – Heritage Record in this District Plan <del>including any archaeological site listed in Appendix II:6 – Archaeological Sites.</del></p> <p>5. In Appendix II:3 Sites of Local Significance delete the text prior to the table.</p> <p>6. Insert a note at the end of Rule 3.8 Heritage as follows:  <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>7. Insert definition of “archaeological site” as follows:  <u>Archaeological site: Means:</u> (A) <u>Any place, including any building or structure (or part of a building or structure), that -</u>  <ul style="list-style-type: none"> <li>(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></li> <li>(ii) <u>Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; or</u></li> </ul> (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>8. In Appendix II:6 Archaeological Sites Within the District, amend the text before the table to read:  <del>Archaeological sites pre-1900 are protected against any disturbance under Section 99 of the Historic Places Act 1993.</del> <u>Archaeological sites pre-1900 are protected against any disturbance under Section 99 of the Heritage New Zealand Pouhere Taonga Act 2014. Permission</u></p>

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	<p>of Heritage New Zealand the New Zealand Historic Places Trust is required before they can be modified or destroyed. Under Section 26 of the <del>Historic Places Act 1993</del> <u>Heritage New Zealand Pouhere Taonga Act 2014</u>, and “archaeological site” is defined as:</p> <p><del>“... any place in New Zealand that—</del></p> <p><del>(a) — Either —</del></p> <p style="padding-left: 40px;"><del>(i) — Was associated with human activity that occurred before 1900; or</del></p> <p style="padding-left: 40px;"><del>(ii) — Is the site of the wreck of any vessel where that wreck occurred before 1900; and</del></p> <p><del>Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.”</del></p> <p><u>“(a) any place in New Zealand, including any building or structure (or part of a building or structure), that—</u></p> <p style="padding-left: 40px;"><u>(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</u></p> <p style="padding-left: 40px;"><u>(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and</u></p> <p><u>(b) includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014”</u></p> <p>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)</p> <p>....</p> <p>9. Amend Rule 3.17.5(F) (now numbered 3.17.8(A)(f)(i)), as per decision 26/4, as follows:</p> <p style="padding-left: 20px;"><u>(A) (f) Any effects on sites of</u></p> <p style="padding-left: 60px;"><u>(i) heritage and/or archaeological significance and cultural importance to Iwi listed in Appendix II;</u></p> <p>10. Update the Identifier column in the tables of Appendix II to be current at the date that the decisions on the District Plan are notified.</p> <p><b>Reasons</b></p> <p>1. Submitters 18.93 Environment Southland, 77.64 Te Runaka o Waihopai and Te Runaka o Awarua and 64.28 Department of Conservation support Rule 3.8.6 and do not seek any changes to it.</p> <p>2. As discussed on page 5 of this Decision, 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,</p>

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	<p>which requires an archaeological authority before any such activities can be carried out.</p> <ol style="list-style-type: none"> <li>3. Retaining the policy framework and references to effects on heritage values throughout the other provisions of the Proposed Plan will enable consideration of potential adverse effects on archaeological sites to be considered through the resource consent process and at the time of subdivision. The potential concerns of stakeholders can be considered through these processes.</li> <li>4. It is appropriate to have regard to the effects of cultural significance from land disturbance, necessitating an addition to Rule 3.17.5(A)(f)(i).</li> <li>5. The text preceding Appendix II:3 Sites of Local Significance is not consistent with the provisions and intent of the Proposed Plan.</li> <li>6. Consequential changes to various provisions are required as a consequence of deleting Rule 3.8.6.</li> </ol>
<p><b>115.4 Heritage New Zealand</b></p> <p>The submitter supports the matters that applications must address, as listed in 3.8.10, particularly 3.8.10(H) as this clause is seen to provide for proper consideration of the rationale for a proposal. However the submitter believes that often the background information leading up to a proposal is 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 requiring the involvement of a heritage specialist in the process and requiring professional advice.</p> <p><u>Decision Sought:</u> Add additional assessment matters to provision 3.8.10 as follows or similar:</p> <p>(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>Decision 13/38</b></p> <p>This submission is accepted.</p> <p><b>Amendments to District Plan</b></p> <p>Add additional assessment matters to provision 3.8.10 as follows:</p> <p>(L) <u>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>Reason</b></p> <p>Rule 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 and the amendment builds further on this.</p>

