

BEFORE THE INVERCARGILL CITY COUNCIL

IN THE MATTER OF

the Resource Management Act 1991

AND

An application to the Invercargill City Council by 104
Dee Street Partnership for resource consent to
demolish a Heritage New Zealand Pouhere Taonga
Category 2 heritage building located at 104 Dee
Street, Invercargill (RMA/2025/115).

**STATEMENT OF EVIDENCE OF CHRISTINE MCMILLAN
ON BEHALF OF 104 DEE STREET PARTNERSHIP**

PLANNING

31st August 2026

Introduction

1. My name is Christine McMillan. I am a Planning Consultant employed by Bonisch Consultants, a consultancy firm specialising in land development. I operate out of Bonisch's Invercargill office. I hold a Bachelor of Arts and a Master of Planning from the University of Otago. I am a full member of the New Zealand Planning Institute.
2. I have over 20 years of planning experience within the Southland Region. My role at Bonisch Consultants includes the preparation of resource consent applications and assisting clients with planning work across New Zealand.

Code of Conduct for Expert Witnesses

3. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is not an Environment Court hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

Scope of evidence

4. My submissions will address the following matters:
 - A brief description of the proposal;
 - A brief comment on the site and surrounding environment;
 - Comment on the relevant planning documents and consent status;
 - A summary of the environmental effects of the proposal;
 - A summary of the proposal against the relevant objectives and policies of the Invercargill City District Plan (ICDP) and Southland Regional Policy Statement (SRPS);
 - Comment on the section 42A report and proposed conditions of consent prepared on behalf of Invercargill City Council by Jo Skuse.

5. I have read and am familiar with the submissions received in respect of the application, and the officers' s42A report.
6. I am familiar with the site and the surrounding area. I have viewed the building from both Dee Street and Spey Street and have been inside the building.

Executive summary

7. I consider, based on the technical assessments and evidence that the environmental effects of the proposal, although more than minor in respect of heritage values, when considered together with the investigation of alternatives, the site-specific safety and feasibility evidence, the proposed mitigation and the wider planning considerations, promote the purpose of the Act.
8. I also consider that the proposal is consistent with, and not contrary to, the objectives and policies of the Invercargill City District Plan (ICDP) and the Southland Regional Policy Statement (SRPS) particularly when considered in relation to the aims of the relevant policies for city centre revitalisation.
9. I rely on the heritage evidence of Susan Irvine in relation to the significance of the building and the magnitude of the heritage effects. Ms Irvine assesses the Briscoes Building as having high overall heritage significance. She assesses demolition as having a large to very large adverse effect on the building itself, and an overall moderate to large adverse effect on the heritage values of the Dee Street Historic Area. I accept that these effects are more than minor, irreversible and cannot be fully offset by mitigation.
10. Given this assessment I consider that the proposed development passes the 'gateway test' of Section 104D(1)(b) as it is not contrary to the objectives and policies of the District Plan and the application can be considered under Section 104(1) of the RMA.
11. The proposal will not create a precedent or threaten the integrity of the ICDP and aligns with 'other matters' set out in the relevant non-statutory documents.

12. The proposal will achieve the purpose and principles of Part 2 of the RMA where relevant.

The Proposal

13. The proposal is described on Pages 1 to 4 of the AEE. In summary resource consent is sought to demolish a Heritage New Zealand Pouhere Taonga (HNZPT) Category 2 heritage building located at 104 Dee Street, Invercargill following significant damage that occurred to the building as a result of a fire in September 2023. The building is commonly known as the 'Briscoes Building' and will be referred to as such within this evidence.
14. A concept design for a redevelopment of the site has been prepared by BI Architects with the design incorporating heritage features and values of the Briscoes Building and the surrounding heritage buildings along the west side of Dee Street.
15. The applicant proposes to demolish the existing building to leave a safe site with the intention to sell for redevelopment in line with the concept design. A land covenant is proposed by the applicant with Invercargill City Council as the grantee to ensure that any future building on the site is in accordance with the concept design or subsequent design that respects heritage features of the area. Proposed conditions for the land covenant are included in Appendix A.
16. Following demolition, the applicant proposes to leave the site in a consolidated state to ensure dust nuisance is avoided and will establish suitable on-site treatment to ensure that the site, while vacant, contributes positively to the surrounding streetscape.

