

## 19 Historic Heritage

### 19.1 Purpose

- a. Historic heritage is a natural or physical resource and is defined in the Act. This chapter addresses historic structures and their immediate surroundings, and sites of archaeological or cultural significance.
- b. The purpose of this chapter is to identify those individual buildings, structures, places and sites that are significant, and therefore warrant recognition and protection. These items are listed in Volume 2, Appendix 8:
  - i. Schedule 8A: Built Heritage (buildings, structures and associated sites).
  - ii. Schedule 8B: Group 1 Archaeological and Cultural Sites.
- c. There is potential for cultural artefacts to be found and for archaeological sites to be discovered throughout the City. Schedule 8C: Group 2 Archaeological and Cultural Sites in Volume 2, Appendix 8, identify areas where there is a higher potential for finding artefacts and archaeological sites. There are no additional controls in the plan on these sites that are identified for information purposes only. If artefacts or archaeological sites are discovered an Authority must be obtained from Heritage New Zealand Pouhere Taonga.

### Buildings and Structures

- d. Rapid growth over the last decade has resulted in redevelopment and intensification of both residential and business sites and in some circumstances this has led to the loss of heritage values. Demolition of heritage buildings often results because a viable use has not been, or cannot be, identified, or because of the high cost of maintenance, restoration or adaptation. Heritage items are a finite resource which cannot be replaced.
- e. Unsympathetic alterations or additions can damage heritage values associated with heritage buildings or structures. While modifications are often needed to make built heritage usable (e.g. telecommunication upgrading, energy-efficiency and conforming with fire, earthquake and access standards) these need to be undertaken in a manner that protects the heritage value.
- f. Removing buildings from their original setting can change their context and diminish their historic significance. The modification of the surrounding environment can also reduce heritage values. For example, the removal of mature trees and vegetation, changes to fences, or the addition of new buildings on the site can all reduce the overall heritage value.

### Archaeological and Cultural Sites

- g. Hamilton has many sites of archaeological and cultural significance. Some of

these are associated with European settlement, while others are significant to Waikato iwi and local hapu.

- h. Archaeological sites include any place that was associated with human activity that occurred before 1900. Archaeological sites can include military redoubts, objects and locations associated with industry (e.g. flour mills and a lime kiln), as well as locations of early settlement.
- i. Many sites in the City are not visible on the surface, but may have underground features and artefacts which could be disturbed or damaged through earthworks and construction. Digging foundations and other activities can damage historical sites, especially if there is a lack of awareness of historical significance or the potential to uncover historic features. Important features of a site (like filled-in trenches of a pa or kumara pits) may still exist below the surface.
- j. While many sites have been destroyed or damaged by urban development and are not easily recognisable for their original purpose and form, their historical or cultural importance has not diminished. Sites of archaeological and cultural significance form an important part of the cultural history of the City and should be protected for the benefit of current and future generations.
- k. The relationship of Maaori and their culture and traditions with their ancestral lands, water, waahi tapu and other taonga may be destroyed or compromised through inappropriate development. Kaitiakitanga or guardianship and protection of the land, water, waahi tapu and other taonga is an important issue for Waikato iwi and local hapu.

## 19.2 Objectives and Policies: Historic Heritage

### All Historic Heritage

Objective	Policies
<p><b>19.2.1</b> Significant buildings, structures, sites and items that define the City's historic heritage are identified and protected.</p>	<p><b>19.2.1a</b> The City's historic heritage shall be protected from the adverse effects of subdivision, use and development.</p>
	<p><b>19.2.1b</b> Ensuring that where features have been destroyed or damaged, the historical heritage values of these sites are recorded and recognised to ensure the historical legibility of Hamilton City.</p>
	<p><b>19.2.1c</b> Subdivision and development shall adhere to the conservation principles of International Council on Monuments and Sites (ICOMOS) being the New Zealand Charter (2010) for the Conservation of Places of Cultural Heritage Value where applicable.</p>
<p><b>Explanation</b></p>	