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<b>77.65 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support 3.8.10 (G). Retain.	<b>Decision 13/39</b> This submission is noted.  <b>Amendments to District Plan</b> None required.  <b>Reason</b> The submitter supports the provisions in the Proposed Plan and does not seek any changes to them.
<b>3.18 Subdivision</b>	
<b>115.11 (b) Heritage New Zealand</b> 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 and supports the requirement for resource consent to subdivide a property containing a listed heritage item. Adopt provisions 3.18.1(a); 3.18.4(L) and 3.18.4(N).	<b>Decision 13/40</b> This submission is noted.  <b>Amendments to District Plan</b> None required.  <b>Reason</b> The submitter supports the stated provisions in the Proposed Plan and does not seek any changes to them.
<b>Section 3.20 Transportation</b>	
<b>115.6 Heritage New Zealand</b> 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 developments from the on-site car parking requirements.  <u>Decision Sought:</u> Add the following text to 3.20.1:  “Except where an application relates to the adaptive reuse of a heritage building 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>Decision 13/41</b> This submission is accepted in part.  <b>Amendments to District Plan</b> Amend Rule 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> :  (A) <u>Within the Seaport 1 and 2 Zones, Smelter Zone and the City Centre Priority Development Precinct in the Business 1 Zone</u>  (B) <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>  (C) <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>  <b>Reasons</b>

## APPENDIX 1 - Decisions by Submission

SUBMISSION	DECISION
	<ol style="list-style-type: none"> <li>1. Waiving car parking requirements incentivises the adaptive reuse of heritage buildings or structures.</li> <li>2. Many of the recorded heritage sites within the City Centre do not currently have off-street car parking and requiring parking as part of any redevelopment or reuse would in many cases be to the detriment of the character of the buildings or structures.</li> <li>3. Redrafting of the rule suggested by the submitter is required to provide certainty.</li> </ol>
<b>SECTION FIVE APPENDICES</b>	
<b>Appendix I – Information to accompany applications</b>	
<p><b>115.8 Heritage New Zealand</b></p> <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>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>Decision 13/42</b></p> <p>This submission is accepted.</p> <p><b>Amendments to District Plan</b></p> <p>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> <p><b>Reason</b></p> <p>The Submitter highlights an omission from the Proposed Plan.</p>
<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><u>Decision Sought:</u> Update the identifier column of the Heritage Record.</p>	<p><b>Decision 13/43</b></p> <p>This submission is accepted.</p> <p><b>Amendments to District Plan</b></p> <p>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>Reason</b></p> <p>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>