Site and Surrounding Environment

17. The application site and surrounding environment are described on Pages 1 to 3 of the AEE.
18. The site is located at 104 Dee Street. The two storey Briscoes Building occupies the corner site with frontage on both Dee and Spey Streets. The

Heritage Impact Assessment describes the building as an Italianate commercial building, noting that changes to the façade have been made over time, in particular the removal of the details balustrade along the roofline. The building sits within the Dee Street Historic Area, which incorporates a row of heritage listed buildings between Don and Spey Streets.

19. The surrounding area is generally commercial with some residential use in the upper levels of surrounding buildings.
20. Dee Street is State Highway 6 at the site frontage and is a four lane road, with planted central median strip and parking lanes both sides. Spey Street is a local two lane road with parking either side and painted median. The intersection of Spey and Dee Streets is traffic light controlled with signalised pedestrian crossings.

Relevant Planning Instruments

21. The proposed development is subject to the provisions of the ICDP. The ICDP was made operative on 30th August 2019.
22. The site is located within the Business 1 Zone of the ICDP and is subject to the following overlays:
 - a) City Centre Heritage Precinct
 - b) Registered Heritage Area (Dee Street Historic Area)
 - c) Sewerage Reticulation area
 - d) Water Reticulation Area
 - e) Airport Approach and Transition Lines
23. The proposal is assessed as a non-complying activity under the Historic Heritage rules. Any re-build on the site, undertaken in accordance with the bulk and location standards of the District Plan, is a permitted activity under the Business 1 Zone.

24. I note that the planning officer considers that there may be a risk of contamination on the site due to possible use of lead paint or contaminated soil from an adjoining site migrating to the application site. Based on advice received from Environment Southland it is unlikely that contamination of the site as a result of fuel storage tanks at 71 Spey Street. However, I acknowledge that there is a possibility of lead paint having been used within the building at some stage in the past. There is no ability to verify this through a Preliminary Site Investigation or Detailed Site Investigation due to the condition of the site. Therefore I consider that including a discretionary activity consent for soil disturbance under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS) is appropriate. Promoted conditions of consent are included to address this. The overall activity status of the application does not change as a result of this.

Assessment of Environmental Effects

25. An assessment of the environmental effects of the development is contained in Pages 17 to 23 of the AEE.

26. In respect of historic heritage, Ms Susan Irvine of NZ Heritage Properties considers the effects of the demolition of the building to be large to very large and the effects on the Dee Street Historic Area within which the building sits to be moderate to large.

27. Taking Ms Irvines conclusions into consideration, I conclude that the demolition of the Briscoes Building will have a more than minor adverse effect on heritage values of the building and on the Dee Street Historic Area.

28. At the time of preparation of the AEE, it was intended that some materials from the building would be salvaged and that, along with a heritage record, would assist in mitigating the otherwise total loss of the structure. Ryall Bush in their demolition plan have stated that due to the state of the building they will not be able to enter the building to salvage materials and therefore salvage may be restricted to material identified during the demolition process

rather than before as would typically occur. Recording of the building will preserve information about its history, fabric, construction and development and is therefore an important mitigation measure.