*Historic places make a significant contribution to the sense of identity and wellbeing of the City's residents. A wide range of heritage values need to be protected, including buildings, structures, sites and their surroundings with historical, social, cultural, architectural or technological significance. The District Plan matches levels of protection with the classification of the item so the City's most significant items are protected.*

*Heritage resources are vulnerable to change, and once lost cannot be replaced. It is therefore important to seek means to avoid adverse effects on historic places. The District Plan controls activities recognised as having an adverse effect on the heritage values of identified historic places.*

*Heritage New Zealand Pouhere Taonga has the primary responsibility for the regulation of activities relating to archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Guidance on the principles for the conservation of places of cultural heritage value can be found in ICOMOS being the New Zealand Charter (2010) for the Conservation of Places of Cultural Heritage Value.*

Objective	Policies
<p><b>19.2.2</b> The heritage values of a diverse and representative range of natural, physical and cultural resources are protected.</p>	<p><b>19.2.2a</b> Items of significant heritage value (buildings, objects, areas, trees and sites) shall be scheduled.</p>
	<p><b>19.2.2b</b> The loss of heritage values associated with scheduled items shall be avoided.</p>
	<p><b>19.2.2c</b> Outstanding examples of a particular type of site, or sites that are highly significant to the community shall be scheduled.</p>
<p><b>Explanation</b></p>	
<p><i>Historic heritage is an integral part of Hamilton's character and its future development. For this reason the destruction or alteration of buildings, or significant elements of buildings, objects, areas, trees and Maaori sites that are of heritage significance will be assessed against criteria which seek to maintain an item's heritage value. The loss of heritage values will be considered through a resource consent process.</i></p>	

## Buildings and Structures

Objective	Policies
<p><b>19.2.3</b> The heritage values of significant buildings, structures and their immediate surroundings are</p>	<p><b>19.2.3a</b> Demolition or relocation of buildings and structures ranked A in Schedule 8A shall be avoided.</p>

protected.	<p><b>19.2.3b</b> Demolition or relocation of buildings and structures ranked B in Schedule 8A should be discouraged.</p>
	<p><b>19.2.3c</b> Subdivision and development shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A.</p>
	<p><b>19.2.3d</b> Subdivision and development shall avoid any potential cumulative adverse effects on any building or structure listed in Schedule 8A.</p>
	<p><b>19.2.3e</b> Heritage buildings and structures shall be used in a manner that ensures essential heritage qualities are not damaged or destroyed.</p>
	<p><b>19.2.3f</b> The design, materials and finish of any development shall be consistent with identified heritage values.</p>
	<p><b>19.2.3g</b> The continued use or adaptive reuse of any building or structure of identified heritage value shall be encouraged.</p>
	<p><b>19.2.3h</b> The site surrounding the heritage building or structure shall be protected to the extent that it contributes to the heritage values.</p>
	<p><b>19.2.3i</b> Encourage the strengthening of buildings in Schedule 8A to increase their ability to withstand future earthquakes while minimising the significant loss of associated heritage values.</p>
	<b>Explanation</b>
<p><i>The demolition of historic places can result in the loss of associated heritage values. The aim of the District Plan is to minimise the loss of any historic buildings and structures within Volume 2, Appendix 8, Schedule 8A. Demolition of highly significant historic buildings and structures will be considered only in exceptional circumstances.</i></p> <p><i>Inappropriate additions or major alterations to historic buildings and structures also have the potential to destroy or degrade heritage values. However, minor or routine maintenance and repair enables items to be maintained. In most cases, the exterior of historic buildings and structures is more sensitive to change through unsympathetic changes than the interior. Changes to the interior of heritage buildings are not controlled as change is considered necessary to ensure buildings are useable. The strengthening of historic heritage buildings to meet earthquake</i></p>	

*strengthening requirements is important to ensure heritage buildings and structures are safe and useable. However, the strengthening of these buildings and structures still needs to ensure the heritage values are retained.*

