

BEFORE THE INVERCARGILL CITY COUNCIL HEARINGS COMMISSIONER

IN THE MATTER OF the Resource Management Act 1991 (“the Act”)

AND

IN THE MATTER OF RMA/2025/115, being a land use consent application to demolish the Briscoes Building which is Heritage 2 listed with Heritage New Zealand Pouhere Taonga (HNZPT), and also Heritage Listed in the Invercargill City District Plan.

BETWEEN **104 Dee Street Partnership**
Applicant

AND **Invercargill City Council**
Local Authority

**SECTION 42A REPORT OF JOANNE SKUSE, CONSULTANT PLANNER
ON BEHALF OF INVERCARGILL CITY COUNCIL**

23 JULY 2026

Subject	Section 42A Report on a publicly notified consent application
Applicant	104 Dee Street Partnership
Application	RMA/2025/115, being a land use consent application to demolish the Briscoes Building which is Heritage 2 listed with Heritage New Zealand Pouhere Taonga (HNZPT), and also Heritage Listed in the Invercargill City District Plan.
Site	104 and 106 Dee Street, Invercargill
Legal Description	Lot 1 Deposited Plan 8343 (Record of Title SL3A/701)
Classification	Business 1 Zone of the Invercargill City District Plan 2019 (the District Plan)
Activity Status	The proposal is a Non-Complying activity .
Submissions	Two submissions were received in total One submission was received in support One submission did not specify a position, but sought relief

RECOMMENDATION

That subject to new or additional evidence being presented at the Hearing, subject to suitable consent conditions, the application be **DECLINED** pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

1. It is considered that the adverse heritage effects are significant and not acceptable.
2. The proposal is not consistent with the relevant objectives and policies of the District Plan.
3. The proposal promotes the overall purpose of the RMA.

1. INTRODUCTION

My name is Joanne Skuse. I am a Principal Planner at The Property Group; I have worked at The Property Group since May 2021. Prior to joining The Property Group, I was employed at the Queenstown Lakes District Council (Council or QLDC) from February 2017 to April 2021, where I held role of Planner. I have 9 years of planning experience working in local government and consultancies, with much of my experience relating to processing resource consent applications. I hold a LLB:Law Degree from the University of Exeter in the United Kingdom. I am a member of the New Zealand Planning Institute (NZPI), which brings with it obligations with regard to continuing professional development.

Whilst this is not an Environment Court proceeding, I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2023 and agree to comply with it. In that regard I confirm that this evidence is written within my area of expertise, except where otherwise stated, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

This report has been prepared to assist the Commissioner. It contains a recommendation that is in no way binding. It should not be assumed that the Commissioner will reach the same conclusion.

2. PROPOSAL, SITE DESCRIPTION AND SITE HISTORY

2.1 Proposal

The application is for land use consent to demolish the Briscoes Building at 104 and 106 Dee Street, Invercargill. The building is heritage listed in the District Plan. It is also a Category 2 heritage listed building with HZHPT.

It is proposed to undertake minor earthworks as part of the demolition activity, and to reinstate the site following completion of the works.

The applicant proposes to leave the site in a presentable manner post demolition with a consolidated surface to ensure there are no ongoing dust/sediment effects. The intention is to sell the site once the building is removed. Whilst concept design information, including a photomontage showing a possible replacement building that could be constructed at site was provided with the resource consent application, construction of the building is not proposed as part of the application. The applicant submitted that *"... the site will be sold for redevelopment in line with the proposed plans"*.

A Draft Demolition Management Plan setting out a methodology to prevent adverse dust, noise and other effects during demolition was included as part of the application.

2.2 Site Description

The site is described under the 'Site Description' section of the resource consent application /assessment of effects (AEE). I note the following in addition to the site description in the application.

- The building and site form part of Invercargill's retail and commercial precinct; they are in the Dee Street Heritage Area.
- There are a number of listed heritage buildings located to the south of the site. These are mostly commercial buildings that include Waxy O'Sheas (Former Macaulay Motors Building) and Grand Hotel Building (Former Grey Power Southland and former Regent Theatre Frontage).
- The Briscoes Building is described in a Heritage Impact Assessment that was provided as part of the application as being Italianate in style, featuring rustication, tall and narrow windows with moulded hoods, elegant pilasters and a simplified parapet that was originally more ornate.

2.3 Site History

The heritage assessment provided by the applicant outlines the history of the Briscoes Building at the site.

The building was subject to a fire in September 2023 which caused significant damage to both the interior and exterior of the building. The fire compromised the structural integrity of the building and rendered it uninhabitable. Invercargill City Council issued a notice pursuant to sections 124 and 125 of the Building Act in November 2023 advising that the building is a 'Dangerous and Insanitary Building' and cannot be occupied.

It is submitted in the resource consent application that the applicant has, since the time of the fire, been working with their insurers and structural engineers to determine a path forward to make the building viable again for commercial or residential use. Site fencing has been put in place around the building and shipping containers are being used to protect public access beneath the Dee Street façade.

The resource consent application includes a table outlining actions that have been undertaken by the property owner to find a suitable use for the site since the fire in 2023. The information provided records that correspondence was undertaken with Heritage New Zealand Pouhere Taonga (HNZPT) and that the property owner engaged engineers and a demolition company to provide an indication of constraints and opportunities for development or redevelopment of the site. Options considered included:

- retaining the two facades and redeveloping the interior of the site to contain a new building;
- retaining the Dee Street façade only and constructing a replacement building within the site;
- constructing a new building with replica façades;
- temporarily secure and weather protect the Dee Street façade and demolish the building behind the facades so that the site is ready for redevelopment; and
- temporarily securing and weather-protecting the Dee Street and Spey Street façades and the less damaged parts of the building.

Commentary was provided within the resource consent application around the pros-and-cons of each option. A quantity surveyor was engaged to calculate likely costs associated with each development option. From this it was concluded that *"The applicant has explored all alternatives to demolition since the fire that led to the dangerous and insanitary building classification. Change must occur to ensure the safety of the site and surrounding roading network and to improve the amenity of this area of the CBD ... Given the costs to undertake any of the potential options identified by the structural engineer and costed by quantity surveyors the applicant has determined that the only viable option to return the site to a safe and sanitary property and allow future redevelopment is to demolish"*. (Summary of Alternatives, page 12 of AEE)

In responding to a request for further information the applicant's agent suggested further information was forthcoming on engineering design constraints to earthquake strengthening to make the building safe for reoccupation. This information has not been provided and so has not been considered as part of this assessment. Should further information to this effect be provided at the hearing it may assist in the assessment of alternatives.

3. REASON FOR THE APPLICATION

3.1 District Plan

The site is located within the Business 1 Zone of the Invercargill City District Plan 2019 (the District Plan). It contains a heritage listed building in APP3-2 (Briscoes Building - Reference No. 18) and is in a Registered Heritage Area (Dee Street Heritage Area).

Resource consent is necessary because:

- Pursuant to Rule HH-R9 the relocation or demolition of any building or structure in Appendix 3.2 of the District Plan, Site Registered by Heritage New Zealand Pouhere Taonga, is a **non-complying activity**. The Briscoes Building is proposed to be demolished, and the building is listed in this appendix as heritage item 18. The building is listed with NZHPT as heritage item 2448 (II).

Overall, this Resource Consent is assessed as a **non-complying activity**.

Note, Rule SOI:-R2(5) in the Business 1 Zone states the quantity of earthworks permitted in any 12-month period is 50m³ per site up to 1000m² plus 50m³ each 1000m² thereafter. This is a relatively low volume, and may be exceeded by site clearance/scraping. The Applicant is encouraged to confirm whether consent is sought for exceeding earthworks volumes.

4. PROCEDURAL MATTER – NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 (NES-CS)

The application does not provide any commentary around consistency (or otherwise) with the NES-CS, or an assessment as to whether the site is a HAIL (Hazardous Activities and Industries List) site.

The Environment Southland SouthMaps were reviewed. It was determined from this review that the site is not listed as a HAIL site on the Contaminated Sites Register, but the adjoining site at 71 Spey Street (Part Section 22 Block I TN OF Invercargill) is listed as a HAIL site. It is noted that Clause H on the MfE HAIL classifies “Any land that has been subject to the migration of hazardous substances from adjacent land in sufficient quantity that it could be a risk to human health or the environment” as a HAIL site.