29. In relation to cultural and archaeological effects, I consider that provided an archaeology authority is obtained prior to ground works commencing the adverse effects on cultural or archaeology will be less than minor.
30. During the demolition of the building consideration has been given to effects resulting from heavy vehicle movements, road closures, stormwater, dust and noise. Ryal Bush Demolition have prepared a demolition management plan to manage these effects including providing for vehicle movements through the industrial areas rather than through the CBD, use of dust suppression methods as necessary to control dust within the site and use of silt fences and filter cloth to prevent sediment entering the stormwater network. Works are proposed to be undertaken between 7am and 6pm to minimise sleep disturbance and maintain evening amenity. Effects associated with the demolition are assessed as being no more than minor and for a short duration.
31. The demolition of the building will result in positive effects in the Invercargill central business district and in the immediate neighbourhood. The building is currently classed as dangerous and insanitary and the demolition of the building will remove the risk of collapse and the danger to health posed by the black mould within the interior. The ground floor of the building is currently unsightly with odour and visual amenity heavily affected in this part of the CBD.
32. Positive effects will also result from the opening of the footpath along the site frontage, including the southern pedestrian crossing over Dee Street which has been closed since the fire occurred. Neighbouring businesses have been affected by the closure of the footpath and the reduced amenity in the area as reported in the media.
33. The proposed concept design and associated covenant have been prepared with consideration of the heritage values of the site and of the surrounding

area, while providing a modern building built to the building code requirements however I note that the applicant does not propose to construct a new building on the site and there remains the possibility of the site being vacant for some time.

34. To mitigate this the applicant proposes to manage the site while vacant through a Vacant Site Management Plan to be approved by the Council prior to demolition. The Vacant Site Management Plan will set out the means to ensure that the site contributes positively to the townscape. Such measures may include painted hoardings, heritage panels or a pocket park.

Assessment of Alternatives to Demolition

35. A key issue raised by Origin Heritage and adopted in the Section 42A Report is whether alternatives to demolition, including partial retention, façade retention and short-term stabilisation, have been adequately investigated and evaluated. The planning officer concludes that insufficient engineering and cost information was available to determine whether these alternatives represented a practicable means of addressing the safety and heritage issues associated with the building.
36. I note that the applicant did engage a structural engineer and quantity surveyor to provide high level costings for alternatives to demolition, including partial retention, façade retention and short-term stabilisation. As a result of the Origin peer review and the planning officer's criticism of the level of detail within those assessments, the applicant has since obtained further assessments from Mr Robert Lane, Structural Engineer, and Mr Phil Griffiths, Quantity Surveyor, specifically to address these matters. Their evidence expands on options 4 and 5 of their original reports and evaluates two more detailed lower-impact alternatives focused on undertaking the minimum to necessary to retain the heritage fabric of the building while addressing the Dangerous and Insanitary Building Notice applying to the site. There are now seven options before you – the original five (with costs escalated, given the passage of time since the first reports were prepared)

together with two more detailed 'make safe' retention options, to address Mr Barsby's concerns.

37. Mr Lane confirms that the Briscoes Building has sustained significant fire, moisture and mould damage, with the eastern portion of the building exposed to the weather since September 2023 and continuing to deteriorate. He notes that the Dee Street and Spey Street facades have sustained structural damage, including mortar degradation, damage to timber ledgers and the loss of reliable structural restraint from floors and roof structures. In his opinion, the resulting life-safety hazard posed by the facades is significant and requires intervention.
38. In response to the issues raised through the heritage review process, Mr Lane considered two additional "make-safe" retention options. Option A retains the Dee and Spey Street facades and temporarily braces them for wind loading with repairs only to the extent required for temporary stability and to mitigate on-going deterioration. Option B retains only the Dee Street façade and assumes the demolition and clearance of the remainder of the site.
39. Neither option is a permanent restoration solution, rather, they are intended to provide a short-term stabilisation outcome sufficient to address the Dangerous and Insanitary Building Notice and enable continued retention of heritage fabric. Mr Lane concludes that ongoing inspections, maintenance and periodic reassessment would be necessary under either option.
40. The evidence of Mr Griffiths provides indicative costs for these alternatives. The short-term stabilisation options assessed by Mr Lane are estimated to cost approximately \$2.28 million to \$2.97 million, including the stated ten-year monitoring and maintenance allowances.
41. More comprehensive retention and redevelopment options involving retention of some or all facades are estimated to cost between approximately \$4.8 million and \$10.7 million. These estimates are based on experience from comparable heritage projects and include allowances for the significant uncertainty associated with retaining and securing a fire-damaged heritage building.