*Removal of a building from its original site or changes to a building's setting (e.g. destruction of gardens, trees and other heritage buildings) can affect heritage values and reduce its significance. However in some circumstances, relocating the item off-site may be the only way to protect the item. Other structures, signs or lighting on historic buildings and structures can also impact on heritage values.*

*The District Plan also encourages activities that will facilitate the retention and enhancement of historic buildings and structures. Greater flexibility in what historic buildings and structures can be used for, while ensuring the management of any potential adverse effects, can help their preservation by finding an ongoing use.*

## Archaeological and Cultural Sites

Objective	Policies
<p><b>19.2.4</b> Significant archaeological and cultural sites shall be protected from damage or destruction.</p>	<p><b>19.2.4a</b> Subdivision, use and development shall be managed to avoid damage to archaeological and cultural sites where they exist, or are likely to exist.</p>
	<p><b>19.2.4b</b> The protection and management of sites of archaeological and cultural significance shall be informed by their significance.</p>
	<p><b>19.2.4c</b> Activities or development shall not adversely affect the physical structure and integrity of scheduled sites. This may include:</p> <ul style="list-style-type: none"> <li>i. Inappropriate planting,</li> <li>ii. The removal of vegetation where it affects the stability of the site, and</li> <li>iii. Addition, excavation or compaction of any soil, rock or other materials.</li> </ul>
	<p><b>19.2.4d</b> The relationships of tangata whenua with sites of spiritual, cultural or historical significance shall be recognised and provided for.</p>
	<p><b>19.2.4e</b> Where features of significant cultural sites are lost, these features should be recorded and recognised through on-site marking to ensure the historical legibility of Hamilton City.</p>
<p><b>Explanation</b></p>	

*The policies recognise that activities that disturb the ground pose a significant threat to archaeological and cultural sites, and aim to control these activities. In some cases, the original features of a site may be lost or damaged through exposure to weather, earthworks, damage from tree roots and coverage of a site by buildings or impermeable surfaces. However, sub-surface features may still survive. The aim of the policies is to protect the physical integrity and features of the site.*

*Identification of sites before development occurs is particularly important. If the general location of sites can be signalled then developers and landowners are able to plan development that minimises or avoids disturbance.*

*An important concern for tangata whenua is the need to protect sites from accidental or intentional interference. The District Plan will record and protect only those sites which iwi are comfortable to make known. The location of other sites is known only to Waikato iwi and local hapu. The policies also recognise the importance of these sites to Maaori.*

*Where development has already taken place and the site's features have been destroyed or damaged, recognition of the site's existence is desirable through signs, planting or some other method. Even where these sites no longer exist physically they still hold cultural significance, particularly to Waikato iwi and local hapu.*

## 19.3 Rules - Activity Status Table

### 19.3.1 Built Heritage (Buildings and Structures)

Activity	Class
<b>Volume 2, Appendix 8, Schedule 8A: Built Heritage (structures, buildings and associated sites)</b>	
a. Maintenance and repair	P
b. Internal alterations of buildings	P
c. Accessory buildings or new buildings within any scheduled site ranked A	D
d. Accessory buildings or new buildings within any scheduled site ranked B	RD*
e. Accessory buildings or new buildings within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus	P
f. Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked A	D
g. Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked B	RD
h. Demolition of any structure or building ranked A	NC
i. Demolition of any structure or building ranked B	D
j. Earthquake strengthening works to the external façade of any structure or building ranked A	RD*

k. Earthquake strengthening works to the external façade of any structure or building ranked B	C
l. Erecting, constructing or extending any structure or fence on a site	RD*
m. Erecting, constructing or extending any structure or fence on a site within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus	P
n. Signs (refer also to Chapter 25.10: City-wide – Signs)	RD*
o. Signs within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus	Refer to Chapter 25.10: City-wide – Signs
p. Subdivision of an allotment containing a scheduled Historic Heritage Item and sites identified in Volume 2 Appendix 8, Schedule 8A and 8B	Refer to Chapter 23: Subdivision
q. Change of use to an activity otherwise listed as non-complying in the underlying zone rules for any historic place identified in Schedule 8A	D
r. Removal off site of any structure or building ranked A	NC
s. Relocation on existing site of any structure or building ranked A	D
t. Removal off site of any structure or building ranked B	D
u. Relocation on site of any structure or building ranked B	RD
<b>Volume 2, Appendix 8, Schedule 8B: Group 1 Archaeological and Cultural Sites</b>	
v. Minor work on all sites	P
w. Any earthworks on a site in Group 1	RD
x. Signs on a site in Group 1 (refer also to Chapter 25.10: City-wide – Signs)	RD*
y. Any earthworks on a site in Group 2	P