While the site is not on the Environment Southland Contaminated Sites Register it is possible that, given the age of the building, lead-based paint may have contaminated soil within the property, or asbestos in building materials may have resulted in soil contamination. Additionally, contaminants in soil at 71 Spey Street could have migrated into the site. Soil disturbance during demolition activity has the potential lead to human exposure to contaminants (if present). If this is the case, resource consent may be required under the NES-CS.

As no information has been provided regarding the status of the site as a HAIL site (or not) and that consent has not been sought under the NES-CS, I consider that, should consent be granted the Applicant should be required to undertake further investigation to determine whether contaminating activities have occurred at the site in the past, and apply for consent under the NES-CS if they have.

I consider the Commissioner has several options available to them to address this matter:

1. Require the applicant to provide further information;
2. Put this consent application on hold under s91C, while a consent application is lodged under the NES-CS;
3. Should the applicant volunteer a consent condition that the consent under the NES-CS, if necessary, will be attained prior to giving effect to this consent, then the Commissioner could rely on that volunteered condition;
4. Decline the consent as the scope of this application as notified was incorrect.

I recommend Option 3 - applicant volunteer a consent condition requiring that they confirm whether or consent under the NES-CS is required before giving effect to this consent - as the most efficient and effective option for progressing this application.

Should the applicant not volunteer a condition, I recommend Option 1 as the most suitable option. If it is required, the consent could be put on hold under s91C, to ensure all the required approvals are attained, without this application having to be declined or withdrawn.

5. SUBMISSIONS

A copy of the submissions received are contained within Appendix B and are summarised below for the Commissioner's benefit.

With reference to section 41D of the RMA, none of the submissions were considered to:

(a) be frivolous or vexatious:

(b) have failed to disclose a reasonable or relevant case:

(c) constitute an abuse of the hearing process to allow the submission or the part to be taken further:

(d) be supported only by evidence that, though purporting to be independent expert evidence, has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert evidence on the matter:

(e) contains offensive language.

Submitter (name)	Address	Position	Summary of Submission	Relief Sought
Bruce and Denise Halligan	39 Oteramika Road, Rockdale	Support	The building is dangerous and a blight on the CBD. The current situation makes access, including disabled persons access along the street difficult and makes it tough for local businesses.	Grant consent
Heritage New Zealand Pouhere Taonga- Sarah Gallagher	PO Box 5467 Dunedin 9054	Not specified	Does not oppose, given that the deteriorating condition of the building, the range of options explored by the owners, and their sustained attempts to sell the property without success. Full demolition may therefore now be the only option. This is on the basis that conditions detailed in the NZHP addendum assessment are imposed. These are required to address the relief sought by HNZPT.	Sufficient mitigation measures are conditioned. A condition of consent (if granted) be that a demolition management plan be implemented. DMP should include materials that are salvageable to reuse on site. Other proposed and supported conditions include that a building record be kept in accordance with the Level II standards set out in Section 5.3 of the HNZPT 'investigation

			It is HNZPT's submission that the recommended conditions have the potential to go some way to mitigate the loss of heritage values.	and recording of buildings and standing structures' (2018) document. Demolition be guided by appropriate management plans, including vibration, and temporary protection plans and salvaged heritage items be reused at the site. Redevelopment be designed in accordance with design guidance in mitigative recommendations in items 4 and 5 in the NZHP addendum report. The consent holder be required to obtain an archaeological authority and carryout demolition activity in accordance with an Archaeological Management Plan and in accordance other methods/requirements specified in items 6-12 of the NZHP addendum report.
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6. LATE SUBMISSIONS

Under Section 37 of the RMA the Commissioners may waive the requirement to make a submission within the required time period provided Section 37A(1) is considered.

Section 37A(1) states:

A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has taken into account -

- (a) The interest of any person who, in its opinion, may be directly affected by the extension or waive; and*
- (b) The interests of the community in achieving adequate assessment of the effects of any proposal, policy statement or plan; and*
- (c) Its duty under section 21 to avoid unreasonable delay.*

No late submissions were received.

7. STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of:*
 - (i) A national environmental standards;*
 - (ii) Other regulations;*
 - (iii) a national policy statement*
 - (iv) a New Zealand coastal policy statement*
 - (v) a regional policy statement or proposed regional policy statement*
 - (vi) a plan or proposed plan; and*
- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

Following assessment under Section 104, the application must be considered under Section 104B of the RMA. Section 104B states:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –

- a) may grant or refuse the application; and*
- b) if it grants the application, may impose conditions under section 108.*

Section 104D is relevant to this application. Section 104D(1) states:

Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- a) the adverse effects of the activity on the environment (other than any effect to which [section 104\(3\)\(a\)\(ii\)](#) applies) will be minor; or*
- b) the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

The application must also be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources.

Section 108 empowers the Commissioner to impose conditions on a resource consent.

8. EFFECTS ON THE ENVIRONMENT

8.1 The Permitted Baseline

There is considered to be no relevant permitted baseline for the demolition of the building. In relation to earthworks, there is a permitted baseline of 250m³ of material.

8.2 Actual and Potential Effects on the Environment

Effects on the environment guided by assessment criteria (but not restricted by them). The assessment criteria are identified in Rule HH-R-10. Those criteria include:

1. The extent to which the heritage values including the design of any buildings and the context of heritage are likely to be retained, protected and/or enhanced
2. Whether the activity is likely to have cumulative adverse effects on heritage values
3. In the case of relocation of a heritage building, measures that may be necessary to protect the fabric of the building during relocation
4. Potential for the re-use and/or recycling of any material or heritage features from the historic building
5. Consideration of any relevant Invercargill City Council heritage design guidelines
6. The extent and effect of any earthworks, tunnelling, digging, vibration or excavation that may destabilise the site, structure, place or area
7. The results of consultation undertaken including any written advice obtained as follows:
 - a. In the case of the site having identified tangata whenua values, comment from the relevant iwi
 - b. Any recommendations of Heritage New Zealand Pouhere Taonga, and the New Zealand Archaeological Association File Keeper
 - c. Where the site history indicates that there may be historical artefacts or other physical remains, any advice obtained from a suitably qualified and experienced archaeologist
8. The reasons for the proposed activity and reasons why alternative less adverse options for achieving the same or similar outcome have been discounted. For clarification, reasons for discounting alternative options can include amongst other matters financial cost, natural hazards, safety and technical feasibility
9. The creation and maintenance of a record of heritage features of the building on its original site (e.g. photos of existing vistas for public record of the history of the site)
10. 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
11. Any proposals to strengthen or replace high risk elements, such as parapets, façade decoration and chimneys, with high quality light weight material
12. 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.

An assessment of environment effects is provided in the application report. This assessment is generally accepted as fit for purpose, with the following additions and amendments.

Heritage Values and Alternative Use

In considering this application, I have reviewed the applicant's Heritage Impact Assessment (by NZHP), the subsequent NZHP addendum, and the peer reviews prepared by Origin Heritage (June

and September 2025). I have also considered the Dangerous and Insanitary Building Notice issued by Invercargill City Council on 16 November 2023, which requires the owner to address immediate safety and weatherproofing concerns but does not direct or authorise demolition.

Expert Input

Heritage Impact Assessment (HIA) New Zealand Heritage Properties Ltd (NZHP)

The resource consent application was supported by a Heritage Impact Assessment (HIA) report prepared by New Zealand Heritage Properties Ltd (NZHP), which detailed the heritage value of the building and the environmental effects of its removal.

I note that the NZHP HIA report and its recommendations were prepared and provided on the basis that all or part of the building may be retained and adaptively reused. The proposal is to demolish the building in its entirety. An addendum report dated May 2026 was subsequently prepared/provided. This assesses the effects of the proposal to remove the building; it contains mitigative recommendations to offset and mitigate adverse effects resulting from removal of the building. The addendum report was provided to HNZPT, who indicated that they support inclusion of the mitigative recommendations as conditions of consent.

As per the AEE and addendum report prepared by NZHP, the loss of heritage values and effects on the broader Dee Street streetscape from the loss of the Briscoes Building will be significant.

It is concluded in the addendum report that "... the building occupies a prominent central city corner site within the Dee Street Historic Area and has been assessed as having high heritage values. While the building is likely capable of repair, the cost of such works is a key consideration. Moreover, its current condition, particularly if it remains unresolved, will result in continued deterioration, increasing both the complexity and cost of any future remediation".