42. While the loss of heritage values remains a more than minor adverse effect, I consider that the investigation of alternatives (as set out in the evidence of Linda Lee, together with the proposed mitigation measures and future redevelopment covenant, assists in demonstrating that demolition is an appropriate response in the particular circumstances of this site and will address the significant safety and amenity issues associated with the building while also enabling the future redevelopment and revitalisation of this central city site in accordance with the overall aim for the Business 1 Zone as expressed in the ICDP. I note that there may be a period where the site remains vacant, as the applicant is not in a position to build on the site, the Vacant Site Management Plan promoted as a condition of consent will ensure that the site is managed on an ongoing basis to ensure the site contributes positively to the streetscape.
43. Based on the assessment contained in the AEE and the summary above, I consider that the effects of the proposed demolition will be more than minor in relation to heritage, no more than minor in relation to demolition effects and positive in relation to effects on the safety, amenity and maintenance of amenity of the central business district.

Southland Regional Policy Statement

44. An assessment against the SRPS is contained on pages 23 and 24 of the AEE.
45. The SRPS includes objectives and policies requiring urban development to be undertaken in a manner which provides for positive environmental, social, economic and cultural outcomes (Chapter 17, Objective 1 and Policies URB.1-5). The heritage chapter provides for the protection of heritage from inappropriate development (Objective HH.1) while Policy 2 provides for a case by case consideration of the financial cost and technical feasibility when making decisions relating to the protection of historic heritage. The SRPS overall balances protection of heritage buildings with the feasibility of that protection and the provision of positive environmental, social, economic and cultural outcomes.

46. I consider that overall, the proposed demolition, interim site treatment and future redevelopment is consistent with the relevant Objectives and Policies of the SRPS.

Invercargill City District Plan

47. An assessment against the Objectives and Policies of the ICDP is contained in pages 14 to 17 of the AEE. The ICDP generally aligns with the SRPS in policy direction. I note that within the AEE I included in my assessment that the redevelopment will be consistent with the relevant objectives and policies of the ICDP. I erred in assessing this based on the development occurring within a short period of time following the demolition, where I now note that as the applicant does not have the means to complete the redevelopment of the site, the site may remain vacant for some time. The promoted conditions requiring a Vacant Site Management Plan addresses this assessment gap by ensuring that the site contributes positively to the streetscape until such time as a replacement building is constructed.
48. Should development occur in accordance with the BI Architect concept plans or the conditions of the promoted land covenant, the proposal will, on completion, achieve the enhancement of the amenity and primacy of the CBD as the heart of Invercargill, will achieve a high degree of urban design, and will provide a catalyst for further revitalisation of the city centre and the wider region (Business 1 Zone, BUSZ-O1, BUSZ-O3 and BUSZ-O5 and related policies BUS1Z-P1, P2, P3, P4, P11, P14, P15 and P22. The provision of considered treatment of the site through the development of a Vacant Site Management Plan will ensure the amenity of the CBD is address positively in the interim stage.
49. I consider that the development is consistent with the objectives and policies of the Transport and Contaminated Land Chapters. The development will not compromise the safe and efficient functioning of the transport network, and any earthworks can be undertaken in accordance with best practice relating to protection of human health.

50. I consider that the proposal is not contrary to the overall objectives and policies of Chapter 14 Historic Heritage. While those provisions seek the protection of historic heritage values and recognise the importance of retaining heritage buildings where practicable, they are directed at protecting heritage from inappropriate subdivision, use and development. They also recognise, through Policy HH-P2, that decisions relating to the protection of historic heritage must be evaluated on a case-by-case basis, taking into account factors such as the significance of heritage values, financial cost and technical feasibility. In the particular circumstances of this application, having regard to the extent of fire damage, the ongoing safety issues, the alternatives investigated, and the cost and feasibility evidence, I do not consider the proposed demolition constitutes inappropriate development when the objectives and policies of the Historic Heritage chapter are read as a whole. The assessments by structural engineers and quantity surveyors including the further assessment prepared by Mr Lane and Mr Griffiths in relation to minimal intervention has identified that while technically feasible the economic costs remain significant.

