IN THE MATTER AND IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing of Submissions and Further Submissions on the Proposed Gore District Plan

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Gore District Plan - Decisions on Submissions
Topic 41: Historic Heritage

Hearings Panel Members

Keith Hovell

Glenys Dickson

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Dates of Hearing
2 December 2024
7 April 2025

Index

Page

1. Introduction

1.1 Scope of this Decision 1
1.2 Abbreviations 1
1.3 Statutory Considerations 1
1.4 Procedural Matters 2

2. The Hearings

2.1 The Substantive Hearing 2
2.2 Reconvened Hearing 3
2.3 Other Hearings 3

3. Historic Heritage Provisions

3.1 Standalone Submissions in Support 3
3.2 Interpretation 4
3.3 General Submissions 4
3.4 Policy HH-P2 5
3.5 Policy HH-P4 5
3.6 Policy HH-P6 6
3.7 Policy HH-P7 6
3.8 Policy HH-P9 7
3.9 Policy HH-P11 8
3.10 Policy HH-P12 9
3.11 Note 2 10
3.12 Rule HH-R1 11
3.13 Rule HH-R4 11
3.14 Rule HH-R5 11
3.15 Rule HH-R7 13
3.16 Archaeological Sites Mapping 13

4. Heritage Schedule

4.1 General 14
4.2 HH-32 Municipal Band Hall 15
4.3 HH-80 Former Mataura Dairy Factory 16
4.4 HH81 Former Gore Dairy Factory 16
4.5 HH83 Otama Presbyterian Church 19

4.6 HH86 Former Anglican Church of St Philip & St James..... 20

Appendix A. Submissions (attached as a separate document)

Appendix B. Plan Chapter (attached as a separate document)

1 Introduction

1.1 Scope of this Decision

1.1.1 This document details the evaluation and decisions of the Hearings Panel on the submissions and evidence considered in relation to the Historic Heritage chapter. The Hearings Commissioners comprising the panel for this hearing were Commissioners Cliff Bolger, Keith Hovell, Glenys Dickson and Maria Bartlett.

1.1.2 This Decision focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, we have adopted the recommendations, and the underlying evaluation contained in the s42A Report prepared by Tina Carlson-McColl.

1.1.3 Attached is the updated provisions for the Public Access chapter, referencing changes authorised by this and other Decisions of the Hearings Panel. Changes made in response to submissions are shown in normal black font, with text either underlined for additions or as ~~strikethrough~~ for deletions. A reference is also provided of the decision and paragraph number giving rise to the changes in response to submissions. Amendments made to the PDP pursuant to clause 16(2) are shown in the updated District Plan chapters in a green font. Shown in a red font are consequential numbering changes arising from provisions being added or deleted.

1.1.4 Appendix A lists the submissions considered in this decision and their outcome, described as accepted, accepted in part or rejected. For convenience, the Panel has chosen to make decisions on original submissions only. By implication, but not explicitly, it has also made decisions in relation to further submissions.

1.1.5 Attention is also drawn to Decision 2, Whole of Plan and Repeated Submissions that responds to submissions lodged to the District Plan as a whole, together with those lodged to multiple zones and/or chapters in the PDP. In some cases, these submissions may result in amendments to this chapter as well. Any such changes are annotated as a footnote in the updated provisions.

1.2 Abbreviations

1.2.1 In preparing this decision the Panel has used the following abbreviations:

Full Text	Abbreviation
Clause 16(2) of the First Schedule of the RMA	cl 16(2)
Gore District Plan	Plan
Hearings Panel	Panel
Heritage NZ Pouhere Taonga	HNZPT
Heritage NZ Pouhere Taonga Act 2014	HNZPTA
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Proposed Gore District Plan	Proposed Plan or PDP
Report prepared under section 42A of the RMA	s42A Report
Resource Management Act 1991	RMA
RMA section	s
Southland Federated Farmers of NZ	Federated Farmers

1.3 Statutory Considerations

1.3.1 The Panel's Decision1 Preliminary Matters and Statutory Requirements Relevant to Decisions sets out the legal framework and requirements for preparing a District Plan, as well as case law referred to in legal submissions and evidence provided to the Panel. This framework is not repeated in this Decision. Rather, this Decision should be read in conjunction with Decision1.

1.3.2 In s42A reports to the Panel, the authors are required to consider any alternative provisions put forward in the context of s32, and when changes are recommended, a further assessment under s32AA is provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s32AA also applies to the Panel if it decides to make changes to the Plan in response to submissions which materially depart from the notified version.

1.3.3 Through Minute 5, the Panel requested submitters seeking changes to District Plan provisions to have regard to the s32 provisions and provide material to the Panel that would facilitate any additional s32AA assessment required if it was of a mind to accept the changes they sought.

1.3.4 Where the Panel has made amendments to the Proposed Plan that are consistent with the recommendations contained within the s42A Reports and associated evidence the Panel has adopted the s32AA analysis contained within those reports and evidence, unless expressly stated otherwise. Those reports are part of the public record and are available on the Council's website.

1.3.5 Where the Panel has made amendments to the Proposed Plan that are not contained within the s42A Report, or which were not subject to a s32AA assessment provided by submitters, the Panel has undertaken the required s32AA analysis and has incorporated it into the body of the decision, with the required assessment forming part of the evaluation. The Panel is satisfied that the required substantive assessment has been undertaken where required.

1.4 Procedural matters

1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, on the submissions relating to this Decision.

1.4.2 No member of the Panel identified any conflicts of interest.

1.4.3 No procedural matters were raised at the hearings with regard to the Historic Heritage chapter.

1.4.4 No matters of trade competition were raised.

2 The Hearings

2.1 The Substantive Hearing

2.1.1 The substantive hearing in relation to this topic was held on 2 December 2024 at the Gore District Council administration building, in Gore. Submissions with regard to the Historic Heritage chapter were heard together with those to the Trees Chapter.

2.1.2 Prior to the hearing, the Panel received a s42A Report from Tina Carlson-McColl, that considered all submissions lodged to the Historic Heritage chapter and relevant definitions. Her report contained expert advice from Dr Chris Jennings (Senior Archaeologist, Southern Pacific Archaeological Research) and Dr Ann McEwan (Principal of Heritage Consultancy Services)

2.1.3 At the commencement of the hearing, the Panel received supplementary evidence from Tina Carlson-McColl responding to matters raised in the evidence and additional information received by the Panel. The Panel sought clarification from her, Dr Chris Jennings and Dr Ann McEwan regarding matters contained in the s42A Report and supplementary evidence at the commencement of the hearing.

2.1.4 Submitters who appeared at the substantive hearing are shown in Table 1.

Table 1: Hearing HS8 – Historic Heritage – Submitters Attending the Hearing			
No.	**Submitter**	**Attendees**	**Nature of Evidence**
S32, S33, S35, S37, S154	Telcos	Tom Anderson Graeme McCarrison	Video Link Video Link
S101, FS30	Transpower NZ Ltd	Ainsley McLeod	Video Link
S123	Heritage NZ	James Sutherland Sarah Gallager Rebecca Benham	Video Link

2.1.5 All written material received by the Panel is available on the Council's web site.

2.2 Reconvened Hearing

2.2.1 An additional hearing was held on 7 April 2025 to consider submission S131.001 PA & JE Johnstone Family Trust that sought the removal of Heritage Item HH81 being the former Gore Dairy Factory at 146 Broughton Street, Gore. Prior to the hearing, the Panel received a statement of evidence from Robin Miller, a Chartered & Registered Building Surveyor and RICS Certified Historic Building Professional that supported the submission. The Panel also received a statement of supplementary evidence from Tina Carlson-McColl. Her report contained expert advice from Dr Ann McEwan responding to the evidence of Robin Miller.