Origin Consultants Ltd

Councils' consultant heritage specialist, Andrew Barsby of Origin Consultants Ltd reviewed the resource consent application and the NZHP HIA and provided a peer review report of those documents, dated September 2025. Mr Barsby updated his peer review based on the NZHP addendum report (updated report dated June 2026). Assessment provided within the 2026 review report includes the following:

HERITAGE

- The [NZHP] addendum states that the building has 'considerable' aesthetic value and that demolition would result in the total loss of its aesthetic values. I agree that demolition will result in total loss of aesthetic value. I also believe that it has potential to have high aesthetic value once restored. I also agree with Heritage Properties' view that demolition would 'detract from the cohesion and heritage character of the surrounding commercial and retail area'.*
- The addendum purports that the loss of archaeological fabric is mitigated by the opportunity to uncover further evidence and information relating to the existing building and an earlier structure that was on the site. I disagree and believe that the loss of the existing building will not be adequately mitigated by future archaeological excavations. This is not a heritage-informed argument but rather one based upon a narrow archaeological view that the loss of built heritage can adequately be mitigated by the (uncertain) opportunity that something could be found of more importance if only the building could be knocked down.*
- I disagree with Heritage Properties' view that there is 'potential to enhance understanding of the building's architectural values and construction methods through building recording which would be required as a condition of a HNZPT archaeological authority for its demolition'. I have commented on this above. Any further understanding gained would be insignificant when considering the complete loss of the building through demolition ...*

- *I agree that the overall impact of the effects of demolition of the site should be considered as being very high. The combined impact of demolition to the site and to the heritage precinct could, in my opinion, be considered to be greater than 'Large-Very Large'.*

EFFECTS ON THE DEE STREET HISTORIC AREA

- *I ... consider the effects as having a major adverse impact. The building occupies a prominent corner site, giving it a greater degree of visual prominence and streetscape value. As a corner building, it contributes to the historic area through two public-facing elevations rather than one, making its loss more readily apparent within the streetscape and resulting in a more substantial adverse effect on the character of the historic area. Heritage Properties also identifies the heritage value of the historic area as high. While acknowledging this assessment, I believe that the heritage value should instead be regarded as very high as the area is one of only two identified historic areas in Invercargill.*

CONCLUSION

- *I do not agree with the conclusion of the AEE which states "overall the demolition and proposed rebuild is assessed as being generally consistent with the District Plan's Historic Heritage Objectives and Policies." The effect on heritage value in my opinion should be defined as "major" or "critical" rather than merely "adverse."*
- *The only certain outcome of the proposal is a vacant corner site. The Council must be cognisant that it could remain this way for years to come.*

Submissions

NZHPT provided their original submission (dated 8 October 2025) based on the AEE and attached original HIA. Their submission, based on the information that was available at the time, was that they could support retention of the façades of the Briscoes Building (Former), using best practice heritage conservation. NZHPT requested that an HIA which specifically assesses the impact of demolition on the heritage building be prepared/provided.

NZHPT were provided with NZHPs 2026 addendum report; they provided an updated response by way of an email dated 3 June 2026. They noted in the email response that:

... HNZPT has reviewed its position. HNZPT concurs with the conclusions reached by NZHP that whilst demolition is not the preferred outcome, given the deteriorating condition of the building, the range of options explored by the owners, and their sustained attempts to sell the property without success, that full demolition may now be the last resort. We acknowledge that should the future of the building and site remain unresolved, continued deterioration and ultimate loss is likely. The proposed recommendations within the addendum have the potential to go some way to mitigate the loss of heritage values.

HNZPT strongly encourages Council to impose the conditions detailed in the NZHP assessment [addendum report], to address the relief sought by HNZPT in our submission.

HNZPT advised that they no longer wish to be heard but did not state their position on relief sought.

Assessment

Both heritage experts identify that the Briscoe's Building has high heritage values, including architectural, aesthetic, historic, and contextual significance within the Dee Street streetscape. Both agree that full demolition would result in major and irreversible adverse effects on those values. Both also acknowledge the building's deteriorated condition and the need for intervention to address public safety risks.

The key difference between the experts lies in the extent to which alternatives to demolition have been adequately assessed.

- NZHP concludes that demolition may now be the only viable option, focusing primarily on mitigation measures following demolition and the potential for interpretive or commemorative responses.
- Origin, in contrast, considers that the applicant has not demonstrated that demolition is the least-adverse practicable option. Origin identifies gaps in the engineering and cost information, and notes that options such as partial retention, façade retention, or short-term stabilisation have not been robustly assessed.

In analysing the expert evidence, I have considered the extent to which the expert assessment addresses the matters listed in HH-R10, including:

- the feasibility of alternatives to demolition
- the degree to which heritage values can be retained
- cumulative effects on the Dee Street Historic Area
- the adequacy of engineering and cost information
- the extent to which the proposal aligns with heritage objectives and policies

Origin's peer review identifies that the applicant has not provided sufficient engineering or cost information to demonstrate that alternatives such as short-term stabilisation, partial retention, façade retention or staged repair have been fully explored or ruled out. Origin notes that the information supplied to date does not allow a meaningful comparison between demolition and retention-based options.

NZHP's addendum, while helpful, acknowledges the building's deteriorated condition but largely assumes demolition as the starting point, focusing on post-demolition mitigation rather than a comprehensive assessment of alternatives.

In responding to a request for further information the applicant's agent suggested further information was forthcoming on engineering design constraints of alternatives (such as short-term stabilisation, partial retention, façade retention or staged repair) or earthquake strengthening to make the building safe. This information has not been provided and so has not been considered as part of this assessment. Should further information to this effect be provided at the hearing it may assist in the assessment of alternatives.

The Dangerous and Insanitary Building Notice requires the owner to address immediate risks to life and weatherproofing. It does not mandate demolition. It is possible that owners consider stabilisation or partial repair to remove immediate danger. It has not been established that stabilisation or partial retention cannot reasonably achieve compliance with the notice.

The application does not include a replacement building or any concept for future development of the site. If demolition were approved, the site would remain a vacant section until a future consent is lodged.

Origin's peer review notes that the absence of a replacement building significantly increases the magnitude of adverse effects because:

- the loss of heritage fabric is not offset by a high-quality, contextually responsive replacement
- the streetscape would be left with a void that undermines the coherence of the Historic Area
- cumulative effects on Dee Street are exacerbated by the lack of certainty about future built form

In this case, there is no the replacement building to form part of the assessment to evaluate whether heritage values are appropriately responded to or reinstated. The loss of this building would create a significant gap in the streetscape and diminish the coherence of the heritage precinct.

The NZHP addendum report was provided in response to further information and now forms part of the proposal, the mitigative recommendations within the report are considered to also be part of the application. I recommend that if the Commissioner is of a mind to grant consent the mitigation

measures recommended by NZHP be included as conditions; they are included in my draft conditions provided as an appendix to this report.

It is noted that the only other submission supported demolition of the building, noting that it is generally beyond repair, and that it is now an obstruction to foot traffic.

I acknowledge there are positive impacts of the buildings removing in this regard, and comment on this below. The building's deteriorated condition and footpath obstruction do create amenity and accessibility issues. However, poor condition does not diminish heritage value, deterioration cannot be used as justification for demolition and amenity issues can be addressed through stabilisation, temporary works, or partial repair.

I consider that a suitably designed replacement building, as per the mitigation recommendations in the NZHP addendum report (Items 4 and 5) could go some way toward mitigating the adverse effects.

Recommendation 4 of the NZHP addendum report may be included as a condition to require that the replacement building be designed in a way that responds to the area's recognised heritage values. The design of the building would be required by the condition to 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 would also be required to be sympathetic, incorporating colours, textures, and finishes that complement characteristics of the Dee Street Historic Area, without resorting to direct imitation.

While a building design that accords with the above design parameters may provide adequate mitigation, a design is not currently proposed as part of the application, so Council does not have sufficient information to be able to determine whether it achieves required outcomes.

Overall, having considered the application, submissions, and comments of the heritage experts, I consider that the adverse effects to heritage values of the proposed demolition will be significant. Based on the currently proposed application my recommendation is that the proposal should be declined.