51. Taking into consideration the costs to retain the building in any form, the proposed concept design and covenant together with the wider objectives and policies relating to heritage in the ICDP, I consider the development as proposed is not inconsistent with the overall aims relating to heritage.

52. Overall I conclude that the proposal is not inconsistent with the objectives and policies of the Historic Heritage chapter and is consistent with the other relevant chapters of the ICDP.

Submissions

53. I have read the submissions of Bruce Halligan and HNZPT.

54. I agree with the position of Mr Halligan.

55. HNZPT in their email dated 3rd June 2026 have stated that they have reviewed their position and now consider that while demolition is not the preferred option, that given the deteriorated condition of the building, the

range of options explored by the owners, and their sustained attempts to sell the building without success, that full demolition may now be the last resort. HNZPT recommend that the conditions detailed in the NZ Heritage Properties (NZHP) assessment be included in an issued consent.

56. The imposition of the conditions in the NZHP assessment are supported by the applicant, however as noted previously, pre-demolition salvage may not be practicable due to the condition of the building.

Section 42A Report

57. I have read the section 42A report prepared by Ms Skuse and address the conclusions of her report in the following paragraphs.

Invercargill City District Plan

58. Ms Skuse considers that the proposal is inconsistent with the objectives and policies of the Historic Heritage chapter and of the Business 1 Zone chapter. But not contrary to the objectives and policies of the District Plan as a whole. As stated above I take a different position in relation to the Historic Heritage chapter and of the Business 1 Zone chapter but agree that when considered as a whole the proposal is not inconsistent with these chapters.

59. The Business 1 Zone objectives and policies provide strong direction in relation to the maintenance and enhancement of the CBD (BUS1Z-O1, BUS1Z-O2, BUS1Z-P1, BUS1Z-P2 and BUS1Z-P5) to encourage development and the vibrancy of the inner city. While Objective BUS1Z-O4 and BUS1Z-P22 seek to protect and promote heritage values in the CBD the objectives and policies must be read holistically and when considered as a whole the proposal remains consistent with the primary stated aim to maintain and reinforce the viability and vibrancy of the city centre.

60. I note that a significant concern of Ms Skuse in reaching her conclusion was that there was no replacement building design proposed as part of the application. The concept design provided by BI Architects was assessed against the provisions for the Business 1 Zone within the AEE and was always

intended to form part of the application, although the rebuild itself does not form part of the application as the applicant does not have the ability to complete that work.

61. I acknowledge that as a permitted activity there remains a concern that there is no way to ensure that future building on the site will respect the character of the surrounding heritage precinct or further the aims of the Business 1 Zone. Accordingly, the applicant now proposes that a covenant be registered on the title with ICC as the grantee requiring that any future development of the land be in accordance with concept design developed by BI Architects, or if a different design is proposed that it must achieve at a minimum the parameters listed in the conditions of the proposed covenant.

62. I note that Ms Irvine in her evidence does not accept that the BI Architects concept design adequately responds to the heritage values of the Dee Street Historic Area. I consider that the promoted Conditions 28A to 28D appropriately allow for approval and certification of a final design whether incorporating the concept design or otherwise, prior to building consent.

Southland Regional Policy Statement

63. Ms Skuse restricts her assessment of the SRPS to the Historic Heritage Chapter, excluding the Urban Chapter. The SRPS Heritage Chapter references protection from 'inappropriate' development in both Objective HH.1 and Policy HH.2. I disagree with Ms Skuse that in the circumstances of the Briscoes Building which has undergone such significant damage from the fire that the proposed demolition is inappropriate.

64. I also note that there is reference in the s42A report to a submission from Environment Southland, making note of the relevance of the Southland Regional Policy Statement, and specifically Historic Heritage policy HH.2. I am not aware of any submission from Environment Southland. I raise this so that it can be clarified with the Council and Ms Skuse at the hearing.

Precedent

65. I agree with Ms Skuse that safety concerns and a Building Act notice are not justification to grant consent. The application has not been made with reference to these matters in isolation and in my opinion, granting consent would be unlikely to create an undesirable precedent or undermine the integrity of the District Plan because the application can be distinguished by the combination of the 2023 fire, the Dangerous and Insanitary Building Notice, the site-specific engineering evidence, and the investigation of retention alternatives and the high cost associated with these options.

S104D Assessment

66. I agree with Ms Skuse's assessment that the demolition of the building will result in adverse effects on heritage which are more than minor and the first leg of the gateway test under s104D is not passed.

67. I also agree with Ms Skuse that the application is not contrary to the objectives and policies of the District Plan that the second leg of the gateway test is passed and that therefore consent is able to be granted.

Part 2

68. Ms Skuse argues that the proposal does not achieve 'an appropriate Part 2 outcome'. I reach a different conclusion, as while demolition will result in the loss of heritage fabric, the proposal must be assessed in the wider context of sustainable management. Consideration of Section 6f requires protection of historic heritage from inappropriate use and development, not absolute protection. Regard should be had to the building's heritage significance, structural condition, feasibility of retention, public safety considerations, and the extent to which demolition facilitates the ongoing revitalisation and efficient functioning of Invercargill's city centre. Where heritage loss cannot reasonably be avoided, appropriate mitigation measures can recognise and record heritage values while enabling redevelopment that provides social, economic and urban regeneration benefits for current and future generations, both on an interim basis through a vacant site management and on a long term basis through a future new build. I consider the proposal represents an appropriate balance between the protection of historic

heritage under s6(f), the efficient use and development of resources under s7(b), and the sustainable management purpose of the Act under s5.

69. I note that the proposed covenant may address some of the concerns raised by Ms Skuse in her Part 2 assessment.

Recommendation

70. The recommendation of Ms Skuse appears to largely be founded on the consideration that no proposal to redevelop the site has been provided. The applicant's promotion of a covenant will ensure any future development will need to consider heritage character in the surrounding area and obtain approval from Council officers prior to construction.

Conditions of Consent

71. I have reviewed the suite of conditions recommended by Ms Skuse should consent be granted and I am generally in agreement with these subject to the following comments:

72. Condition 22 should be amended to remove reference to safe site access for pedestrians and people with disabilities. It is highly likely that the area of works will be restricted to the public until the site is made safe.

73. Condition 27 should be amended to remove reference to 'landscaped'. 'Appropriately treated' would be more suitable wording, allowing for a range of measures from landscaping (ie pocket park) to heritage panels and/or painted hoardings.

74. A new condition under Architectural Design Match and Site Rehabilitation is promoted by the applicant as suggested by Ms Skuse in her note under Condition 28. The promoted condition relates to the proposed covenant which requires that the concept design prepared by BI Architects be used in the new design or that a new design incorporates cultural values of the Briscoes Building and adjoining buildings in the Dee Street Historic Area, with approval required from Council heritage staff. In promoting this condition, I have considered Susan Irvine's evidence regarding the BI Architects concept

design. I accept her evidence that it should not itself be treated as an approved heritage design and the proposed wording of Condition 28B requires assessment and approval by a suitably qualified heritage architect and certification by Council following consultation with the Council's Heritage Advisor.

75. A new condition is included to address the potential of the site to be contaminated.

76. Suggested condition amendments are included in Appendix A. As the majority of conditions listed in the s42a report are accepted, only where amendments are proposed are the conditions included.

Conclusion

77. Overall, I consider that the demolition would result in irreversible adverse effects on the heritage values of the building and the Dee Street Historic Area. Those effects are more than minor and cannot be fully avoided or remedied through the proposed mitigation.

78. I have also considered the building's structural condition, public-safety and amenity effects, the retention and stabilisation alternatives identified in the engineering evidence, the comparative cost evidence, the updated position of Heritage New Zealand Pouhere Taonga, and the proposed measures relating to recording, interpretation, archaeological management and future development.

79. In my opinion the proposal is not contrary to the objectives and policies of the Invercargill City District Plan, particularly when those provisions are considered as a whole.

80. Subject to the proposed conditions addressing demolition management, protection of adjoining heritage fabric, archaeology, recording and interpretation, temporary treatment of the vacant site, and the matters relied on concerning future redevelopment, I consider it is appropriate to grant consent.



Christine McMillan

31st August 2026

Attachment A - Proposed amendments to recommended conditions of consent

22. Footpaths, vehicle crossings and road frontages must be protected from damage ~~by covering with heavy timbers or similar. All sites must be safe for pedestrians and people with disabilities.~~ Footpaths, vehicle crossings, and road frontages are to be inspected by the Council's Engineering Services Department prior to commencement and after completion of demolition/removal of the building.

Temporary Use of Site

- 27A. In the period following demolition of the Briscoes building up until a replacement building is built the site must be cleared, made safe, and ~~landscaped appropriately treated~~ to ensure the temporary use/occupation of the land contributes positively to the streetscape of the Dess Street Historic Area and central city area.

Architectural Design Match and Site Rehabilitation

Note: conditions 28A to 28D below are referred to as VC1 to VC4 in expert evidence provided by other.

28. ~~Any replacement building/development that is proposed for the site must be located adjacent to the Dee Street Historic Area and must be carefully designed to respond to the area's recognised heritage values. The Dee Street façade of the new building should respect the established scale and rhythm of the historic streetscape, including aligning with existing height lines, setbacks, and general window to wall proportions. The material palette should also be sympathetic, incorporating colours, textures, and finishes that complement characteristics of the Dee Street Historic Area, without resorting to direct imitation.~~

~~Note: The concept design information prepared by BI Architects which was provided with resource consent application RMA/2025/115, provides a suitable template for an appropriate design that achieves the above heritage and character parameters.~~

In conditions 28A-28D the following apply:

"Approved Concept Design" means the concept design information prepared by BI Architects appended to the evidence of Brad Inwood being drawings 'Drawings 094-101 & 094-102' dated 01.08.26 and the Design Statement of Brad Inwood.

"Replacement Building" means any building constructed on the Site following demolition of the Briscoes Building authorised by this consent.

"Site" means the land at 104 and 106 Dee Street, Invercargill, legally described as Lot 1 DP 8343 (RT SL3A/701).

"Suitably Qualified Heritage Architect" means a registered architect or heritage professional with demonstrated experience in design within heritage areas, who is independent of the consent holder and of any successor in title, and whose appointment has been approved in writing by the Council's Heritage Advisor (such approval not to be unreasonably withheld).]

28A Design envelope for the Replacement Building

Any Replacement Building must be designed and constructed in general accordance with the Approved Concept Design or must, as a minimum, achieve each of the following parameters:

- (a) a building height consistent with the established height lines of the adjoining buildings on Dee Street, and not exceeding the maximum height permitted by the District Plan;
- (b) a continuous parapet to both the Dee Street and Spey Street frontages, with any roof form set behind and concealed by the parapet when viewed from either street;
- (c) a vertical expression to window openings on the upper floors of both street frontages, with window-to-wall proportions consistent with the established rhythm of the Dee Street Historic Area;
- (d) building alignment to the Dee Street and Spey Street boundaries consistent with the setbacks of adjoining buildings;
- (e) an architecturally expressed corner treatment to the Dee Street / Spey Street intersection;
- (f) predominantly glazed ground floor frontages to Dee Street and Spey Street providing active street interaction;
- (g) a continuous pedestrian awning along the Dee Street frontage so as to continue the covered pedestrian route along Dee Street; and
- (h) a material and colour palette that complements the colours, textures and finishes characteristic of the Dee Street Historic Area, without direct imitation or replication of historic detailing.