2.2.2 Paul Johnstone appeared in person at the reconvened hearing representing the Johnstone Family Trust, together with Robin Miller.

2.2.3 All written material received by the Panel is available on the Council's web site.

2.3 Other Hearings

2.3.1 Decision 2 lists the submissions lodged to the Whole of the Plan. Submission S139.040 Hokonui Rūnanga Inc raises issues relevant to this decision and in that regard, relevant evidence was received by the Panel during the hearings to consider submissions to the Mana Whenua and Sites of Significance to Māori chapters from:

- Courtney Bennett for the Gore District Council
- Amy Beran for Hokonui Rūnanga

2.3.2 The Panel received evidence in HS3 on 22 July 2024, HS8 on 5 December 2024 and HS9A on 19 February 2025 from Courtney Bennett and Amy Beran, which included recommendations on provisions in the CCZ that manage effects on Ngāi Tahu cultural values. For provisions where there were no matters in contention or further recommendations arising from evidence received in HS8 or HS9A, these are not discussed further in this decision. Otherwise, discussion the evidence is included in his decision in relation to particular provisions of the chapter.

3 Historic Heritage Provisions

3.1 Standalone Submissions in Support

Submitter (S)	Decision Requested
S126.004 Southland Federated Farmers of NZ S115.005 Kevin Robertson S143.016 Rural Ratepayers Group S148.017 Alistair & Bernadette Hunt S60.007 Ronald Crispin S68.125 John Baynes	Retain Interpretation: Additions
S126.032 Southland Federated Farmers of NZ S115.033 Kevin Robertson S143.044 Rural Ratepayers Group S148.045 Alistair & Bernadette Hunt S60.035 Ronald Crispin	Retain Interpretation: Modify

S68.153 John Baynes	
S125.027 Ministry of Education	Retain as proposed HH-O1
S125.029 Ministry of Education	Retain as proposed HH-P3
S126.073 Southland Federated Farmers of NZ S115.074 Kevin Robertson S143.085 Rural Ratepayers Group S148.086 Alistair & Bernadette Hunt S60.076 Ronald Crispin S68.194 John Baynes	Retain HH-P14 as drafted.
S109.044 Department of Conservation	Retain HH-SCHED3-HH-A3 as notified.
S109.045 Department of Conservation	Retain HH-SCHED3-HH-A4 as notified.

3.1.1 There were no opposing submissions or submissions seeking change to the provisions above that are supported. Accordingly, these submissions are acknowledged and accepted.

3.2 Interpretation

Submitter (S)	Decision Requested
S123.003 Heritage NZ Pouhere Taonga	Interpretation alteration: Amend: in relation to an historic heritage item: it means any changes to the fabric or characteristics of a building and its setting involving, but not limited to...

3.2.1 The Panel accepts the advice of Tina Carlson-McColl at paragraph 63 of her s42A Report where she states “alteration” is referred to in a number of the rules in the Heritage chapter, and including the addition sought impacts on those rules in an unintended way. The Panel also notes Rule HH-R4 applies explicitly to the setting of listed heritage items, and as such the addition to the definition is not necessary. Accordingly, this submission is rejected.

3.2.2 The Panel also notes Heritage NZ did not speak to this issue at the hearing.

3.3 General Submissions

Submitter (S) Further Submitter (FS)	Decision Requested
S123.001 Heritage NZ Pouhere Taonga	Adopt the provisions of the Gore District Plan relating to historic heritage, including cultural heritage and archaeology, except where amendments are sought in other submission points
FS5.14 Hamish Weir	Disallow in part S123.001 Heritage NZ Pouhere Taonga. Only apply the provisions to heritage buildings that are significant to the residents of the Gore District and/or of National Significance.

3.3.1 The Panel notes the general support of Heritage NZ for the historic heritage provisions in the PDP. As some of the amendments sought by Heritage NZ are not accepted by the Panel, submission S123.001 Heritage NZ Pouhere Taonga is accepted in part.

3.3.2 Hamish Weir implies heritage buildings that are not of significance should be deleted from the PDP. In the Panel’s view that ignores the process adopted in assessing the values of buildings prior to inclusion in the PDP, as in the Panels view only those buildings of significance to the District and nationally are included. The Panel also considers the further submission goes beyond the submission lodged and cannot be actioned in any case.

Submitter (S)	Decision Requested
S123.020 Heritage NZ Pouhere Taonga	Add Heritage NZ Pouhere Taonga Act 2014 hyperlink

3.3.3 The Panel notes a hyperlink has been provided on page 183 of the PDP when the Heritage New Zealand Pouhere Taonga Act 2014 is referred to. The Panel has been advised that the district plan incorporating decision will be provided in an electronic format and that will enable various links to other provisions in the Plan, including definitions, as well as links to external sites and relevant documents. The Panel supports this approach but considers

that it is a technical issue unrelated to the actual content of the PDP. Whether it is necessary or practical to add a hyperlink to every reference to a particular Act cannot be determined by the Panel. Accordingly, the Panel notes and accepts in part submission S123.020 Heritage NZ Pouhere Taonga, recognizing the desirability of adding hyperlinks with the electronic version of the District Plan.

3.4 Policy HH-P2

Submitter (S)	Decision Requested
S84.002 John Sheddan	A formal review of buildings, their condition, and the significance of them needs to be completed, not arbitrary nomination by Council appointees. Owners feel unfairly burdened by the maintenance requirements and associated costs imposed without consultation or review. Changing a building's status without owner input and subsequently shifting costs creates an unreasonable situation hindering development prospects for Gore for many the historical nature and original function of the buildings have not been maintained or modifications have negated these historical benefits.
FS5.15 Hamish Weir FS21.068 Yrless Ltd	Allow S84.002 John Sheddan

3.4.1 The Panel agrees with the advice of Tina Carlson-McColl at paragraph 95 of her s42A Report where she refers to the robust assessment that has been undertaken by an experienced expert, Dr Ann McEwan, during the process of preparing the PDP, and again in responding to submissions lodged opposing the listing of individual buildings.

3.4.2 The Panel notes the Council does not have a suitably qualified and experienced member on staff to undertake the work and assessment required to underpin the historic heritage status of buildings. In the Panel's view the listing of buildings in the District Plan is not an arbitrary nomination by Council appointees, nor does the Panel consider that the historical or social significance attributed to buildings on the register has been arbitrarily attributed to them.

3.4.3 The Panel also notes that the owners of properties were consulted when the PDP was being drafted, and through the submission and hearing process have an opportunity to individually question the assessments undertaken and provide additional relevant information.

3.4.5 For the reasons above, submission S84.002 John Sheddan is rejected.

3.5 Policy HH-P4

Submitter (S)	Decision Requested
S139.055 Hokonui Rūnanga Inc	Amend clause 5 to specify the particular effects of concern to mana whenua to read: "5. will enable the continued use of a heritage item in line with its recorded cultural heritage values or provide for ongoing access to mahinga kai sites along the Mataura River and its tributaries."

3.5.1 Tina Carlson-McColl at paragraph 79 of her s42A Report recommended to accept this submission. However, the Panel disagrees. The definitions of mahinga kai is as follows:

> Means the same as outlined in MW – 2.3.3.3 and is an all-inclusive term that refers to the ability to access resources for harvesting, the site where gathering of these resources occurs, the act of gathering and using the resource, and the good health of the resource. As a result of this practical focus, mahinga kai is considered by Hokonui Rūnanga to be, in today's language, the principal 'environmental indicator' in natural systems. If mahinga kai is not present, or is unsafe to harvest, then that natural system is under stress and requires remedial action. Mahinga kai was and is central to the Ngāi Tahu and Hokonui way of life. The collection and processing of mahinga kai is an important social, cultural, environmental, and economic activity contributing to the overall well-being of Ngāi Tahu whānui. Mahinga kai practices rely on thriving and abundant biodiversity, safe and aesthetically pleasing places to practice, and

the active transfer of knowledge between people. These attributes are dependent on the sustainable management of many other natural resources in the takiwā, especially waterbodies and the management of stormwater. Hokonui Rūnanga expect to be able to practice mahinga kai in our takiwā at multiple locations that are deliberately selected for the quality of the resource and its ability to sustain itself.