Demolition Works

If consent is granted, I consider effects from the demolition activity itself can be managed through conditions. I recommend a number of consent conditions to mitigate such effects:

- All existing water and drainage connections to be sealed off;
- Approval be attained from the Road Corridor department prior to commencement of works;
- Footpaths, vehicle crossings (if any) and road frontages are protected from damage and that that are to be assessed by Council's engineering department prior to works and on completion of works. If any damage occurs, it must be immediately reported to Council and fixed by a Council approved contractor at the consent holders cost.
- an earthworks sediment control plan (ESCP) as part of the Demolition Management Plan and should be prepared by the contractor and provided to Council before work starts.

The applicant proposed a consent condition requiring that an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 be obtained prior to any earthworks or demolition activity commencing on the site. They also submitted a Draft Demolition Management plan, which could be required to be complied with as a condition of consent.

I consider the conditions recommended suitable, to ensure that effects to services and infrastructure are mitigated and that procedural requirements associated with proposed excavation/archaeology are met.

I recommend that the applicant provide further information on the potential contamination and whether consent is required under the NES-CS or not. Should consent be required under the NES-CS, then that application would sufficiently assess contamination and potential effects on human health.

I consider effects from the demolition activity itself are acceptable.

Positive Effects

The positive effects of this consent include:

- Removing a decaying building;
- Enabling the public to walk freely along the Dee Street footpath as well as the ability to use the car parks in front of the building, which will improve the efficiency of the public road and footpath network at a busy intersection. The footpath and kerbside carparks are currently cordoned off to prevent pedestrians walking under the structurally compromised verandah.

The Halligan's noted in their submission that it would be a better outcome if the existing temporary obstruction to the public footpath be removed to facilitate better access for pedestrians, including those with mobility restrictions.

NZHPT also noted in their submission the safety benefits of removing the building.

I consider that while there is a potential public benefit from redevelopment and reoccupation of the site in this central city location, a replacement building is not proposed as part of this application, so it is not possible to assess mitigation of adverse urban design effects and effects to heritage character.

As such I consider the positive effects to be less than minor.

Summary of Effects on the Environment

Overall, I consider the adverse effects to heritage value and the character of the area to be significant and that suitable mitigation is not proposed as part of the application. Based on the current proposal, I consider these effects to be unacceptable.

All other effects are mitigated, and no more than minor.

9. INVERCARGILL CITY DISTRICT PLAN OBJECTIVES AND POLICIES

The relevant objectives and policies of the Invercargill City District Plan (ICDP or District Plan) are in the Historic Heritage, Business 1 Zone chapters. Please note, policies have explanation notes under them in the ICDP. These have not all been included below, but where they are considered of particular relevance or assistance they are included.

Historic Heritage and Business 1 Zone

The objectives and policies for Historic Heritage are:

HH-O1 Heritage values are identified and protected from inappropriate subdivision, use and development.

HH-O2 The built heritage of Invercargill is appropriately recognised and utilised.

HH-O3 Heritage values are appropriately managed to avoid or mitigate the potential adverse effects of natural processes and climate change.

HH-P3 Effects on Heritage: To avoid, remedy or mitigate the potential adverse effects of subdivision, use and development on heritage.

HH-P4 Integration: To encourage the integration of new subdivision, use and development with heritage.

HH-P5 Active Management: To promote the active management, in particular the adaptive re-use, of heritage buildings to:

- 1. Avoid serious risk to human safety.*
- 2. Investigate and evaluate all reasonable means of restoration, adaption, re-use and relocation as alternatives to demolition.*

HH-P8 Collaboration: To collaborate with key stakeholders in the management of heritage.

The objectives and policies for the Business and Business 1 Zone are:

BUS-O1 Maintenance and enhancement of the primacy of the Invercargill Central Business District as the primary centre for retailing, business, culture, entertainment, education and social services for Invercargill City and the wider Southland region.

BUS-O2 Inner-city living is part of the land use mix within the Invercargill Central Business District other than in the Entertainment Precinct.

BUS-O3 Identification, maintenance and enhancement of the amenity values of the Business 1 Zone.

BUS-O4 Protection of the heritage values of the Central Business District.

BUS-O5 A holistic approach to economic, social and geographical issues in the Central Business District is complemented through the District Plan.

BUS-P1 To restrict the range and scale of activities within each Business Zone.

BUS-P2 To discourage businesses locating in isolation outside of the business groupings.

BUS1Z-O1 Maintenance and enhancement of the primacy of the Invercargill Central Business District as the primary centre for retailing, business, culture, entertainment, education and social services for Invercargill City and the wider Southland region.

BUS1Z-O2 Inner-city living is part of the land use mix within the Invercargill Central Business District other than in the Entertainment Precinct.

BUS1Z-O3 Identification, maintenance and enhancement of the amenity values of the Business 1 Zone.

BUS1Z-O4 Protection of the heritage values of the Central Business District.

BUS1Z-O5 A holistic approach to economic, social and geographical issues in the Central Business District is complemented through the District Plan.

BUS1Z-P1 To establish and implement a Business 1 Zone to retain existing and encourage new commercial/retail activities in the Central Business District.

BUS1Z-P2 To identify within the Business 1 Zone:

- 1. The Priority Redevelopment Precinct*
- 2. The Entertainment Precinct*
- 3. The Pedestrian-Friendly Frontages Precinct.*

BUS1Z-P3 Urban Design: To encourage the incorporation of the following urban design principles into the design of buildings and open space:

- 1. Buildings and land uses respect their context*
- 2. Buildings and land uses reflect and enhance the character of Invercargill*

3. *Buildings and land uses offer diversity and choice for people*
4. *Buildings and land uses are clearly linked by appropriate connections*
5. *Buildings and land uses demonstrate creativity, encouraging innovative and imaginative solutions.*
6. *Custodianship - Buildings and land uses should be environmentally sustainable, safe and healthy*
7. *Collaboration – stakeholders collaborate to achieve good urban design outcomes.*

BUS1Z-P4 - Pedestrian-Friendly Frontages: To create an environment along the identified frontages that will offer safety, comfort and a stimulating and enjoyable pedestrian experience within the recognised retail area.

BUS1Z-P14 Dilapidated Structures and Ill-Maintained Lands: To require that buildings in the Central Business District will be sound, well-maintained and tidy in appearance.

BUS1Z-P15 Demolition or Removal Activities:

1. *To encourage owners to consider the restoration, and adaptive re-use of buildings in preference to demolition.*
2. *To manage the adverse effects of demolition or removal on amenity values by ensuring the clean-up, screening and maintenance of sites.*
3. *To encourage active utilisation of sites post-demolition by encouraging their prompt redevelopment, and in the meantime encouraging use of the site for such activities as car parking or public open space.*

BUS1Z-P22 Heritage Value: To promote the retention of the character and scale of the heritage structures, buildings and places within the City Centre.

Origin's peer review concludes that the applicant has not demonstrated that demolition is the least-adverse practicable option, nor that alternatives such as stabilisation, partial retention, or façade retention have been robustly assessed.

The proposal does not include any replacement building or adaptive re-use proposal. Demolition would result in a vacant site, with no certainty about future development or how the heritage context will be responded to. This outcome is inconsistent with HH-O2, which anticipates ongoing utilisation and contribution of heritage buildings to Invercargill's character.

The Dangerous & Insanitary Notice requires immediate safety and weatherproofing actions but does not mandate demolition. Origin's review notes that the applicant has not demonstrated that stabilisation or partial repair cannot address the risks identified.

HH-P5 requires investigation of all reasonable means of restoration, adaptation, re-use, and relocation as alternatives to demolition. Origin's peer review concludes that this has not occurred. The proposal therefore does not give effect to HH-P5(2).

HH-P5(1) requires avoidance of serious risk to human safety. Demolition of the building would give effect to this policy.

In terms of the Business 1 Zone, demolition would create an opportunity for a new building that could, in principle, give effect to the zone's objectives and policies relating to urban design, amenity, pedestrian-friendly frontages, activation of the CBD, and the primacy of the city centre (BUS1Z O1, O3; BUS1Z-P1, P3, P4). A well-designed replacement building could also address current concerns about the building's condition, its contribution to poor amenity, and its impact on the pedestrian environment along Dee Street.

A future building could incorporate the urban design principles sought by the zone, including respecting context, enhancing Invercargill's character, improving connections, and contributing positively to the streetscape. It could also restore a sense of enclosure and activity on a prominent corner site, supporting the pedestrian-friendly frontage outcomes anticipated for this part of the CBD.