## APPENDIX 1 - Decisions by Submission

SUBMISSION	DECISION
<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. 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><u>Decision Sought:</u> Adopt Appendix II Heritage Record in its current form and add <u>Shaw's Building, 146 Dee Street, Invercargill</u> to the Record if this building still exists.</p>	<p><b>Decision 13/44</b></p> <p>This submission is accepted.</p> <p><b>Amendments to District Plan</b></p> <ol style="list-style-type: none"> <li>1. Add <u>Shaw's Building, 146 Dee Street, Invercargill, Lot 5 DP300575, Class 2, Map 9 to Appendix II:3</u></li> <li>2. Amend Planning Map 9 to show the location of this heritage building.</li> </ol> <p><b>Reason</b></p> <p>The facade of the Shaw's Buildings was identified in the Operative District Plan as having heritage values. While there was a partial demolition at the rear of the site the façade remains and it is appropriate to add this back into the Heritage Record as a Site of Local Significance.</p>
<p><b>116.4 Kylie Fowler</b></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>FS13.4 Heritage New Zealand 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>Decision 13/45</b></p> <p>This submission is rejected.</p> <p><b>Amendments to District Plan</b></p> <p>None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The building was originally listed by NZHPT as a Category II building in 1977 and included in the Operative District Plan, but due to an administrative error registration is required to be renewed.</li> <li>2. The Flynn's Club Hotel has enough heritage values to justify its retention in the Heritage Record. Any proposal to alter or demolish the structure should be considered through the resource consent process.</li> </ol> <p>It should be noted that since notifying the proposed District Plan the Heritage New Zealand status of the DB Bluff Hotel has changed from "under investigation" to now being referenced as "Listed". Pursuant to Clause 16(2) of the First Schedule that classification can be amended in the Plan.</p>
<p><b>7.3 Southern District Health Board</b></p> <p>The submitter opposes the listing of "Southland Hospital (Former)", Reference Number 47, in the District Plan, noting:</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> </ul>	<p><b>Decision 13/46</b></p> <p>This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>Update the legal description of Item 47 in Appendix II:2 as follows:</p> <p><u>Lots 27-29 Part Lots 24-26, 40, 45 DP 3, Lot 1 Part Lot 2 DP 1860 Block III Invercargill Hundred Part Lot 2 DP 1860, Lot 29 DEEDS 3, and Lot 28 DEEDS 3.</u></p>

## APPENDIX 1 - Decisions by Submission

SUBMISSION	DECISION
<ul style="list-style-type: none"> <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><u>Decision Sought:</u> Remove the listing of the “Southland Hospital (Former)” from Appendix II.</p> <p><b>FS13.5 Heritage New Zealand</b> Oppose Submission 7.3.  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. 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>	<p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>The listing in the Proposed District Plan’s Heritage Record reflects the Heritage New Zealand Category 1 listing of the site.</li> <li>The resource consent seeking approval to demolish buildings covered by this listing was declined.</li> <li>It is appropriate to correct errors in the legal description of the site.</li> </ol>
<p><b>65.125 ICC Environmental and Planning Services</b>  Spotlight (Former Macaulays Building Façade) Reference Number 155. The submitter notes that the legal description for 33 Leven Street should be updated to read “Lot 1 DP 387059”</p>	<p><b>Decision 13/47</b>  This submission is accepted.</p> <p><b>Amendments to District Plan</b>  Amend the legal description of Item 155 in Appendix II:3 to read:  <del>Proposed Lot 1 DP 341371</del> <u>Lot 1 DP 387059</u></p> <p><b>Reason</b>  An error required correction.</p>

## APPENDIX 2 - Amended District Plan Provisions

### GENERAL

Replace references throughout the District Plan<sup>1</sup>:

From "New Zealand Historic Places Trust" or "NZHPT" to "Heritage New Zealand Pouhere Taonga" or "Heritage NZ" as appropriate.

From "Historic Places Act 1993" to "Heritage New Zealand Pouhere Taonga Act 2014".

From "New Zealand Historic Places Register" to "New Zealand Heritage List/Rārangi Kōrero" or "New Zealand Heritage List" as appropriate.

### SECTION 2 ISSUES, OBJECTIVES AND POLICIES

#### 2.8 Heritage

...

(Paragraph 11) ~~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.<sup>2</sup>

##### 2.8.1 Issues

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

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.<sup>3</sup>
7. Natural processes, ~~and events such as earthquakes and~~ climate change (i.e. including coastal erosion, sea level rise and river flooding) can have adverse effects on heritage values.<sup>4</sup>
8. The identification of heritage sites, structures, places and areas is continually evolving as new sites are discovered and/or assessed.<sup>5</sup>

<sup>1</sup> Minor change pursuant to Clause 16(2) of the RMA

<sup>2</sup> Decision 13/9

<sup>3</sup> Decision 13/13

<sup>4</sup> Decision 13/13

<sup>5</sup> Decision 13/14

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

### 2.8.3 Policies

#### Policy 2 Identification:

**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 District 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 District Planning Maps and within the District Plan where information is available to Council.~~<sup>6</sup>

Where any additional sites, structures, places, and areas with heritage value are discovered or brought to Council's attention, these can be assessed on a case-by-case basis to determine whether it is appropriate for them to be afforded protection through the District Plan.<sup>7</sup>

#### Policy 3 Effects on heritage: To avoid, remedy or mitigate the potential adverse effects of subdivision, use and development on heritage.