3.5.2 It is apparent to the Panel that mahinga kai practices are not limited to the Mataura River but can take place in "multiple locations". Given the description in the definition, the Panel concludes the additional wording sought for the policy is inappropriate and submission S139.055 Hokonui Rūnanga Inc is rejected.

3.6 Policy HH-P6

Submitter (S)	Decision Requested
S123.005 Heritage NZ Pouhere Taonga	Amend HH-P6 to require development of all new buildings and structures within the setting of a heritage item to be appropriately considered against the matters identified. "Within the identified setting of a scheduled heritage item, enable minor works, maintenance and repair, and temporary activities ~~and some small scale buildings and structures~~"

3.6.1 It was the recommendation of Tina Carlson-McColl at paragraph 109 of her s42A Report to reject this submission. While the Panel agrees with her assessment that it is appropriate to enable small scale buildings within the identified setting of a scheduled heritage item, it has concerns there is uncertainty arising from the use of the word "some". The Panel notes the associated rule HH-R4 refers to non-habitable buildings and considers adopting similar wording is appropriate.

2.6.2 It is also the Panel's view that the policy would read better if split into two parts. Such change is a minor matter under Clause 16(2) of the First Schedule.

2.6.3 Submission S123.005 Heritage NZ Pouhere Taonga is accepted in part by amending Policy HH-P6 as follows:

HH-P6 Within the identified setting of a scheduled *heritage item:*

(a) enable minor works, *maintenance* and repair, *temporary activities* and ~~some~~ small-scale non-habitable *buildings* and *structures; and*

(b) manage other works including *earthworks*, new *buildings* and *structures* to ensure that the proposal:

3.7 Policy HH-P7

Submitter (S) Further Submitter (FS)	Decision Requested
S32.040 One NZ Group Ltd S35.040 Chorus NZ Ltd S33.040 Forty South S37.040 Connexa Ltd S154.040 Spark NZ Trading Ltd	Delete HH-P7 given Rule INFR-R
FS11.005 Heritage NZ Pouhere Taonga	Disallow S32.040 One NZ Group Ltd
FS21.070 FS21.069 FS21.071 FS21.072 FS21.073 Yrless Ltd	Allow S32.040 One NZ Group Ltd, S35.040 Chorus NZ Ltd, S33.040 Forty South, S37.040 Connexa Ltd, S154.040 Spark NZ Trading Ltd

3.7.1 It was the recommendation of Tina Carlson-McColl at paragraph 134 of her s42A Report to reject this submission, stating that deletion of the policy "would mean that the Historic Heritage provisions would not fully meet the requirement for heritage protection under s6(f) of the RMA. In her view, the provision and importance of infrastructure does not override matters of national importance.

3.7.2 Tom Anderson in giving evidence on behalf of the telecommunication companies referred

to the provisions s42 of the Heritage New Zealand Pouhere Taonga Act 2014, noting unless an archaeological authority is granted in respect of an archaeological site, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site. It was his view that the process for applying for an archaeological authority appropriately regulates the matters that Policy HH-P7 seeks to consider and the matters relating to the regulation of archaeological sites are best left to a single piece of legislation (the Heritage New Zealand Pouhere Taonga Act 2014) and are not regulated in a District Plan. As a consequence, the submitters sought deletion of the Policy.

3.7.3 The Panel sought clarification on matters raised by Tom Anderson from James Sutherland who gave evidence on behalf of Heritage NZ. It was his explanation that in determining an archaeological authority regard was only given to those matters below the ground.

3.7.4 On the basis of all material presented for the hearing, the Panel concludes the provisions of the district plan do not duplicate the process and considerations in determining an archaeological authority.

Submitter (S) Further Submitter (FS)	Decision Requested
S121.051 Alliance Group Ltd	Recognise low impact development, including on existing structures where appropriate and amend as follows: Manage activities within or around archaeological sites to allow for low impact <u>development</u>,~~ the~~ use, maintenance and repair of existing <u>structures,</u> infrastructure and above ground network utilities, and ensure that the proposal:
FS11.021 Heritage NZ Pouhere Taonga	Disallow S121.051 Alliance Group Ltd

3.7.6 The Panel recognises the unique circumstances applying to buildings and other development that has occurred on the Alliance site abutting the Mataura River. This highlights the desirability of enabling limited land disturbance and change to existing structures, as provided for amendments being made to Rule HH-R5 in section 3.14 below. The Panel therefore adopts the recommendation of Tina Carlson-McColl at paragraph 135 of her s42A Report.

3.7.7 The Panel also agrees with the view expressed by Heritage NZ that this policy and associated rule (HH-R5) should not apply to new buildings. Rather, the Panel accepts that new buildings should be assessed having regard to matters set out in the policy and rule.

3.7.8 Submission S121.051 Alliance Group Ltd ius accepted in part by amending Policy HH-P7 as follows:

Manage activities within or around *archaeological sites* to allow for low impact use, <u>limited land disturbance and changes to existing structures</u>, *maintenance* and repair of existing *infrastructure* and above ground *network utilities*, and ensure that the proposal: …

3.8 Policy HH-P9

Submitter (S) Further Submitter (FS)	Decision Requested
S126.070 Southland Federated Farmers of NZ S115.071 Kevin Robertson S143.082 Rural Ratepayers Group S148.083 Alistair & Bernadette Hunt S60.073 Ronald Crispin S68.191 John Baynes	Amend HH-P9: 1. there are measures to minimise obstruction of public access, <u>if access has been granted by the landowner</u>**,** and/or views of the heritage item or archaeological site from adjoining public places, where relevant and appropriate;
FS11.024 Heritage NZ Pouhere Taonga	Not stated. HNZPT considers that the intent of the submission point has been achieved as the policy states obstruction of access is to be minimised "where relevant

	and appropriate". However, would not oppose the addition of this matter of clarification. The majority of heritage sites and buildings are not publicly accessible, unless authorised under section 15 of the HNZPTA

3.8.1 The Panel understands the concerns of the submitters, that at the time of subdivision of land containing a registered heritage structure, contrary to the views of the landowner, a condition could be imposed requiring provision of public access to that structure.

3.8.2 Tina Carlson-McColl at paragraph 147 of her s42A Report stated;

> Although I agree that access to private property requires landowner consent, the policy does not seek to grant public access but to minimise obstruction of public access (and public view) "where relevant and appropriate"

3.8.3 While the Panel agrees with the assessment of Tina Carlson-McColl, it considers that a minor addition to the policy will meet the concerns of the submitters.

3.8.4 The Panel also notes the comment from Heritage NZ that the majority of heritage sites and buildings are not publicly accessible, unless authorised under s15 of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) The Panel does not consider any qualification is required in the policy referring to the Heritage NZ legislation.