However, no replacement building is proposed as part of this application. The proposal is limited to demolition, site stabilisation, and eventual sale of the land. Without a proposed design, it is not possible to assess whether redevelopment would maintain or enhance amenity values, reinforce the primacy of the CBD, or achieve the urban design outcomes anticipated by the Business 1 Zone. The absence of a redevelopment proposal also means that potential positive effects remain speculative rather than certain.

The Business 1 Zone places strong emphasis on protection of heritage values (BUS1Z O4; BUS1Z-P22) and on considering restoration or adaptive reuse before demolition (BUS1Z-P15). In this context, demolition results in the permanent loss of a heritage building that contributes to the character and scale of the Dee Street streetscape.

Given the prominence of the site and its role within the city centre, I consider that an alternative (replacement) design needs to be provided so that its alignment with the Business 1 Zone objectives, policies, and rules can be properly assessed. Without this, the proposal does not achieve the outcomes sought for heritage protection, amenity, pedestrian experience, or urban design within the zone.

Overall, I consider the proposal to be, on balance, inconsistent with the objectives and policies of the Historic Heritage and Business 1 chapters.

Conclusion

Overall, I consider the proposal to be inconsistent with, but not contrary to the objective and policies of the District Plan.

10. SOUTHLAND REGIONAL POLICY STATEMENT 2017

The Southland Regional Policy Statement 2017 is of relevance. Environment Southland, in their submission made note of the relevance of the Southland Regional Policy Statement, and specifically the Historic Heritage policy HH.2.

The relevant objectives and policies of the SRPS are:

Objective HH.1 – Protection of historic heritage: Historic heritage values are identified and protected from inappropriate subdivision, use and development.

Objective HH.2 – Built heritage: The built heritage of Southland is appropriately recognised and where possible utilised in a sustainable manner.

Policy HH.1 – Public awareness and appreciation Promote public awareness and appreciation of Southland's historic heritage.

Policy HH.2 – Protection of historic heritage: Avoid, mitigate and, where appropriate, remedy adverse effects on historic heritage values from inappropriate subdivision, use and development. On a case-by-case basis take into account factors such as the significance of heritage values, financial cost and technical feasibility when making decisions relating to the protection of historic heritage.

Policy HH.5 – Collaborative management: Provide for Southland's historic heritage resources to be managed in a regionally consistent, collaborative and integrated manner.

Policy HH.6 – Adaptive reuse: Encourage the adaptive reuse and maintenance of built historic heritage.

I consider the proposal does not protect historic heritage from inappropriate use and development and the proposal does not meet Objective HH.1 or Policy H.2 of the Southland Regional Policy Statement. I consider further mitigation is required; this could be by way of a proposal to construct a suitably designed replacement building that positively responds to the setting.

11. NATIONAL POLICY STATEMENTS AND NATIONAL ENVIRONMENTAL STANDARDS

There is not considered to be any National Policy Statement or National Environmental Standard of particular relevance.

12. OTHER MATTERS UNDER SECTION 104(1)(c)

12.1 Precedent

In my opinion, it is not appropriate to rely on safety concerns and a Building Act notice as justification to grant resource consent. I consider that if the proposal were granted solely because of adverse safety effects an unwanted precedent would be set.

There are 180 heritage listed buildings and structures in the Invercargill City District Plan. Should safety be used as the sole rationale for demolition in this instance, then I consider those same arguments could be used in many other instances in the district, now and into the future.

I consider the replacement built form and future use of the site needs to be known, and that this needs to be suitable to compensate for the significant loss of heritage values.

12.2 Dangerous Building Notice

The Dangerous Building Notice applying to the building is a relevant 'other matter' that weighs towards the consent sought for demolition of the building being granted.

The Dangerous and Insanitary Building Notice requires the owner to address immediate risks to life and weatherproofing. It does not mandate demolition.

13. SECTION 104D GATEWAY TEST

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has **not** been met in that the application **will** have an adverse effect on the environment which is more than minor.

With respect to the second gateway test under section 104D(1)(b), the application is not contrary to the relevant objectives and policies of the Operative District Plan.

Accordingly, as the application has passed one of the gateway tests in s104D, consent can be granted for this non-complying activity.

14. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the RMA details the purpose of the RMA in promoting the sustainable management of the natural and physical resources. Sustainable management is defined as:

managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- (c) Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*

The following matter is of national importance listed in Section 6 of the RMA are must be recognised and provided for:

- (f) the protection of historic heritage from inappropriate subdivision, use, and development.*

The proposal will create significant adverse heritage effects. In my opinion, an alternative development and use of the site that is sufficient to mitigate adverse effects must be proposed and known in order to be able to make a determination that the proposed loss of historic heritage has been adequately mitigated.

Nonetheless, I acknowledge that safety and the need to address a dangerous or insanitary building are relevant components of enabling people and communities to provide for their wellbeing under section 5. However, section 5 also requires adverse effects to be avoided, remedied or mitigated, and section 6(f) elevates the protection of historic heritage to a matter of national importance. In this case, while safety concerns are valid, the evidence before Council does not demonstrate that demolition is the only reasonably practicable means of achieving a safe outcome. The peer review by Origin Heritage indicates that stabilisation, façade retention, weatherproofing and other lower-impact interventions may address safety risks while retaining heritage fabric, and that these alternatives have not been fully investigated or costed.

When weighed against the significant adverse effects on heritage values, streetscape character, amenity, and the risk of a long-term vacant site, I consider that demolition has not been shown to be the least-adverse option under section 5(2), nor consistent with the obligation in section 6(f) to protect historic heritage. On balance, the proposal does not achieve an appropriate Part 2 outcome.

There are no section 7 or 8 matters considered of particular relevance to this proposal.

Overall, when recognising and providing for the protection of historic heritage, I consider the proposal does not promote sustainable management.

15. RECOMMENDATION

I recommend that consent be **declined**. Without inclusion of a proposal to develop the site post removal of the heritage building to achieve greater mitigation, it is considered that:

- Adverse heritage effects are significant;
- The proposal is inconsistent with the objective and policies of the Invercargill City District Plan; and
- The proposal does not achieve the purpose and principles of the Resource Management Act.

Should consent be granted, I have recommended consent conditions, which are attached in Appendix A. As per the above, it is understood that the applicant may also volunteer further conditions.

Report prepared by



Joanne Skuse

CONSULTANT PLANNER

Dated: 23 July 2026

Appendices:

Appendix A: Recommended Consent Conditions

Appendix B: Submissions

- Bruce and Denise Halligan
- Heritage New Zealand Pouhere Taonga- Sarah Gallagher

Additional Reports received post notification:

- 104-106 Dee Street (Briscoe's Building) Invercargill Memorandum Assessing the Effects on Heritage Values - Revised Scope of Works, New Zealand Heritage Properties Ltd May 2026
- The Briscoe's Building, Invercargill/Heritage Peer Review/Origin Heritage/June 26

Appendix A: Recommended Consent Conditions

1. The proposed activity is to be generally undertaken in accordance with the application RMA/2025/115 except where modified by conditions of consent.
2. A Demolition Management Plan (DMP) based on the DMP prepared by Ryal Bush Transport Ltd, which was provided with application RMA/2025/115 shall be submitted to Invercargill City Council (ICC) and be certified by the Planning Manager prior to any demolition works being undertaken. The consent holder must provide a copy of the DMP to Heritage New Zealand Pouhere Taonga (HNZPT) prior to submission to ICC. HNZPT shall be given 15 working days to make comments to the consent holder and ICC. The DMP must include a schedule of significant historical or archaeological features and historic building materials, identified by a suitably qualified heritage practitioner, that are able to be salvaged for reuse on the site or made available to the wider community.

Advice Note: Unlike standard management plans, the specific archaeological feature requirements prioritise the protection and preservation of heritage fabric, archaeological values, and landscape settings, recognising the heightened sensitivity of working within and adjacent to historic environments, including the Dee Street Historic Area.

Note to Commissioner: Compliance may be an issue as there is a note in the DMP stating no internal access to building, because the building is subject to a Dangerous Goods Notice. Confirmation may be sought at the hearing and condition could be limited to external materials only.