28B Certification prior to building consent

No building consent application for a Replacement Building shall be lodged with the Council unless and until:

- (a) the detailed design has been assessed by a Suitably Qualified Heritage Architect; and
- (b) that person has certified in writing to the Council's Heritage Advisor that the detailed design achieves each of the parameters in condition 28A;
- (c) and a copy of that certificate has been provided to the Council.

All costs of the assessment and certification under this condition are to be met by the person proposing the Replacement Building.

28C Covenant to bind successors in title

Demolition of the Briscoes Building shall not commence until the consent holder has, at its own cost:

- (a) prepared a land covenant in favour of the Invercargill City Council, in a form approved in writing by the Council, giving effect to conditions 28A, 28B and 28D; and
- (b) registered that covenant against the record of title for the Site pursuant to section 108(2)(d) of the Resource Management Act 1991; and

- (c) provided the Council with a copy of the record of title showing the covenant as registered.

The covenant shall be expressed to bind the consent holder and all successors in title, and shall not be surrendered, varied or discharged without the prior written consent of the Council.

28D Interpretation and salvage integration

Any Replacement Building shall incorporate, in a location visible and accessible from the public footpath, interpretive material recording the history and significance of the Briscoes Building, the content and form of which shall be developed in consultation with Heritage New Zealand Pouhere Taonga and approved in writing by the Council's Heritage Advisor prior to lodgement of a building consent.

Materials salvaged from the Briscoes Building under condition 29 shall be incorporated into the Replacement Building where practicable, and the certificate provided under condition 28B shall record the extent to which this has been achieved.

28E Vacant Site Management Plan

- (a) At least 30 working days following the demolition of any buildings on that portion of the site, the consent holder shall provide a Vacant Site Management Plan (VSMP) to Council for certification. The purpose of the VSMP is to achieve the following objectives:

- i. The amenity effects of such vacancy on neighbouring sites, businesses and the adjacent streets are reasonably managed;

- (b) The VSMP must include, but not be limited to, the following matters:

- i. Details of how that area will be maintained in a clean and tidy manner;
 ii. Details of how the site boundary perimeter fencing will be managed to provide an acceptable level of amenity and safety for pedestrians.
 iii. Measures for erosion and sediment control and prevention of sediment being carted on to roads or entering the public stormwater system.
 iv. Measures for the suppression of dust to be employed whilst the site is vacant to ensure dust emissions beyond the site boundary are not offensive or objectionable to pedestrians on the adjacent street network or business occupier;

- (c) The Council will either certify, or refuse to certify, the VSMP within 20 working days of receipt. Should the Council refuse to certify the VSMP, then they shall provide a letter outlining why certification is refused based on the parameters contained in this condition.

- (d) The consent holder must implement the VSMP certified under Condition 28E(a) for the duration of the site remaining vacant. The consent holder must submit any proposed amendments to the VSMP to the Council for certification at least 10 working days prior to those amendments being implemented

Soil Contamination Management

30. At least 10 working days prior to earthworks being undertaken, the consent holder must submit a Detailed Site Investigation (DSI) to the Council which

has been prepared under the direction of a Suitably Qualified and Experienced Practitioner (SQEP) as defined in the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCO).

For the purposes of this condition, the term "earthworks" does not include works required as part of the archaeological survey.

31. In the event that the DSI identifies contamination above guideline values specified in the NESCO, at least 10 working days prior to any excavated material being removed from the site, the consent holder must submit a Site Management Plan (SMP) prepared by a SQEP to the Council. The consent holder must implement the SMP.
32. The consent holder must ensure that all earthworks are managed in accordance with any SMP required under Condition 31 and recommendations from a SQEP.
33. The consent holder must ensure that all contaminated soil removed from the site is disposed of at a facility whose waste acceptance criteria permit the disposal. The consent holder must provide the Council with the details of the facility, including its permit, prior to any contaminated soil being removed from the site.
34. If contaminated material is to be retained on site and capped, the consent holder must ensure a Long Term Site Management Plan is prepared by a SQEP, with the plan to clearly identify the location on the site of contaminated material. The applicant must supply to Council a copy of the plan within two months of the completion of earthworks