3.8.5 Submissions S126.070 Southland Federated Farmers of NZ and others are accepted in part by amending clause (1) of Policy HH-P9 to read:

> 1. there are measures to minimise obstruction of <u>any existing</u> public *access* and/or views of the *heritage item* or *archaeological site* from adjoining *public places*, where relevant and appropriate; and

3.9 Policy HH-P11

Submitter (S) Further Submitter (FS)	Decision Requested
S126.071 Southland Federated Farmers of NZ S115.072 Kevin Robertson S143.083 Rural Ratepayers Group S148.084 Alistair & Bernadette Hunt S60.074 Ronald Crispin S68.192 John Baynes	Amend HH-P11: Avoid partial demolition of scheduled heritage items unless it is demonstrated that: 1. the part of the heritage item to be demolished poses a ~~significant~~ risk to the safety of persons or property; and/or ...
FS11.025 Heritage NZ Pouhere Taonga	Allow S126.071 Southland Federated Farmers of NZ. HNZPT agrees that the term 'significant risk' is ambiguous. The term 'risk' is consistent with 133BV Urgent works to remove or reduce risks and section 133BW Works to remove or reduce other risks of the Building Act 2004.

3.9.1 At paragraph 156 of her s42A Report Tina Carlson-McColl accepted that the term "significant risk" was uncertain, and recommended adoption of the suggestion sought by Heritage NZ to include the following definition derived from the Building Act 2004, together with an explanatory note:

> **risk** In relation to an historic heritage item the risk posed by the item has the same meaning as per Section 133BV of the Building Act 2004 —
> means a risk to:
> (a) persons, of injury or death; or
> (b) critical infrastructure, of damage or disruption to its operation or use.
>
> **Note 2 Other legislation**
> Under the Building Act 2004 certain works may be undertaken without the need for resource consent in accordance with Section 133BY. Specific conditions apply in relation to heritage buildings under Sections 133BV Urgent works to remove or reduce risks and 133BW Works to remove or reduce other risks. These sections outline the obligations of the responsible person carrying out works to a listed heritage building to remove risks.

3.9.2 The Panel notes the term "significant risk" only occurs three times in the PDP, all within the Historic Heritage chapter. It therefore prefers an approach that resolves the issue within the provisions themselves rather than by way of a definition. The Panel also notes paragraph (b) in the recommended definition limits impacts on infrastructure to "critical infrastructure" and does not refer to property or buildings. It is the view of the Panel that adopting the recommended change in wording would potentially narrow the policy. The Panel concludes that a better approach is to replace the term "significant risk" with the word "danger". Having regard to s32AA the proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP or that recommended in the s42A Report.

3.9.3 The Panel agrees with the rationale of Tina Carlson-McColl, but as a consequence of reviewing approach to notes across the Plan prefers to accommodate information as part of the Overview to the chapter and rely on the introductory sections of the Plan. The Panel therefore remove all notes from the chapter using Clause 16(2) of the First Schedule to make the amendments, in effect accepting in part the submissions of Federated Farmers and others.

3.9.4 Submissions S126.071 Southland Federated Farmers of NZ and others is accepted in part by:

(a) amending Policy HH-P11 as follows:

(1) the part of the heritage item to be demolished poses a ~~significant risk~~ <u>danger</u> to ~~the safety of~~ persons or property; and/or

(b) adding to the Overview of the chapter:

<u>An archaeological alert layer included on the online council maps provides a mechanism to highlight areas where archaeology is known to be present or where current or future development may impact upon as yet unrecorded archaeological sites, both above ground and subsurface. The layer does not indicate that these are the only places where archaeology may be encountered. Any proposed development, within the layer or not, should assess whether there is reasonable cause to suspect that archaeology may be present to ensure compliance with the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014. If a previously unknown archaeological site is discovered during works, then the accidental discovery protocol outlined in EW-S6 applies.</u>

3.9.5 Consequential to this Decision an amendment is also required to Rule HH-R7 as follows:

HH-R7 Partial Demolition

Activity status: Restricted Discretionary

Where: …

1 The activity involves the *partial demolition* of a *heritage item* listed in HH SCHED2 providing it is demonstrated that:

(a) the part of the *heritage item* to be demolished poses a ~~significant risk~~ <u>danger</u> to ~~the safety of~~ persons or property; or

3.10 Policy HH-P12

Submitter (S) Further Submitter (FS)	Decision Requested
S126.072 Southland Federated Farmers of NZ S115.073 Kevin Robertson S143.084 Rural Ratepayers Group S148.085 Alistair & Bernadette Hunt	Amend HH-P12: Avoid total demolition of scheduled heritage items unless: 1. the heritage item poses a ~~significant~~ risk to the safety of persons or property; and ...

S60.075 Ronald Crispin S68.193 John Baynes	
FS11.026 Heritage NZ Pouhere Taonga	Allow S126.072 Southland Federated Farmers of NZ. HNZPT agrees that the term 'significant risk' is ambiguous.

3.10.1 This is the same issue as discussed in section 3.9 above and an identical outcome is appropriate.

3.10.2 Submissions S126.072 Southland Federated Farmers of NZ and others is accepted in part by amending Policy HH-P12 as follows:

(1) the heritage item poses a ~~significant risk~~ danger to ~~the safety of~~ persons or property; and

3.11 Note 2

Submitter (S)	Decision Requested
S123.006 Heritage NZ Pouhere Taonga	Amend to align with the terminology from the HNZPTA it is unlawful to destroy, damage or modify an archaeological site (regardless of whether the archaeological site is identified in the District Plan or not) ... If there is reasonable cause to suspect any works may encounter archaeology, ... An archaeological site is defined in this ~~a~~Act as any place in NZ ...~~You will need to contact Heritage NZ Pouhere Taonga for advice on how to proceed. The Police will also need to be notified if human remains are revealed. If any artefacts are found, they must be handed over to the Ministry for Culture and Heritage. It is strongly recommended that Hokonui Rūnanga also be contacted in the event of Māori artifacts or kōiwi (human remains).~~

3.11.1 As discussed in section 4.8 of Decision 37 Earthworks, the Panel considers confusion might arise because “accidental discovery” in the notified PDP is defined as follows:

> **Accidental discovery** Means the discovery of previously unrecorded human remains/kōiwi, an archaeological site, a Māori cultural artefact/taonga tūturu, a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil). Note: In the event of an accidental discovery the Accidental Discovery Protocol set out in EW-S7 should be followed as well as the procedures set out in MW-4.1 in the case of human remains/ kōiwi, taonga or Māori cultural artefact, and in-situ (natural state) pounamu/greenstone.

3.11.2 The protocol referred to differs from the Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol. The Panel considers, for the purpose of the Plan, a common approach should be adopted, as provided in Standard EW-S6. This matter is discussed in detail in section 4.8 of Decision 37 Earthworks.

3.11.3 In paragraph 3.9.3 above the Panel has advised as a minor change under clause 16(2) of the First Schedule that the Notes in this chapter are being deleted with text being added to the Overview. The Panel also considers that the level of detail contained the Notes is more than appropriate in a District Plan. It would be better suited as information on the Council website with links to Heritage NZ and appropriate mana whenua web sites. As some of the detail sought to be deleted has been removed the submission S123.006 Heritage NZ Pouhere Taonga is accepted in part.

3.12 Rule HH-R1

Submitter (S)	Decision Requested
S123.007 Heritage NZ Pouhere Taonga	Amend 1. ... b) Repainting of existing painted surfaces using colours which are the same or closely similar to what is existing, or colours as advised by a suitably qualified and experienced heritage expert and/or Heritage NZ Pouhere Taonga.

3.12.1 Tina Carlson-McColl at paragraph 80 of her s42A Report stated:

> Heritage New Zealand Pouhere Taonga (S123.007) seeks an amendment to HH-R1 to require

heritage colours to be used. Heritage New Zealand provided this as feedback on the draft plan provisions, and Council's heritage consultant Dr McEwan advised at the time that providing the surface is already painted the colour can be changed without permanent effect and the cost of seeking professional advice for painting therefore seems excessive and unduly restrictive. I accept the advice and reject the submission.

3.12.2 The Panel agrees with Tina Carlson-McColl and notes Heritage NZ has not commented on this submission in evidence submitted to the Panel or during the presentation made at the hearing. Accordingly, submission S123.007 Heritage NZ Pouhere Taonga is rejected.

3.13 Rule HH-R4

Submitter (S)	Decision Requested
S123.008 Heritage NZ Pouhere Taonga	As stated for policy 6, Amend rule 4 to require the development of all new buildings and structures within the setting of a heritage item is appropriately managed. Amend as follows: ~~1.a) any non-habitable building or structure less than 10 square metres in area and 2 metres in height that is not visible from a public place~~ ... (f) the maintenance, and repair ~~and replacement~~ of existing carpark areas, accessways, driveways, or paved areas.

3.13.1 Tina Carlson-McColl at paragraph 108 of her s42A Report stated:

> The HH-R4 provision was developed in consultation with Council's heritage expert Dr McEwan who advised that the small-scale building allowance was considered low-risk. I also consider the replacement of hardstand surfacing a low-risk activity in terms of potential effects on heritage values, as this is replacing like for like and the ground has previously been disturbed. In addition, it is considered that the allowances strike a balance between protection and ongoing useability, which also has a role in heritage protection,

3.13.2 The Panel agrees with Tina Carlson-McColl and notes Heritage NZ has not commented on this submission in evidence submitted to the Panel or during the presentation made at the hearing. Accordingly, submission S123.008 Heritage NZ Pouhere Taonga is rejected.

3.14 Rule HH-R5

Submitter (S)	Decision Requested
S101.046 Transpower NZ Ltd	The inclusion of rules in the Proposed District Plan in respect of archaeological sites is unnecessary duplication of the requirements of the Heritage NZ Pouhere Taonga Act 2014. Delete Rule HH-R5 in its entirety.
FS11.019 Heritage NZ Pouhere Taonga	Disallow S101.046 Transpower NZ Ltd
FS21.087 Yrless Ltd	Allow S101.046 Transpower NZ Ltd

3.14.1 As noted in paragraph 3.7.3 above, James Sutherland who gave evidence on behalf of Heritage NZ, in response to questions from the Panel, explained that in determining an archaeological authority, regard is only given to those matters below the ground. Based on all material presented for the hearing, the Panel concludes the provisions of the district plan do not duplicate the process and considerations in determining an archaeological authority. Accordingly, submission S101.046 Transpower NZ Ltd is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S121.052 Alliance Group Ltd	Retain Rule HH-R5 as notified
S123.009 Heritage NZ Pouhere Taonga	The permitted land uses under rule 5 may have adverse effects on archaeology. Amend: HH-R5 Archaeological sites ... 1. Land disturbance, where these are limited to: ~~a) animal grazing~~ b) maintenance, upgrading and repair of existing infrastructure or above ground network utilities such as support structures, fences, drains, carpark areas, accessways, driveways, or paved areas that does not involve their realignment or additional excavation. 2~~. Demolition, removal or alteration of a structure where: a) there is no associated excavation. b) there is no change to the size, location or design of~~

	~~the structure's foundation or building footprint;~~ ~~3. Temporary structures that are movable and does not involve land disturbance to fix them to the ground, such as any vehicle, trailer, tent, caravan or boat.~~ 4. Maintenance ~~and heritage restoration~~ of the archaeological site. HNZPT would support assessment of the scheduled archaeological sites to determine either site extents or a reduced buffer that is appropriate for the nature of the archaeological sites.
FS27.015 Alliance Group Ltd	Disallow in part S123.009 Heritage NZ Pouhere Taonga. The suggested deletions are excessively restrictive, as the activities (b) and (c) must be considered very low risk.

3.14.2 Submission S121.052 Alliance Group Ltd in support is acknowledged. As changes have been made to the rule, this submission is accepted in part.

3.14.3 Having regard to paragraphs 122 – 133 of the s42A Report it is the Panel's understanding that the archaeological sites included in the PDP are based on the sites registered on ArchSite with no weighted assessment of their archaeological values. In a report included in the s42A Report Dr Chris Jennings, Senior Archaeologist, Southern Pacific Archaeological Research stated:

> Scheduling items on the District Plan recognises significant heritage sites and provides an additional layer of protection by alerting developers to their responsibilities under the 2014 Heritage New Zealand Pouhere Taonga Act (HNZPTA) and triggering the archaeological authority process. However, these sites are protected by the HNZPTA regardless of their inclusion on the District Plan schedule, and many do not meet the requirements for scheduling under the HH-SCHED1 criteria.

3.14.4 Dr Jennings has undertaken an appraisal of the archaeological sites listed in the PDP and recommended the following be deleted from HH-SCHED3:

- HH-A9 - Gore Presbyterian Church (1880) - 6 Rock Street, East Gore
- HH-A10 - Traditional food collection area - Mataura falls
- HH-A11 - Porcellanite source and working area - Craig Road, Mataura
- HH-A12 - Artefact find spot - Reko Road, Tuturau
- HH-A13 - Tuturau Battle Site - Tuturau Maori Reserve
- HH-A17 - J and J Galt Building - 18-22 Bridge Street

3.14.4 The Panel accepts the expert advice of Dr Jennings on the basis that if a site is not of sufficient significance or archaeological potential it should not be included in HH-SCHED3, and notes sites HH-A9, HH-A13 and HH-A17 are included on the register of heritage buildings in HH-SCHED2.

3.14.5 Dr Jennings in recommending the deletion of HH-A10 and HH-A13 expressed the view these sites should be included in the Plan as Sites of Significance to Māori. However, as sites of significance to Māori are not included in the Plan the Panel has in Decision 37 at paragraph 4.2.7 provided for an archaeological alert layer to be included on the online council maps to providesa mechanism to highlight areas where archaeology is known to be present or where current or future development may impact upon as yet unrecorded archaeological sites.

3.14.6 Heritage NZ also suggested that if additional work was undertaken then the 100 metre buffer area could be reduced. Southland District Council in submissions S146.032 and S146.097 (considered in section 3.17 of this Decision) raised a similar point.

3.14.7 The Panel agrees with Tina Carlson-McColl that it is unclear who should undertake the additional work required, and it would require the approval of landowners. In the absence of appropriate evidence, the Panel considers that the standardised 100 metre buffer area in Rule HH-R5 is appropriate. As a corollary to that, the Panel also agrees with Tina

Carlson-McColl that the changes sought by Heritage NZ to Rule HH-R5 that would result in more restrictions are not appropriate.

3.14.8 In response other matters raised in the submission of Heritage NZ, Tina Carlson-McColl recommended minor changes to Rule HH-R5 and the Panel agrees.

3.14.9 Submission S123.009 Heritage NZ Pouhere Taonga is accepted in part by:

(i) Deleting from HH-SCHED3 the following sites

HH-A9 - Gore Presbyterian Church (1880) - 6 Rock Street, East Gore
HH-A10 - Traditional food collection area - Mataura falls
HH-A11 - Porcellanite source and working area - Craig Road, Mataura
HH-A12 - Artefact find spot - Reko Road, Tuturau
HH-A13 - Tuturau Battle Site - Tuturau Maori Reserve
HH-A17 - J and J Galt Building - 18-22 Bridge Street

(ii) Amending Rule HH-R5 as follows:

(b) *Demolition*, removal or *alteration* of a *structure* where:

(i) the structure does not pre-date the year 1900;

(ii) there is no associated excavation; and

(iii) there is no change to the size, location or design of the *structure*'s foundation or *building footprint.*

(d) *Maintenance* ~~and heritage *restoration*~~ of the *archaeological site*.