3. Significant historical or archaeological features and historic building materials identified for salvage under the above condition, are to be carefully removed and securely stored in a manner that will not cause damage to the materials, for potential reuse on the subject site. Any salvaged features or materials not reused on the site will be made available to the wider community. For clarity, reuse does not include use as fill.
4. Detailed building recordings of the Briscoes building must be completed by a suitably qualified heritage practitioner. The recording of the exterior of the building must be undertaken as far as practicable in accordance with the Level II standards set out in Section 5.3 of the Heritage New Zealand Pouhere Taonga 'Investigation and Recording of Buildings and Standing Structures' (2018) document. Recording of the interior of the building shall be provided utilising information previously gathered due to the lack of available access pursuant to a Dangerous Building Notice. The records of the interior of the building will be provided as far as practicable in accordance with the Level III standards set out in Section 5.3 of the Heritage New Zealand Pouhere Taonga 'Investigation and Recording of Buildings and Standing Structures' (2018) document, The recording must be:
 - a. provided to the Invercargill City Council and to Heritage New Zealand Pouhere Taonga within six months of the demolition being completed; and
 - b. made publicly available by the consent holder for a period of five years from the date of the recording to any interested party at no cost.
5. A Vibration Management Plan (VMP) and a Temporary Protection Plan (TPP) must be prepared and submitted to Invercargill City Council (ICC) (RMAMonitoring@icc.govt.nz). and must be certified by the Manager- Compliance and Enforcement prior to any demolition works being undertaken. The consent holder must provide a copy of the VMP and TPP to Heritage New Zealand Pouhere Taonga (HNZPT) prior to submitting it with ICC. HNZPT shall be given 15 working days to make comments to the consent holder and ICC.

Advice Note: The demolition methodologies within the management plans must ensure that any adverse effects on adjacent heritage buildings, including the Dee Street Historic Area, are appropriately avoided.

Vibration Management Plan

6. The Vibration Management Plan must outline how works will be managed to achieve compliance with with German Standard *DIN 4150-3:2016* (Structural Vibration – Effects of Vibration on Structures), which establishes Peak Particle Velocity (PPV) thresholds designed to avoid damage to adjacent buildings.

There is a heightened risk that vibration from activities such as excavation, demolition, compaction, or heavy machinery could cause cosmetic or structural damage to adjacent sensitive fabric. For works undertaken in proximity to identified heritage, such as the buildings in the Dee Street Historic Area, the VMP should be prepared to mitigate the potential effects of demolition. Vibration-sensitive heritage structures (equivalent to Line 3 in DIN 4150-3), conservative PPV limits in the order of 2-5 mm/s should be adopted and strictly adhered to (*DIN 4150-3: Vibration Effects on Structures*, 1999; NZ Transport Authority Waka Kotahi, 2011).

7. Continued vibration monitoring must be undertaken for the duration of any high-risk activities, using professionally installed and independently calibrated equipment fixed to the heritage structure. Recorded vibration levels should be reviewed in real time and assessed against DIN 4150-3 criteria to confirm that demolition activities are not reducing the serviceability or integrity of the adjacent heritage building. Should alert levels be exceeded, works should cease immediately and demolition methods reviewed (see *NZ Ground Control*, 2026; NZ Transport Authority Waka Kotahi, 2011).

Temporary Protection Plan

8. The Temporary Protection Plan should address the potential for ground movement arising from, for example, excavation or loading changes. It should include appropriate monitoring and stabilisation measures where necessary and provide for the careful management of any surface and groundwater, including drainage control, runoff diversion, and prevention of water ingress to avoid potential deterioration of adjacent heritage fabric. The plan should also require the installation of visual and physical barriers, such as secure site fencing, hoardings, and clear signage around the demolition area. The TPP must be implemented prior to the commencement of works.

Archaeological Management Plan (AMP)

9. All works must be carried out in accordance with an AMP. The AMP shall be submitted to Invercargill City Council (ICC) and certified by the Planning Manager prior to any works being undertaken. The consent holder must provide a copy of the AMP to Heritage New Zealand Pouhere Taonga (HNZPT) prior to submitting it with ICC. HNZPT shall be given 15 working days to make comments to the consent holder and ICC. Any amendments to the AMP will require prior written approval from HNZPT.
10. All earthworks that may affect the archaeological site must be monitored by a person approved under Section 45 of the Heritage New Zealand Pouhere Taonga Act 2014 (or person nominated on their behalf) in accordance with the AMP.
 - a. All earthworks within 104-106 Dee Street must be monitored by an archaeologist.

- b. Any archaeological features and material encountered shall be recorded, analysed, and interpreted in accordance with current archaeological practice and as outlined in the AMP.
- 11. All contractors working on the project must be briefed by the s45 approved person (or person nominated on their behalf) on the possibility of encountering archaeological evidence, how to identify possible archaeological sites/features during works, the archaeological work required by the conditions of the authority, and the contractors' responsibilities with regard to notification of the discovery of archaeological evidence to ensure that the authority conditions are complied with.
- 12. If archaeological material of Māori origin is discovered at any stage, all work must stop. Relevant parties include takata whenua via Te Ao Mārama and HNZPT must be contacted in accordance with the AMP.
 - a. All archaeology will be recorded in agreement with tikaka.
 - b. Any taoka tūturu are prima facie the property of the Crown who will be notified of the find. Taoka tūturu will be registered with the Ministry for Culture and Heritage. The consent holders nominated suitably qualified heritage specialist, in collaboration with manawhenua, shall notify the Ministry of Culture Heritage and establish the most appropriate temporary storage, management and care for taoka tūturu, until such time as traditional or actual ownership is determined, with an appropriate institution or kaitiaki.
- 13. Should kōiwi be encountered, all work must stop. The consent holder or their appointed agent must then contact all potentially affected iwi as soon as practicable, including takata whenua via Te Ao Mārama, HNZPT, and the police. The Ngāi Tahu policy for kōiwi takata shall be followed (Te Rūnanga o Ngāi Tahu, 2019).

Archaeological recording, if appropriate, will be carried out under the direction of Te Ao Mārama.

- 14. Within 20 working days of the completion of on-site archaeological work, the site record forms must be updated or submitted to ArchSite.
- 15. Within 12 months of the completion of on-site archaeological work, a final report on any archaeological material that is found must be prepared in accordance with ASG12 Archaeological Report Guideline (HNZPT, 2023) and submitted to HNZPT for inclusion in the digital library.

Heritage Panel

- 16. Following demolition of the Briscoes Building, a permanent heritage information panel should be installed outlining the history of the site, historical photographs of the extant building, and the results of all archaeological investigations.

Note: The panel could be installed on the corner of Dee and Spey Streets. Future owner(s) should be also encouraged to incorporate on-site interpretation and, ideally salvaged material, within any new development.

It is important that the history of the former post and telegraph office be shared on site. Interpretation should comply with the *ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage Sites* (ICOMOS, 2008), which defines interpretation broadly as:

The full range of potential activities intended to heighten public awareness and enhance understanding of cultural heritage site. These can include print and electronic publications, public lectures, on-site and directly related off-site installations, educational programmes, community activities, and ongoing research, training, and evaluation of the interpretation process itself.

During Construction

17. An Erosion and Sediment Control Plan (ESCP) must be provided to Council for certification prior to demolition works commencing. The ESCP must outline how earthworks will be managed to prevent dust, sediment and erosion from earthworks leaving the site and adversely affecting neighbouring private or public land or waterways. The certified ESCP must be complied with for the duration of the works.
18. Demolition material is to be disposed of at a facility authorised to receive material of that kind.

Note to Commissioner: I recommend that the applicant volunteer a consent condition that they attain resource consent under the NES-CS prior to giving effect to this consent.

19. All existing water and drainage (sewer and stormwater) connections must be sealed off at the mains by an approved contractor. The contractor is to complete the "Drainage Information Sheet" form and return a copy of it to the Building and Planning Services Department of the Invercargill City Council. Note: This document can be emailed to rmamonitoring@icc.govt.nz.
20. Prior to works commencing, details must be provided to Council for certification on how stormwater will be managed on site on an on-going basis, in the area of the Briscoes building footprint.

Note to Commissioner: The purpose of this condition is to ensure stormwater can be managed from the hard surfaces created following removal of the building.

21. Prior to works commencing, a Traffic Management Plan must be provided to NZTA Waka Kotahi and Invercargill City Council for certification. The traffic management plan must detail how vehicle, cycling and pedestrian safety will be managed for the duration of the works. All works must comply with the certified Traffic Management Plan.
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.
23. Damaged footpaths, vehicle crossings and road frontages must be immediately reported to the Council's Engineering Services Department and then reinstated, as soon as practicable within 6 weeks of the demolition being completed. The consent holder is liable and responsible for the contractors undertaking the work, including any damage caused to the footpath, road frontage or vehicle crossing. Any damage is to be repaired by an approved contractor to the satisfaction of the Council's Manager Engineering Services.
24. The site is to be secured and public access prevented while demolition activity is undertaken.