**Note**

1. For any activity not identified above, see Section 1.1.8.1.
2. If archaeological material, koiwi or taonga is uncovered on a site which pre-dates 1900, then the site is an archaeological site in terms of the Heritage New Zealand Pouhere Taonga Act 2014. Any disturbance of archaeological sites, regardless of their listing or otherwise in this District Plan, is not permitted under the Heritage New Zealand Pouhere Taonga Act 2014. Consent of Heritage New Zealand Pouhere Taonga is required to modify or disturb an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014. For further information or to make an application, contact the nearest office of Heritage New Zealand Pouhere Taonga. An authority is required for all such activity whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the Regional or District Plan.

## 19.3.2 Historic Heritage Areas



Activity	Class
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The following activities should only apply to the residential zoned sites locating within an HHA

*a. to i. have been introduced through PC9*

j. <u>Accessory building</u>	<u>RD</u>
k. <u>Apartments</u>	<u>NC</u>
l. <u>Ancillary residential unit</u>	<u>RD</u>
m. <u>Detached dwelling</u>	<u>RD</u>
n. <u>Duplex dwellings on a rear site within Hamilton East HHA</u>	<u>RD</u>
o. <u>Duplex dwellings on a rear site within Hayes Paddock HHA</u>	<u>D</u>
p. <u>Duplex dwellings on a front, corner or through site within HHAs (excluding provided in n and o above)</u>	<u>NC</u>
q. <u>Papakainga</u>	<u>NC</u>
r. <u>Residential centre</u>	<u>NC</u>
s. <u>Rest home</u>	<u>NC</u>

## 19.4 Rules – Specific Standards

### 19.4.1 Maintenance and Repairs to a {Link, 10178,Schedule 8A Item

- a. In any repair or maintenance to the exterior of a building or structure, the heritage values for which the Historic Place was scheduled shall be respected. This will be achieved by:
  - i. Using the same or similar materials.
  - ii. Maintaining consistency with the scale, proportion, finishes and techniques.
- b. Maintenance to a building or structure shall be limited to:
  - i. Works for the purpose of weatherproofing.



- ii. Plumbing and electrical work.
- c. Repairs shall be for the purpose of repair, patching, piecing in, splicing or consolidating.

### 19.4.2 Historic Heritage Areas - Density

The minimum area of land (net site area) required in respect of each residential unit within a historical heritage area shall be:

**Table 19.4.3: Density**

Activity	HHA
a. Single dwellings - front, corner and through site (including relocated dwellings) (per unit)	600m <sup>2</sup>
b. Single dwellings - rear site (including relocated dwellings) (per unit)	400m <sup>2</sup>
c. Duplex dwellings (per residential unit)	600m <sup>2</sup> (300m <sup>2</sup> per Duplex)
d. Single dwellings with an ancillary residential unit on a front, corner or through sites within an HHA (*total area for both dwelling and ancillary residential unit)	700m <sup>2</sup>
e. Single dwellings with an ancillary residential unit on a rear site within an HHA (*total area for both dwelling and ancillary residential unit)	500m <sup>2</sup>