3.15 Rule HH-R7

Submitter (S)	Decision Requested
S123.010 Heritage NZ Pouhere Taonga	Amend HH-R7 Activity Status: ~~Restricted Discretionary~~ Non complying as partial demolition can involve the destruction of the majority of a heritage structure.

3.15.1 The Panel is confident that the strong wording and criteria adopted in Policy HH-P12 provides adequate guidance to determining consents under Rule HH-R7 for a Restricted Discretionary Activity, noting the default for not complying with the rule is a non-complying. The Panel agrees with the assessment of Tina Carlson-McColl at paragraph 157 of her s42A Report and as a consequence, in the absence of any additional reasoning provided by Heritage NZ in their evidence or presentation at the hearing, submission S123.010 Heritage NZ Pouhere Taonga is rejected.

3.16. Archaeological Sites Mapping

Submitter (S) Further Submitter (FS)	Decision Requested
S146.031 Southland District Council	No apparent issues with this section of the PGDP. An archaeological alert layer is of potential interest to Southland District Council but would have to be designed and put into place with Te Ao Marama and Hokonui Rūnanga. Perhaps it would be possible to work on the archaeological alert layer with Invercargill City Council and Environment Southland as well.
FS11.027 Heritage NZ Pouhere Taonga	Allow S146.031 Southland District Council
S123.002 Heritage NZ Pouhere Taonga	Add archaeological alert overlay. The pGDP includes an appropriate description of the Archaeological Alert Overlay (Historic Heritage Note 3 and Earthworks Note 4), however, the overlay does not appear to have been included on the online mapping tool.

3.16.1 Like some members of the Panel, it appears Heritage NZ had difficulty accessing the archaeological alert overlay available on the “Information Only Layers” tabs of the Planning Maps. The information requested to be included by Southland DC and Heritage NZ is already available. Accordingly, these submissions are acknowledged and accepted.

Submitter (S)	Decision Requested
S146.097 Southland District Council	Review NZAA requirements for mapping Archaeological sites. Archaeological sites mapped as points seem to be closer than allowed by NZAA. Buffer layers are centred for sites which can put sites in jeopardy. Southland District Council may have similar issues and the councils may be best served by working together and with Tangata Whenua for a suitable solution.
S146.032 Southland District Council	Some archaeological sites may be mapped too closely. Some of the archaeological sites mapped on the online map appear to be too close for the NZ Archaeological Association (NZAA) requirements, and buffer polygons are directly centred on the sites, which can be an issue for lack of obfuscation and increase the risk of destruction.
FS11.028 Heritage NZ Pouhere Taonga	Support S146.032 Southland District Council. Establishing an archaeological alert layer to identify areas that have a strong likelihood of containing archaeological features.

3.16.2 The Panel accepts the advice of Tina Carlson-McColl at paragraph 138 of her s42A Report where she notes the listed sites were appraised by Southern Pacific Archaeological Research (SPAR) and are based on the GIS co-ordinates rather than NZAA's ArchSite. Accordingly, submissions S146.097 and S146.032 Southland District Council are rejected.

4 Heritage Schedule HH-SCHED2

4.1 General

Submitter (S)	Decision Requested
S123.012 Heritage NZ Pouhere Taonga	Add Heritage Sites, Buildings, Structures and Items of heritage significance within cemeteries to HHSCHED2

4.1.1 Tina Carlson-McColl at paragraph 96 of her s42A Report referred to comment from Dr Ann McEwan who noted that research to date has not identified any potential items within the district's cemeteries that would meet the criteria for scheduling. In addition, Heritage New Zealand has not provided any specific details relating to the significance of the cemeteries with their submission or in their evidence and other material presented at the hearing. The Panel therefore accepts the recommendation of Tina Carlson-McColl to reject submission S123.012 Heritage NZ Pouhere Taonga.

Submitter (S) Further Submitter (FS)	Decision Requested
S149.001 Yrless	Amend the schedule to only include heritage buildings and structures that have comprehensive and credible heritage reports and consultation with the community. Elements of the building, structure or site that requires heritage protection. Remove terms such as "entire external envelope".
FS11.029 Heritage NZ Pouhere Taonga	Disallow S149.001 Yrless

4.1.2 The Panel accepts the advice of Tina Carlson-McColl at paragraph 97 of her s42A Report and rejects submission S149.001 Yrless, being satisfied that the items proposed within the schedule have been assessed and the heritage values identified in the individual historic record forms by Dr McEwan.

Submitter (S) Further Submitter (FS)	Decision Requested
S123.011 Heritage NZ Pouhere Taonga	Amend HH-SCHED2 **-** <u>The exterior and interior of all heritage sites, buildings, structures and items are included as protected elements, particularly all places on the NZ Heritage List/Rārangi Kōrero, unless the interior has been assessed and found that it does not contain any extant fabric or features of heritage significance</u>**.**
.FS5.4 Hamish Weir	Disallow S123.011 Heritage NZ Pouhere Taonga

4.1.3 The issue of protecting the interior of buildings was raised by way of questions from the Panel with James Sutherland who gave evidence on behalf of HNZPT. By way of an email

dated 5 December 2024 James Sutherland stated:

> Heritage New Zealand Pouhere Taonga (HNZPT) recognises the importance interiors contribute to the heritage values of a building while acknowledging it would be difficult for Gore District Council to include interiors in their heritage schedule. HNZPT advise is that the schedule remains as it currently stands.

4.1.4 The Panel concludes Heritage NZ no longer wishes to pursue this submission. Regardless, the Panel has not been presented with any information to justify on a building-by-building basis inclusion of their interiors. No consultation with landowners has occurred, and it is the view of the Panel that any action in this regard should be dealt with as a Plan Change at a later date. Accordingly, submission S123.011 Heritage NZ Pouhere Taonga is rejected.

4.2 HH-32 Municipal Band Hall

Submitter (S) Further Submitter (FS)	Decision Requested
S119.001 S119.003 Mark Robinson S120.001 S120.002 Louwenda Robinson	Removal of Municipal Band Hall as Historic Building (HH-32) - 24 Hokonui Drive. Do not believe the building warrants this protection as does not have historical or social significance and has been included for nostalgic reasons for people who remember it as the Band Hall, which it has not been utilised since 1966. The historical nature and original function have not been maintained since this time, subsequent modifications have negated the historical value, and the building does not fall within any criteria used by Council to determine Historical Heritage status. Maintenance requirement is an unreasonable burden on owners. Building is structurally unsound and not fit for purpose. Lack of engagement and consultation with landowners over heritage status. The building is not original and has been significantly altered in the 1960's (building information attached, refer to original submission)
FS11.031 FS11.032 Heritage NZ Pouhere Taonga	Disallow S119.003 Mark Robinson and S120.002 Louwenda Robinson

4.2.1 The Panel has reviewed the recorded details and assessment of this site prepared by Dr Ann McEwan, noting the building was erected in 1914, with an extension added in 1937, a new parapet on street frontage in 1963 and a roller door installed in 1980. The assessment undertaken by Dr McEwan stated:

> The former Gore Municipal Band Hall has overall heritage significance to Gore and to the district of Gore as a whole. The building has historic and social significance for its association with the Gore Brass Band (est. 1884) and cultural value for its demonstration of the way of life of the band's former members. The former Gore Municipal Band Hall has architectural value as an early 20th century vernacular hall and craftsmanship significance for the integrity of its masonry construction and detailing. The former Gore Municipal Band Hall has contextual significance as a notable streetscape feature at the northern end of the town centre; its site may have limited archaeological value in view of the building's post-1900 date.

4.2.2 In the absence of any additional information from the submitters, either through their submission or by way of appearance at the hearing, the Panel is satisfied that the building meets the criteria for scheduling and should be retained on the District Plan schedule. Accordingly, the submissions by Mark and Louwenda Robinson are rejected.

4.2.3 The submissions of Mark and Louwenda Robinson referred to a lack of engagement and consultation with landowners. As noted by Tina Carlson-McColl at paragraph 99 of her s42A Report, a personal letter was sent to owners of heritage items being added to the Plan in April 2022, and then again in August 2022 when the draft plan was released for community feedback. Notwithstanding that, the Panel considers that the Gore District Council at the time a property listed on the Heritage Register is purchased, should advise the new landowner of the status of the site and any advice or assistance that may be

available to protect and enhance the heritage values. The Panel will be making a recommendation to the Council to that effect.

4.3 HH-80 Former Mataura Dairy Factory

Submitter (S) Further Submitter (FS)	Decision Requested
S23.005 Mataura Marae	The submitter strongly opposes the listing of HH-80 as a historic heritage item. The building, now called Te Hono o te Ika a Maui ki Ngai Tahu, has been a central hub for mātāwaka Māori in the Gore district since the 1980s, serving as a dynamic space for kaupapa Māori activities. Strict historic heritage provisions in the PDP could significantly impact Mataura Marae's ability to adapt and meet community needs, especially for the mātāwaka Māori community and impede the rangatiratanga of Mataura Marae and the ability to manaaki the marae whānau and the wider community. Increased restrictions on demolition, development, and alterations may raise costs and hinder planned developments, essential for supporting the cultural well-being of the Māori community, a GDC responsibility outlined in the Local Government Act 2002.
FS11.033 Heritage NZ Pouhere Taonga	Disallow S23.005 Mataura Marae

4.3.2 The Panel has reviewed the recorded details and assessment of this site prepared by Dr Ann McEwan noting her conclusion as follows:

> The former Mataura Dairy Factory has overall heritage significance to Mataura and to the district of Gore as a whole. The building has historic and social significance for its association with the local dairy industry and, more recently, Te Hono o te Ika a Maui ki Ngai Tahu marae. The former Mataura Dairy Factory has cultural value as a demonstration of the way of life of its former workers and their suppliers and as a site of cultural identity as Te Hono o te Ika a Maui ki Ngai Tahu marae. The former Mataura Dairy Factory has architectural significance for its utilitarian design that also demonstrates a concern with aesthetic values and technological significance for its brick masonry construction and former industrial use. The former Mataura Dairy Factory has contextual significance as a local landmark, both industrially and culturally, and its site has potential archaeological value in view of its development history.

4.3.3 In the absence of any additional information from the submitter, either through their submission or by way of appearance at the hearing, the Panel is satisfied that the building meets the criteria for scheduling and should be retained on the District Plan schedule. Accordingly, submission S23.005 Mataura Marae is rejected.

4.4 HH81 Former Gore Dairy Factory

Submitter (S) Further Submitter (FS)	Decision Requested
S131.001 PA & JE Johnstone Family Trust	Remove HH-SCHED2-HH-81 from the proposed list of HH sites. There is no demand for Commercial space in this part of Gore. The building is not a significant Historic or Heritage building. The location is residential and costs to restore the building would be uneconomic.
FS11.034 Heritage NZ Pouhere Taonga	Disallow S131.001 PA & JE Johnstone Family Trust

4.4.1 Robin Miller provided a statement of evidence describing the history of the building and site and commenting on the evaluation of Dr Ann McEwan taking into account his observations from a site visit and inspection of the building. He noted the factory was constructed in 1886 and provided photographs of the original building and changes to it over time. Of particular note, a fire destroyed the western part of the original building in 1963. He also asserted that the diary factory was not amongst the oldest in NZ as stated by Dr Ann McEwen.

4.4.2 Robin Miller summarised changes to the building as follows:

Feature	Original design features & materials	Current day/existing design & features
Roof form	Hipped forms to western & eastern parts	Pyramidal/fully hipped form only remains to the east/front section of the building. Hipped roof of the western part has been completely replaced with a modern gable form/structure
Roof cladding	Slates with expressed lead or galvanised iron hip flashings	Rusty corrugated iron claddings without any architectural details or finesse
Roof ornamentation	Finial to the pyramidal front roof. Three ridge vents to the western roof.	Finial replaced with louvred vent and later changed to more of a lantern. Ridge vents no longer exist
Chimney	Tall freestanding brick chimney	No longer exists
Other structures	Large external water tank and associated structure	No longer exists
Main walls	Brick-faced masonry walls with many semi-circular, brick arched window heads	Only three heavily modified arch headed windows remain (in a modified form). Brick walls to the front section of the building were rendered and painted c. 1960. Majority of the brick walls to the western part of the building were demolished in the 1960s and rebuilt in painted concrete blockwork. Any remaining appear to have been sandblasted and cement rendered and plastered
Windows	Arch and flat-headed timber windows	No original windows appear to remain
Machinery	Internal dairy factory machinery and evidence of original operating process/production	No longer remaining

4.4.3 Robin Miller concluded as follows:

> Our conclusion is that, measured against the available information about the original F.W. Burwell design and construction, the building now has no architectural or historic merit. This is the result of the fire and extensive changes during its life, many of which were heritage and architecturally insensitive.
>
> In heritage terms, the building now has minimal historical integrity and completeness. It has been modified and rebuilt to such an extent that the design features that once made it special have been removed. There is nothing now that would suggest the building's association with F.W. Burwell or 19th century dairy factory use; the 'factory' appearance of the building that remains today relates to later 20th century butchery/ meat curing/ bakery and other businesses, together with partial residential use.
>
> In my opinion, the building no longer exhibits evidence of sufficient heritage significance to merit its heritage scheduling in the Proposed Plan.

4.4.4 Dr Ann McEwan after reviewing the evidence of Robin Miller prepared a statement of rebuttal evidence in which she disagreed that the heritage values have been lost, noting the original building form is still recognisable. She also stated that what Robin Miller described as a finial atop the building was actually a vent which was a usual feature on such buildings. In her opinion changes to the building do not render the building as having 'no architectural or historic merit'. She also disputed the assertion of Robin Miller that the dairy factory was not amongst the oldest in NZ.

4.4.5 Dr Ann McEwan also stated:

> I indicated in the heritage record form that I consider the building has cultural value, as

> opposed to cultural significance. I agree with Mr Miller that the building does not have cultural significance but stand by my assessment that the building continues to embody intangible cultural value as a demonstration of the way of life of former workers and its milk suppliers.
>
> I consider that Mr Miller overstates the degree to which Burwell's original design has been lost and therefore remain of the opinion that the building has architectural and technological significance. In particular the building is notable for having been designed by Southland's leading architect of the day and for being the only one Burwell appears to have designed. The contractor of the factory was also a notable figure in Southland at the time and the brick masonry construction of the building, which is still extant beneath its more modern cement plaster, is unusual and thus a distinctive aspect of the building's technological significance.
>
> I believe that the contextual significance of the building remains given its corner siting and landmark location on the periphery of a residential, suburban setting. Situated on the western fringe of Gore, the former dairy factory serves as a reminder of the rural history of the township as

4.4.6 Tina Carlson-McColl relying on the evidence of Dr Ann McEwan recommended rejecting submission S131.001 PA & JE Johnstone Family Trust.

4.4.7 At the hearing, Paul Johnstone expressed concern at the current state of the building that started as a brick faced masonry building with a tall arch and slate roof and was now predominantly a concrete block or plastered panel walled structure with a corrugated iron roof. In his view it is not economic to restore or even maintain, and even if that was done there is no demand for a commercial use, nor would such use be practical. He added that if the building is retained on the register, building code (earthquake strengthening) requirements would effectively exclude use of the flat in the building and also likely mean it cannot be used for storage either. As a consequence, it would likely become derelict.

4.4.8 In reply to questions, Robin Miller highlighted that the district plan provisions seek to protect the external façade of the building, but none of that is original. The only original portion is inside the building and that has been covered over as well. He stated that in his opinion it is not feasible to locate and bring the original features back into view. He added that the rules do not require restoration but rather limit what can be done in the future.

4.4.9 In reply to questions from the Panel, Dr Ann McEwan referred to Schedule 1 of the Historic Heritage chapter that identified a range of factors that regard should be given to, including "historic and social significance value". She also referred to the Rule HH-R7 that provided for partial demolition of structures, and there may be a case to consider demolition of parts of the building under that rule while retaining the important portions.

4.4.10 Dr Ann McEwan acknowledged she has not been inside the building, and when asked what future use she considered suitable for the building she suggested a light industrial use but appreciated there are other relevant factors such as location and demand. Also, when asked, she did not agree the building lacked architectural merit. Rather she considered the design of the building as a dairy factory to be important, and it has high significance to her because of its "early days", was a notable landmark when built, can still be perceived as an early industrial building and given the importance of dairying to Southland is a link to the past.

4.4.11 Tina Carlson-McColl in reply to questions referred to the provisions in the Medium Density Zone that applied to this site that allow light industrial and commercial activities, noting if the submission was accepted these provisions together with others would require deleting.

4.4.12 The Panel notes there is no dispute between the two experts, Dr Ann McEwan and Robin Miller that a number of changes have occurred to the building over the years and that the current footprint corresponds to the original building also. There is also no dispute that the current exterior façade is not part of the original structure, and much of it dates from

the 1960s. The Panel accepts the advice of Dr Ann McEwan that the building has historic and social significance value given its part use as a dairy factory, and when built would have been an important local landmark. However, the Panel considers there is considerable force in the point made by Robin Miller that the district plan rules list the façade of the building as being significant and having regard to the evidence present that the façade is not significant. The Panel also accepts that future use options of the building are extremely limited without significant expenditure and even then, the location of the site would dampen demand for any commercial activities. In the circumstances, the Panel accepts the case put forward by PA & JE Johnstone Family Trust requesting removal of the building from the Historic Register Schedule.

4.4.13 The Panel did give consideration to retaining the building on the register with a bespoke rule that required consideration of options to retain any heritage values within the structure. However, the Panel has concluded the physical building values were not of a standard that justified such an approach.

4.4.14 Submission S131.001 PA & JE Johnstone Family Trust is accepted by removing item HH81 Former Gore Dairy Factory from the register of listed Historic Heritage Items, HH-SCHED2 and from the Planning Maps.

4.4.15 Consequential to Decision 14/4.3.14 deleting all reference to the Historic Dairy Factory Precinct PREC9 in the Plan, including:

1. How the Plan Works, Relationship Between Spatial Layers list of precincts
2. Medium Residential Zone
    a. Overview and Purpose
    b. MRZ-PREC9-O1
    c. MRZ- PREC9-P1
    d. MRZ-PREC9-R1
    e. MRZ-PREC9-R2
3. Planning Maps and Index

4.5 HH83 Otama Presbyterian Church

Submitter (S) Further Submitter (FS)	Decision Requested
S75.001 James Weir	Otama Presbyterian Church building (HH-83) to be removed from the schedule as an historic building. The building is a 1950's replacement of the original wooden building. The community can be trusted to make good decisions for the current and future use of the building without heritage status.
FS5.16 Hamish Weir	Allow S75.001 James Weir
FS11.035 Heritage NZ Pouhere Taonga	Disallow S75.001 James Weir

4.5.1 The Panel has reviewed the recorded details and assessment of this site prepared by Dr Ann McEwan noting her conclusion as follows:

> The Otama Presbyterian War Memorial Church has overall heritage significance to Otama and to the district of Gore as a whole. The church has historic and social significance for its association with the local Presbyterian congregation and cultural significance given its ecclesiastical function and commemorative purpose. The Otama Presbyterian War Memorial Church has architectural significance as a mid-century Modern interpretation of the Gothic Revival style by Dunedin architect IG Dunn and craftsmanship significance for the quality of its construction and detailing by Gore contractor CW Archer. The Otama Presbyterian War Memorial Church has contextual significance as a local historic feature and for the part it plays

within a cluster of buildings and structures that denote the community centre of Otama. The church site may have archaeological values arising from its use and development as a place of worship since 1885.

4.5.2 In the absence of any additional information from the submitter, either through their submission or by way of appearance at the hearing, the Panel is satisfied that the building meets the criteria for scheduling and should be retained on the District Plan schedule. Accordingly, submission S75.001 James Weir is rejected.

4.6 HH86 Former Anglican Church of St Philip & St James

Submitter (S) Further Submitter (FS)	Decision Requested
S29.001 Leanne Grant S30.001 Deborah Lawson	Remove Heritage Listing of 6 Matheson Road. More permissive provisions and less restrictions are sought. Increased regulations & rules restrict future required renovations. Lack of communication regarding the listing of the building.
FS11.036 FS11.037 Heritage NZ Pouhere Taonga	Disallow S29.001 Leanne Grant, S30.001 Deborah Lawson

4.6.1 The Panel has reviewed the recorded details and assessment of this site prepared by Dr McEwan noting her conclusion as follows:

> The former Anglican Church of St Philip & St James has overall heritage significance to Waikaka and to the district of Gore as a whole. The building has historical and social significance for its association with the local Anglican congregation and cultural significance given its former ecclesiastical purpose. The Waikaka War Memorial has architectural significance as a Gothic Revival style building designed by Invercargill architect Charles Roberts and craftsmanship significance for the quality of its construction and detailing by Gore contractor Thomas Latham. The former Anglican Church of St Philip & St James has contextual significance as a local historic feature and as the backdrop for the neighbouring war memorial; its site may have limited potential archaeological value.

4.6.2 In the absence of any additional information from the submitter, either through their submission or by way of appearance at the hearing, the Panel is satisfied that the building meets the criteria for scheduling and should be retained on the District Plan schedule. Accordingly, submissions S29.001 Leanne Grant and S30.001 Deborah Lawson are rejected.

4.6.3 The submission lodged referred to future renovations to the building. In that regard, the Panel notes that the rules applying to changes to buildings on the historic register do not apply to internal work, but only to external changes. The Panel also notes that a range of maintenance, repairs, restoration, alterations and additions are enabled by the rules.

4.6.4 The submissions of Leanne Grant and Deborah Lawson referred to a lack of engagement and consultation with landowners. As noted by Tina Carlson-McColl at paragraph 99 of her s42A Report a personal letter was sent to owners of new heritage items in April 2022, and then again in August 2022 when the draft plan was released for community feedback. Notwithstanding that, the Panel considers that the Gore District Council at the time a property listed on the Heritage Register is purchased, should advise the new landowner of the status of the site and any advice or assistance that may be available to protect and enhance the heritage values and it will be making a recommendation to the Council to that effect.

Submitter (S)	Decision Requested
S123.019 Heritage NZ Pouhere Taonga	Add Heritage records for Heritage Sites, Buildings, Structures and Items on HH-SCHED2 as an appendix.

4.6.5 The Panel accepts the advice of Tina Carlson-McColl at paragraph 55 of her s42A Report where she notes the individual records are publicly available together with the other

technical reports supporting the PDP, and these are intended to be linked through the Heritage record column within the HH-SCHED2 once the plan becomes operative rather than as an appendix. The Panel concludes the intended approach achieves the outcome sought by HNZPT. Accordingly, submission S123.019 Heritage NZ Pouhere Taonga is accepted in part.