**Explanation:**

Add after the text:

Where a new building is erected close to a listed building then regard should be given to the extent to which the new building respects the historical surroundings of the scheduled building. Respect for surroundings may be achieved by, for example, appropriately locating that building so as not to detract from the appearance or prominence of the listed building and by adopting compatible design, proportions, scale and materials for the new building.<sup>8</sup>

#### Policy 6 Conservation and adaptive re-use: 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<sup>9</sup>

**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.<sup>10</sup>

The conservation and adaptive re-use of these features is important to retain the heritage value and character of the Central Business District.<sup>11</sup>

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<sup>6</sup> Decision 13/37

<sup>7</sup> Decision 13/20

<sup>8</sup> Decision 13/35

<sup>9</sup> Decision 13/22

<sup>10</sup> Decision 13/22

<sup>11</sup> Decision 13/22

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

**Policy 7** ~~**Archaeological and eCultural sites:**~~ To protect identified archaeological and cultural sites from the adverse effects of land disturbance and/or modification<sup>12</sup>

~~**Explanation:** Archaeological sites are important for the scientific, social and technological information that they convey about New Zealand's past and are also often of considerable interest to both local and overseas visitors. It is important that the potential of these resources and their values be sustained for future generations.~~

~~Controls are necessary to ensure that heritage values are protected. The Council will provide information as to the appropriate procedure to follow when an unrecorded archaeological site is discovered.~~

A range of methods are required to maintain, enhance, and where appropriate protect, cultural sites. For buildings of heritage value this will include the use of rules. For other cultural sites, including those of archaeological value, regard will be given to them in considering any land use or subdivision consent. The Council will also provide information to landowners, including advice when LIMs are requested.<sup>13</sup>

**Policy 8** **Collaboration:**

**Explanation:** A number of agencies including Environment Southland, territorial authorities, Te Ao Mārama Incorporated, the Department of Conservation, ~~the New Zealand Historic Places Trust~~ Heritage New Zealand Pouhere Taonga 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.~~<sup>14</sup>

**Policy 9** **Natural processes:**

**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.<sup>15</sup>

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<sup>12</sup> Decision 13/37

<sup>13</sup> Decision 13/37

<sup>14</sup> Decision 13/24

<sup>15</sup> Decision 13/9

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

### 2.8.4 Methods of Implementation

**Method 8** 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, consultation, and facilitation.<sup>16</sup>

**Method 10** Using ~~financial~~ a range of incentives where protection is undertaken and as a method to encourage the protection of heritage values.<sup>17</sup>

### 2.14 SUBDIVISION

#### 2.14.3 Policies

##### Policy 7 Landscapes and Heritage:

**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~~ protected<sup>18</sup> 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.

## SECTION 3 RULES

### 3.8 HERITAGE

**3.8.1** 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.~~<sup>19</sup>

**3.8.4** 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:

...

(K) Any proposals to strengthen the structural integrity and heritage value of the building's façade, including the benefits of alterations for the

<sup>16</sup> Decisions 13/1 and 13/30

<sup>17</sup> Decision 13/31

<sup>18</sup> Decision 13/33

<sup>19</sup> Decision 13/37

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

purpose of implementing building code upgrades for seismic, fire and access purposes.<sup>20</sup>

(L) Any proposals to strengthen or replace high risk elements, such as parapets, façade decoration and chimneys, with high quality light weight material.<sup>21</sup>

<sup>22</sup>**3.8.5** Within Zones other than the Hospital Zone, the construction of a new building on land held in the same Certificate of Title of a building listed in Appendix II:2 is a restricted discretionary activity where that new building is located within 50 metres of the building listed in Appendix II:2.