### 19.4.3 Historic Heritage Areas - Site Coverage

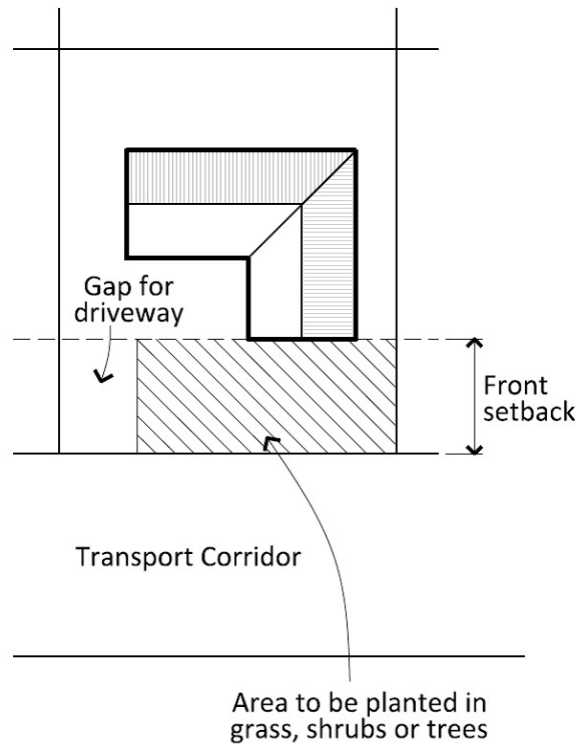
Activity	HHA
a. Front, corner or through sites (maximum % unless otherwise stated)	35%
b. Rear sites (maximum % unless otherwise stated)	40%

### 19.4.4 Historic Heritage Areas - Permeable Surface and Planting

Activity	HHA
a. Permeability across the entire site (including area required by Rule 19.4.5.b below) (minimum % unless otherwise stated)	40%

<p>b. <u>Front sites, corner sites, through sites only: front setback (required by Rule 19.4.8 Building Setbacks) to be planted in grass, shrubs or trees (see Figure 19.4.5)</u></p>	<p>80%</p>
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**Figure 19.4.5: Planting requirement forward of the front building line**



**19.4.5 Historic Heritage Areas - Building Height**

Activity	HAA - except Temple View HHA	Temple View HHA
<p>a. <u>Front, corner and through site (maximum height unless otherwise stated)</u></p>	<p>All buildings shall have a maximum height of:</p> <ul style="list-style-type: none"> <li>i. <u>The original height of the building on the subject site; or</u></li> <li>ii. <u>The average of existing heights of buildings on adjacent sites, being the three sites on either side of the subject site</u></li> </ul>	<p><u>No part of any new or extended building or structure shall be higher than the floor level of the Temple</u></p>

	<p>or six sites on one side of the subject site</p> <ul style="list-style-type: none"> <li>• Whichever is higher</li> </ul>
b. Rear site (maximum height unless otherwise stated)	8m and maximum two storeys

### 19.4.6 Historic Heritage Areas - Height in Relation to Boundary

- a. No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries.

Except that:

- i. Where buildings are attached, no height control plane is required between those buildings.
- ii. Where there are two or more dwellings on the same site, the plane shall be measured at a line midway between the two dwellings rising at an angle of 45 degrees and with this angle measured from 3m above ground level at the midway line.
- iii. Where a boundary adjoins a transport corridor or access, the 45-degree angle applies to that boundary, measured 3m above the boundary.

### 19.4.7 Historic Heritage Areas - Building Setbacks

Activity	HHA
a. From a boundary with - any transport corridor (minimum setback unless otherwise stated)	<p>Except for Temple View HHA, all HHAs: All buildings shall be set back from the boundary the greater of:</p> <ul style="list-style-type: none"> <li>i. The front setback of the original building on the subject site; or</li> <li>ii. The average of existing front setback of buildings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site</li> </ul> <p>For Temple View HHA:</p> <ul style="list-style-type: none"> <li>i. No Building to be located closer to Tuhikaramea Road than the existing setback distance to the Temple</li> <li>ii. Minimum 5m setback in all other situations</li> </ul>