25. Prior to commencing work, the Consent Holder is to:
- Notify the Council no later than 24 hours in advance of the commencement of the work, and on completion of the work (RMAMonitoring@icc.govt.nz).
 - Separate the site from the public during the demolition work as per condition 24.
 - Ensure contractors are made aware of the conditions of this resource consent and how to achieve compliance with these conditions.
26. The consent holder is to maintain a record of any material removed from the site. The recorded information must include the following:
- The date of removal;
 - The name of the contractor;
 - Description and quantity of the material removed;
 - Location of site receiving the material and disposal receipts; and
 - Detail of results from any testing of the material prior to disposal.
 - This record is to be supplied to the Council within 3 months of the completion of work (RMAMonitoring@icc.govt.nz).

Temporary Use of Site

27. 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 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

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.

Note to Commissioner: Should the replacement building be relied upon to mitigate removal of the protected heritage building, I consider the applicant needs to volunteer a consent condition that can ensure this occurs.

Salvage and Reuse of Materials

29. Materials salvaged from the Briscoe's building are to be utilised, where possible, in a future redevelopment or made available for outside parties to utilise in other heritage properties. These features include but are not limited to:
- window sashes;
 - pressed tin ceilings;
 - iron columns; nineteenth century/early twentieth century doors;
 - original undamaged linings;

- Spey Street staircase, newel post and handrail;
- heavy architraves; and
- leadlight windows from interior office, first floors.

Note: Historic buildings and structures contain a rich assemblage of building materials, and the District Plan respects this valuable resource. Rule 3.8.10 (D) of the District Plan identifies that the potential for reuse and/or recycling of materials or heritage features be addressed.

Advice Notes

1. Please note that an approved corridor access request (CAR) will be required before any work is carried out on the road reserve. Please contact the Council's Road Corridor Department to arrange this and to ascertain the standards for working within the road. When applying for the CAR you should point out that you also need to satisfy subdivision consent conditions.
2. The consent holder is responsible for ensuring that they are aware of their obligations to meet the regional council plans.
3. An Archaeological Authority must be obtained from Heritage New Zealand Pouhere Taonga prior to any earthworks or demolition activity commencing on the site.

Note to Commissioner: There may need to be changes to recommended consent conditions, should any further changes or mitigation be proposed prior to/at hearing.

Appendix B: Submissions

Submission On An Application for Resource Consent Publicly Notified
Under Section 95(A) or Notice Which Is Served Under Section 95(B)



SECTIONS 41D, 95(A), 95B, 95C, 96, 127(3) AND 234(4) RESOURCE MANAGEMENT ACT 1991

Submitter Details

Full name and address

BRUCE AND DENISE HALLIGAN

Email Address*

bhalligan@xtra.co.nz

Contact Phone Number

027 223 8048

Postal Address

39 OTENAMIKA ROAD

INVERCARGILL 9812

* All Council correspondence will be sent to the email address provided.

Application Details

This is a submission on an application from

Full Name of Applicant

104 DEE STREET PARTNERSHIP

Details of application (Briefly describe the proposed activity)

DEMOLISH NZHPT CAT 2 HERITAGE BUILDING

Location of the application

104-106 DEE STREET

Submission

My submission is to include



I support the application



I am neutral regarding the application or specific parts of it



I oppose the application or specific parts of it

Submission - Continued

The reasons for my submission are [continue on separate page if required]

WHILE NORMALLY WE WOULD ADVOCATE FOR RETAINING HERITAGE BUILDINGS, THIS SITUATION HAS GONE ON WAY TOO LONG AND IS A BLIGHT ON THE C.B.D. THE APPLICANT HAS PRESENTED A CREDIBLE APPLICATION, AND PRAGMATISM IS REQUIRED IN DECISIONMAKING. THE CURRENT SITUATION IS ALSO VERY DIFFICULT FOR DISABLED PERSONS TRYING TO NAVIGATE ALONG DEE STREET, AND ALSO. MAKES IT VERY TOUGH FOR BUSINESSES IN THE AREA.

My submission would be met by the Council making the following decision;
(give precise details, including the general nature of any conditions sought. Continue on separate page if required).

GRANTING THE CONSENT SOUGHT SUBJECT TO APPROPRIATE CONDITIONS TO ENSURE NO DAMAGE TO ADJACENT BUILDINGS, CONDITIONS RECOMMENDED BY HERITAGE ASSESSMENT INCLUDING MAKING MATERIALS AVAILABLE FOR USE IN OTHER HERITAGE RESTORATIONS WHERE APPROPRIATE.

☐ I do ☒ do not (tick one) wish to be heard in support of my submission.
(A hearing of the application may not occur if all affected parties state that they do not wish to be heard).

If others make a similar submission, ☐ I will ☐ will not (tick one) consider presenting a joint case with them at a hearing.

☐ I am ☒ am not (tick one) a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (refer to note to submitter)

Note to Submitter

- The closing date for serving a submission on the Council is the 20th working day after public or limited notification is given.
- You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the Council.
- If you are a trade competitor your right to make submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
- If you make a request under section 100 of the Act for a Hearing Commissioner to hear this application, you must do so in writing to the Council no later than 5 days after the close of submissions. You may be liable to meet or contribute to the costs of the Hearings Commissioner.

Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following matters apply to the submission or part of the submission.

- it is frivolous or vexatious.
- it discloses no reasonable or relevant case.
- it would be an abuse of the hearing process to allow the submission (or the part of the submission) to be taken further.
- it contains offensive language.
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Signature of Submitter



Signature of person making submission or person authorised to sign on behalf of person making submission.
(Signature is not required if the submission is made by electronic means).

1/10/2025
(Date Submitted)

Send the completed submission or hand in to us at:

Environmental and Planning Services
Invercargill City Council
Private Bag 90104
Invercargill
Email: ResourceConsents@icc.govt.nz



HERITAGE NEW ZEALAND
POUHERE TAONGA

8 October 2025

Invercargill City Council
c/o Environmental and Planning Services
Private Bag 90104
Invercargill

By email: ResourceConsents@icc.govt.nz

Tēnā koe,

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA ON RESOURCE CONSENT
APPLICATION 104-106 DEE STREET, INVERCARGILL**

To: Invercargill City Council (ICC)
Name of submitter: Heritage New Zealand Pouhere Taonga (HNZPT)

1. This is a submission on a resource consent application for a land use consent for the demolition of the Briscoe and Company Building (Former) at 104-106 Dee Street, a Category 2 Historic Place on the New Zealand Heritage List/Rārangī Kōrero and scheduled on the Operative Invercargill District Plan (ODP).
2. HNZPT could not gain an advantage in trade competition through this submission.
3. HNZPT's submission relates to the protection, preservation, and conservation of New Zealand's historic and cultural heritage.
4. There are two main pieces of legislation in New Zealand that control work on historic heritage. These are the Resource Management Act 1991 (RMA) and the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). HNZPT administers the HNZPTA.

Resource Management Act 1991

5. The RMA requires district councils to manage the use, development, and protection of natural and physical resources in a way that provides for the wellbeing of today's communities while safeguarding the options of future generations. The protection of historic heritage from inappropriate subdivision, use, and development is identified as a matter of national importance (Part 2, subsection 6(f)).
6. Historic heritage is defined as those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, derived from archaeological, architectural, cultural, historic, scientific, or technological qualities. Historic heritage includes:

- a. historic sites, structures, places and areas;
 - b. archaeological sites;
 - c. sites of significance to Māori, including wāhi tapu; and
 - d. surroundings associated with the natural and physical resources (section 2, RMA).
7. Where resource consent is required for any activity, the assessment of effects is required to address cultural and historic heritage matters (4th Schedule, RMA).

Heritage New Zealand Pouhere Taonga Act 2014

8. Under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA), Section 42, the permission of HNPT must be sought prior to the modification, damage, or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as:
- a. any place in New Zealand, including any building or structure (or part of a building or structure), that:
 - i. is 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
 - iii. includes a site for which a declaration is made under section 43(1).
9. An Archaeological Authority is required for any works that may modify or destroy an archaeological site, including earthworks that will modify recorded or yet unrecorded sites, and the demolition of the whole of a pre-1900 building. It is an offence to undertake activities that may modify or destroy an archaeological site unless authorised by an Archaeological Authority issued under the HNPTA. A building consent or resource consent does not constitute such authorisation.

Proposal Site

10. The wider context within which 104-106 Dee Street is located has a long history associated with Māori activity, the colonial development story of Invercargill, and the wider Southland region. Although there are a few recorded archaeological sites that relate to Māori activity within the Invercargill city centre; historical evidence, oral traditions and the few archaeological sites that have been recorded in the vicinity, indicate that there was a mana whenua presence in the area, making use of the local Mahika kai, travelling through the area to continue along the coast or between southern Māori settlements.
11. The land now occupied by 104-106 Dee Street was originally surveyed as Section 22 Block I, Town of Invercargill. In November 1858, William Inverarity purchased the section and in 1867 this was transferred to Robert Tapper, who owned a timber yard on the corner section. As business grew a building was erected in 1878. A partnership formed between Walter Guthrie and William James Mudie Larnach, later Member of Parliament and owner of Larnach's Castle in Dunedin, to run and expand the business founded by Tapper.
12. The building was later used by Briscoe and Co. Ltd, the well-loved homewares company until the 1970s. From the 1970s onwards, alterations were made to convert the building to accommodate a shopping mall, called the Pall Mall Arcade.

13. A fire in September 2023 significantly damaged the building. After a structural assessment of the building, a dangerous building and insanitary notice was issued, and temporary protection measures were put in place to secure the building. The building remains unoccupied, exposed to the elements, leading to deterioration of the historic building.
14. The building is a Category 2 Historic Place on the New Zealand Heritage List/Rārangī Kōrero (List No. 2448) and is scheduled on the Operative Invercargill City Council District Plan (ODP) (Ref. No. 18), which recognises the historical significance the building holds for the city of Invercargill. As the site and the building pre-date 1900, it is also an archaeological site, which is protected under the HNZPTA (Sec. 42).

Effects on Heritage

15. The proposed activity of demolition is non-complying pursuant to Rule HH-R9 of the Operative Invercargill City Council District Plan. The demolition of the building and clearing of the site in preparation for the potential construction of a new building has been assessed in the Assessment of Environmental Effects (AEE) by Bonisch Consultants Ltd as being 'consistent with the objectives and policies of the Operative Invercargill City District Plan. The demolition will in itself considerably improve amenity in the CBD.'
16. HNZPT supports the redevelopment of the site to unlock the economic and social potential of this central Invercargill site but considers that this could occur equally well through a proposal which retains the heritage façades and sympathetically incorporates a new building behind these. Whilst the fire has damaged the interior of the building, the exterior façades remain largely unscathed and therefore have the potential to be repaired and adaptively reused as part of a new development behind. The loss of heritage fabric in the interior of the building is undesirable, however we understand that, due to its condition following the fire and costs associated with its restoration, a pragmatic approach is now required.
17. As such HNZPT would consider the retention of the façades and architectural symmetry of the heritage area of Invercargill's CBD as an acceptable compromise. The building is a Category 2 Historic Place on the List and a prominent building within the Dee Street Heritage Precinct. The full demolition of the building would result in cumulative effects within the heritage precinct zone. The loss of the architectural symmetry of the façades of the Briscoe and Company Building (Former) within the historic area will significantly impact the streetscape and result in more than minor adverse effects. Heritage precincts are of special value as they reflect the character of the city at different times in history. It is important that these precincts are protected so that the community can understand its past while it looks to the future. HNZPT considers the retention of the façades as an acceptable compromise which enables new development whilst still retaining the most significant fabric of this heritage building.
18. Furthermore, HNZPT finds that the Heritage Impact Assessment (HIA) submitted with the AEE does not consider the effects on historic heritage of the proposed works. The HIA was prepared by New Zealand Heritage Properties in August 2024 prior to confirmation of the final proposal for the site. Instead, the HIA notes the overall high aesthetic, architectural, historical, social and archaeological values of the building and site, details the remaining heritage fabric (exterior and interior), and recommends the retention, repair, and adaptive re-use of the building.
19. Therefore, HNZPT urges that council requires the applicant to commission a Heritage Impact Assessment which assesses the actual impacts on heritage from the proposed RC. Until such an

HIA has been prepared this RC application remains incomplete and does not give effect to Section 6 (f) of the RMA.

20. Section 6(f) of the RMA requires consenting authorities to give effect to the protection of historic heritage from inappropriate subdivision, use and development. Council has identified the building as a heritage item for protection under the ODP (Ref. No. 18), even though the building has been damaged by a fire there are still prominent features that contribute to the overall high significance of the building. Consenting authorities must ensure when considering a consent that the application has been founded upon an assessment of whether destruction of historic heritage is a balanced response, and a fair and 'appropriate' outcome. HNZPT does not hold the view that the demolition of the building would result in an appropriate outcome and considers it to be contrary to the objectives and policies of the historic heritage chapter of the ODP.
21. Furthermore, Section 104 of the RMA provides guidance for considerations the consenting authority must have regard to when assessing a resource consent application. HNZPT considers the proposal to be contrary to both section 104D clauses 1a and 1b as the proposed activity has more than minor effects and does not meet the objectives and policies of the ODP in relation to heritage protection. Especially HH-P5, which aims to promote active management, in particular adaptive re-use of heritage buildings to *"Investigate and evaluate all reasonable means of restoration, adaptations, re-use or relocation as alternatives to demolition"*. In the explanation within the policy in the ODP, heritage should be actively managed to ensure that potential restoration and adaptation is identified and pursued at the earliest opportunity. HNZPT does not consider that the owners of the building have sufficiently investigated all reasonable means for the retention and restoration of the remaining heritage fabric of the building.
22. HNZPT staff have been in frequent contact with the owners since the fire in 2023 to provide heritage advice and to discuss support and funding options. The owners are eligible for HNZPT's National Heritage Preservation Incentive Fund (NHPIF). However, an application to the fund in August 2024 was unsuccessful due to the building being listed for sale. Once ownership is confirmed, by either the current or new owners, HNZPT will work with them to apply for funding through the NHPIF in upcoming rounds, to assist with costs relating to any necessary reports and/or works which will enable the retention, stabilisation, and restoration of heritage fabric.

Effects on Archaeology

23. An archaeological assessment relating to the proposed works has not been included in the resource consent application. As per the HNZPT Act 2014 (Sec. 42) an archaeological authority is a separate requirement that applies to all archaeological sites, whether recorded or not. An archaeological authority is required regardless as to whether other consents or permissions have been granted pursuant under other legislation, for example resource or building consent.
24. To determine the effects on archaeological values of the development area from the proposed activity, HNZPT recommends that an archaeological assessment is undertaken by a consultant archaeologist. An archaeological assessment covers the history of occupation within the development area, the scope of the development and the likelihood of modifying, damaging, or destroying any archaeological sites.
25. HNZPT recommends avoidance of potential archaeological features and mitigation of adverse effects to any archaeological sites wherever possible. The archaeological assessment will inform decisions around the avoidance of adverse effects to archaeology. For any areas not covered by

an archaeological authority, the Heritage New Zealand Accidental Discovery Protocol should be followed.

Relief Sought by Heritage New Zealand Pouhere Taonga

26. A Heritage Impact Assessment specifically assessing the impact of demolition on this heritage building and site is prepared and considered prior to the application being determined.
27. Should Invercargill City Council grant resource consent for 104-106 Dee Street, the following is included as a condition of consent:
 - a. The retention of the façades of the Briscoes Building (Former), including any stabilisation works required for the façades using best practice heritage conservation,
 - b. An assessment of the proposed works is to be undertaken by a suitably qualified and experienced consultant archaeologist prior to the commencement of any works. The archaeological assessment will cover the history of occupation within the development area, the scope of the development, and the likelihood of modifying, damaging, or destroying any archaeological sites. The archaeological assessment will determine whether an archaeological authority is required for the proposed works.
28. Heritage New Zealand Pouhere Taonga wishes to be heard in support of this submission.

Kā mihi,



Eva Forster-Garbutt
Area Manager | Kaiwhakahaere a-Takiwa

Address for Service:

James Sutherland
Kaiwakamāhere | Planner, Otago Southerland
Heritage New Zealand Pouhere Taonga
PO Box 5467
Dunedin 9054
Email: jsutherland@heritage.org.nz