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

(A) The proximity of the new building to the building listed in Appendix II:2.

(B) The scale, design and appearance of the new building.

(C) The manner in which land within the curtilage of each building is to be developed and used.

~~**3.8.6** 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.~~<sup>23</sup>

**3.8.10** 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:

...

(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.<sup>24</sup>

(K) Any proposals to strengthen or replace high risk elements, such as parapets, façade decoration and chimneys, with high quality light weight material.<sup>25</sup>

(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.<sup>26</sup>

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

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<sup>20</sup> Decision 13/6

<sup>21</sup> Decision 13/6

<sup>22</sup> Decision 13/35

<sup>23</sup> Decision 13/37

<sup>24</sup> Decision 13/6

<sup>25</sup> Decision 13/6

<sup>26</sup> Decision 13/38

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

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.”<sup>27</sup>

### 3.17 SOILS MINERALS AND EARTHWORKS

- 3.17.8 (A) (f) Any effects on sites of  
(i) heritage and/or archaeological significance and cultural importance to Iwi listed in Appendix II;<sup>28</sup>

### 3.20 TRANSPORTATION

3.20.1<sup>29</sup> **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:

- (A) Within the Seaport 1 and 2 Zones, Smelter Zone and the City Centre Priority Development Precinct in the Business 1 Zone  
(B) 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  
(C) 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

## SECTION 4 DEFINITIONS

**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.<sup>30</sup>

<sup>27</sup> Decision 13/37

<sup>28</sup> Decision 13/37 and see Decision 26/4

<sup>29</sup> Decision 13/41

<sup>30</sup> Decision 13/37

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

### SECTION 5 APPENDICES

#### APPENDIX I – INFORMATION TO ACCOMPANY APPLICATIONS

2. **Information to Accompany Land Use Resource Consent Applications**
- (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.<sup>31</sup>

#### APPENDIX II – HERITAGE RECORD

Amend the date in the "Identifier" column in all tables to the date of notification.<sup>32</sup>

##### 1. INTRODUCTION

...

Appendix II:6 details archaeological sites recorded under the New Zealand Archaeological Association Recording Scheme within the Invercargill City District as at May 2013.<sup>33</sup>

##### 2. SITES REGISTERED BY HERITAGE NEW ZEALAND

Amend the legal description of Item 47 Southland Hospital (Former) as follows:

~~Lots 27-29 Part Lots 24-26, 40, 45 DP 3, Lot 1 Part Lot 2 DP 1860 Block III~~  
~~Invercargill Hundred~~  
Part Lot 2 DP1860, Lot 29 DEEDS 3, and Lot 28 DEEDS 3.<sup>34</sup>

##### 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.~~<sup>35</sup>

Amend the legal description of Item 155 Spotlight (Former Macaulays Building Facade in Appendix II:3 to read:

~~Proposed Lot 1 DP 341374~~ Lot 1 DP 387059<sup>36</sup>

<sup>31</sup> Decision 13/43

<sup>32</sup> Decision 13/43

<sup>33</sup> Minor Change pursuant to Clause 16(2) of the First Schedule

<sup>34</sup> Decision 13/46

<sup>35</sup> Minor change pursuant to Clause 16(2) of the First Schedule, and Decision 3/37

<sup>36</sup> Decision 13/47

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

Add the following as Item 105 (with subsequent renumbering) and include on District Planning Maps:<sup>37</sup>

Identifier:	<u>Shaw's Building</u>
Address:	<u>146 Dee Street</u>
Locality:	<u>Invercargill</u>
Legal Description:	<u>Lot 5 DP300575</u>
Class:	<u>2</u>
Map No:	<u>9</u>
Ref No:	<u>102</u>

### 6. ARCHAEOLOGICAL SITES WITHIN THE DISTRICT<sup>38</sup>

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 26 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) ....

<sup>37</sup> Decision 13/44

<sup>38</sup> Decision 13/37

Note: Underline indicates additions, strikethrough indicates deletions.