<p>b. <u>A garage or carport shall be set back:</u></p> <p>i. <u>A minimum of 8m from the front boundary; or</u></p> <p>ii. <u>A minimum of 0.5m behind the front façade of the building on the site whichever creates the greater setback from the front boundary.</u></p>	
<p>c. <u>Front, corner and through site - side and rear boundaries (minimum setback)</u></p>	<p><u>For Hamilton East and Claudeland West HHAs –</u></p> <ul style="list-style-type: none"> <li>• <u>One side boundary minimum 3m</u></li> <li>• <u>Other side boundary and rear boundary minimum 1.5m</u></li> </ul> <p><u>For Temple View HHA –</u></p> <ul style="list-style-type: none"> <li>• <u>Minimum 3m</u></li> </ul> <p><u>For other HHAs –</u></p> <ul style="list-style-type: none"> <li>• <u>Minimum 1.5m</u></li> </ul>
<p>d. <u>Rear site - all boundaries (minimum setback)</u></p>	<p><u>For Temple View HHA –</u></p> <ul style="list-style-type: none"> <li>• <u>Minimum 3m</u></li> </ul> <p><u>For other HHAs –</u></p> <ul style="list-style-type: none"> <li>• <u>Minimum 1.5m</u></li> </ul>
<p>e. <u>Waikato Riverbank and Gully Hazard Area</u></p>	<p><u>For Temple View HHA –</u></p> <ul style="list-style-type: none"> <li>• <u>Minimum 3m</u></li> </ul> <p><u>For other HHAs –</u></p> <ul style="list-style-type: none"> <li>• <u>Minimum 1.5m</u></li> </ul>

**Note**

Refer to Chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.

## 19.4.2.8 Archaeological and Cultural Sites

- a. In the event that during earthworks on any site any archaeological feature, artifact or human remains are found, the Accidental Discovery Protocol within Volume 2, Appendix 8-2 will be complied with.

## 19.5 Controlled Activities: Matters of Control

- a. In determining any application for resource consent for a controlled activity in addition to compliance with the relevant standard within 19.4 the Council shall have control over the following matter referenced below.

Activity Specific	Matter of Control and Reference Number (Refer to Volume 2, Appendix 1.3.2)
i. Earthquake strengthening works to the external building façade of any structure or building ranked B*	<ul style="list-style-type: none"> <li>E – Historic Heritage</li> </ul>

**Note**

1. Refer to Chapter 1.1.9 for activities marked with an asterisk (\*)

## 19.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a. In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
<b>Schedule 8A: Built Heritage (structures, buildings and associated sites)</b>	
i. Accessory buildings or new buildings within any scheduled site ranked B*	<ul style="list-style-type: none"> <li>E – Heritage Values and Special Character</li> </ul>
ii. Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked B	<ul style="list-style-type: none"> <li>E – Heritage Values and Special Character</li> </ul>
iii. Earthquake strengthening works to the external building façade of any structure or building ranked A*	<ul style="list-style-type: none"> <li>E – Heritage Values and Special Character</li> </ul>
iv. Erecting, constructing or extending any structure or fence on a site*	<ul style="list-style-type: none"> <li>E - Heritage Values and Special Character</li> </ul>
v. Relocation on site of any structure or building ranked B	<ul style="list-style-type: none"> <li>E - Heritage Values and Special Character</li> </ul>
vi. Signs*	<ul style="list-style-type: none"> <li>E – Heritage Values and Special Character</li> </ul>

Schedule 8B: Group 1 Archaeological and Cultural Sites	
vii. Any earthworks on a site in Group 1	• E – Heritage Values and Special Character
viii. Signs on a site in Group 1*	• E – Heritage Values and Special Character
Historical Heritage Areas	

ix. to xiii. have been introduced in PC9

xiv. <u>Accessory building</u>	• <u>E – Heritage Values and Special Character</u>
xv. <u>Ancillary residential building</u>	• <u>E – Heritage Values and Special Character</u>
xvi. <u>Detached dwelling</u>	• <u>E – Heritage Values and Special Character</u>
xvii. <u>Duplex dwelling on a rear site within Hamilton East HHA</u>	• <u>E – Heritage Values and Special Character</u>

**Note**

1. Refer to Chapter 1.1.9 for activities marked with an asterisk (\*)

## 19.7 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation