

This Plan Change is subject to the following changes:

Notified and Decision #3 of Plan Change 9 and Notified Plan Change 12

- Proposed new text - underlined with green highlighting.
- Proposed deleted text - ~~strikethrough with red highlighting~~.

PC9

Built Heritage – Hearing 2 Recommendations, HHAs – Revised HHA Provisions
May 2024

- New text – Underlined
- Deleted Operative District Plan - ~~strikethrough~~
- Deleted Notified PC9 text – ~~strikethrough~~

PC12

- New text – Underlined
- Deleted Operative District Plan - ~~strikethrough~~
- Deleted Notified PC 9 text – ~~strikethrough~~

Consequential amendments to Decision #3

New text - Underlined
Deleted text - ~~strikethrough~~

19 Historic Heritage

19.1 Purpose

- Historic heritage is a natural or physical resource and is defined in the Act. This chapter addresses built heritage (building and structures) ~~historic structures~~ and their immediate setting and surroundings, historic heritage areas, and sites of archaeological or cultural significance, and relates to the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- ~~The purpose of this chapter is to identify those individual buildings, structures, places and sites that are significant~~ Hamilton has a rich history, and therefore warrant recognition in addition to the knowledge, wisdom and protection guidance gained from past generations; there are as well, a number of key documents and statutes are particularly relevant. These items are listed in include the Resource Management Act; and the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (the Settlement Act) and Te Ture Whaimana o Te Awa o Waikato — Vision and Strategy for the Waikato River (refer Volume 2, Appendix 8-10)
 - ~~Schedule 8A: Built Heritage (buildings, structures)~~ The Settlement Act recognises the Waikato River as tuupuna which has mana and associated sites in turn represents the mana and mauri of Waikato-Tainui. The Waikato River is both a physical and a metaphysical being. The relationship of Waikato-Tainui with the Waikato River gives rise to responsibilities to protect te mana o te awa and to exercise mana whakahaere in accordance with long-established tikanga to ensure the restoration and protection of the wellbeing of the river.
 - ~~Schedule 8B: Group 4~~ While many sites of archaeological or cultural significance have been destroyed, damaged or highly modified by urban development and are not easily recognisable for their original purpose and form, their historical and cultural importance

has not diminished. Archaeological sites form an important part of the cultural history of the City and Cultural Sites should be appropriately recognised and protected for the benefit of current and future generations.

- c. ~~There~~In many cases, a site has both archaeological significance and significance to Maaori and the extent of such sites can be more extensive, than the recorded archaeological site. Council acknowledges that it is ~~potential~~only appropriate for cultural artefacts Mana Whenua to be found identify their relationship and for archaeological sites to be discovered throughout that of their culture and traditions with their ancestral lands, water, areas, waahi tapu and other taonga, including 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 extent of the values associated with the archaeological sites.
- d. ~~Mana~~ ~~There are no additional controls~~Whenua have historical rights, authority and control associated with their taonga, sites of significance within Hamilton, despite Mana Whenua historically not being involved in decision making that fulfils their obligations and responsibilities as kaitiaki. This has meant that Mana Whenua have been unable to prevent the ~~plan on~~deseccration of some taonga, areas of significance, at the expense of development. Furthermore, the relationship of Mana Whenua with sites and areas of significance has deteriorated, as access to these sites that are identified for information purposes only. If artefacts areas has either been extinguished or archaeological sites are discovered an Authority must be obtained from Heritage New Zealand Pouhere Taonga ~~restricted~~.

~~Buildings~~Built Heritage (Buildings and Structures)

- ~~g. e.~~ 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.
- ~~h. f.~~ 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.
- ~~i. g.~~ Removing buildings from their original setting or partial demolition that retains only the façade of the building, 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.

Historic ~~Historical~~ Heritage Areas

- ~~k. h.~~ Hamilton's historic urban areas contribute to the City's unique identity, to its economy and to the wellbeing of its residents. Hamilton's development and evolution has been unique, and had been shaped by the significance of the River, the laying out of the early grid road systems on the high ground to the east and west, the coming of the railway and its extension over the River and eastwards, and the road links to Auckland and the wider Waikato.

- h. i. Redevelopment and intensification in existing residential and business areas has the potential to result in the loss of heritage values. Active stewardship is needed to protect these areas from inappropriate subdivision, use, and development.
- m. j. The identification of Historic Heritage Areas (HHAs), across the city, seeks to address this by recognising areas which have identifiable heritage significance to the history and identity of the city.
- n. k. A total of 20 HHA in Hamilton are recognised as having heritage value and are listed in Schedule 8D.
- o. l. Each HHA is supported by a HHA Statement, which describes its heritage values (Historic, Physical/Aesthetic/Architectural, Technological, Archaeological, Cultural and Scientific Qualities).

k. The intention of the Historic Heritage Area is to identify, protect, maintain and enhance the respective heritage attributes of those areas. A total of 32 areas in Hamilton are recognised as having a distinctive historical heritage value (Refer to Volume 2, Appendix 8: Schedule 8D Historic Heritage Area). The historic significances for an area are influenced by the representative of a period of development which has historic heritage significance in the development of the city, as well as the consistency in physical and visual qualities.

l. The physical and visual qualities are attributes to the heritage values and they include the consistencies of:

- i. Street and block layout
- ii. Street design and street trees.
- iii. Lot sizes, dimensions and development density.
- iv. Lot layout and position of buildings and structures onsite.
- v. Topography and natural environment.
- vi. Architecture and building typologies and
- vii. Street frontage treatments.

The values of these heritage areas can be compromised by site redevelopment, infill development, demolition of existing buildings and structures, additions and alterations of existing buildings, and additions of other buildings and structures such as accessory buildings, fences and retaining walls, if these have little regard to the area's representatives and consistencies of those heritage attributes.

m. Design and layout of the sites and the placement of buildings are critically important, and they must address potential adverse environmental effects and ensure a good quality urban

~~environment is achieved through design and heritage impact assessment to consider their compatibility and be sympathetic with identified heritage values of the area. Standards have been placed on the use, development and demolition of buildings to manage change in these areas.~~

~~m. Each historic heritage area is supported by a Historic Heritage Statement identifying the locations and representativeness of the area. Assessment of proposals for development and modifications to buildings within these areas will be considered against the relevant policies and the historic heritage area statements and a site-specific Heritage Impact Assessment to be provided as part of the development.~~

~~n. For activities that are not specifically within an HHA, they will be managed through the provisions and controls of the underlying zoning chapters.~~

Archaeological and Cultural Sites

- ~~m.~~ Hamilton has many sites of historic and cultural heritage significance that are of archaeological and cultural significance. Some of these are associated with European settlement, while others are significant to Waikato iwi and local hapū/hapuu.
- ~~p. m.~~ ~~Archaeological~~ The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) is the primary legislation for the management of archaeological sites, and all archaeological sites include are protected under the HNZPT Act. An archaeological site is defined in the HNZPT as any place in New Zealand, including buildings, structures and shipwrecks, that was associated with pre-1900 human activity where there is evidence relating to the history of New Zealand that occurred before 1900 can be investigated using archaeological methods.
- ~~Archaeological~~ The District Plan must recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development, and also can play an important role in providing information to assist in awareness of the protection of 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 under the HNZPT Act.
- ~~q. n.~~ Many sites archaeological 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 archaeological 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 or building foundations) may still exist below the surface.
- ~~f. o.~~ While many sites have been destroyed or damaged extensively modified by urban development and are not easily recognisable for their original purpose and form, their historical or cultural importance has not been diminished. Sites Subsurface features, such as artifacts, taonga and physical forms may still exist. Sites of archaeological and cultural significance form an important part of the cultural history of the City and should be protected for the benefit/benefits of current and future generations.
- ~~s. p.~~ The relationship of Māori and their culture and traditions with their ancestral lands, water, waahi tapu and other taonga may be destroyed or compromised through inappropriate subdivision, use or development. Kaitiakitanga or guardianship and protection of the land, water, waahi tapu and other taonga is an important issue/matter for Waikato iwi and local hapū/hapuu and section 7a of the Act requires particular regard to be had to Kaitiakitanga. The majority of the identified archaeological sites are considered by Mana Whenua to also be part

of wider sites of significance to Maaori.

- †. g. Section 6e of the Act requires that in relation to managing the use, development, and protection of natural and physical resources: the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is recognised and provided for. Section 6f of the Act requires the recognition and provision for the protection of historic heritage from inappropriate subdivision, use, and development. Under section 7a of the Act, as a matter of national importance, particular regard must be had to kaitiakitanga.
- †. f. The potential adverse effects of subdivision, use and development that the provisions address, include inhibiting or improving the responsibility of Kaitiaki in relation cultural sites, and effects on mauri, mana, tapu, hononga, taonga, tikanga, kawa, cultural activities and customary activities.
- †. s. The information regarding archaeological sites is not exhaustive and the obligations of the Heritage New Zealand Pouhere Taonga Act 2014 apply throughout the City. There is potential for cultural artefacts and physical remnants from past human activities that are of cultural, historic, or scientific interest and that are not recorded or scheduled to be found and for archaeological and cultural sites to be discovered throughout the City. Those obligations include that if an archaeological site is discovered an Authority must be obtained from Heritage New Zealand Pouhere Taonga before undertaking any activity that will or may modify or destroy the whole or any part of any archaeological site.

Policy Framework of the Chapter

- †. t. The policy framework of this chapter addresses the protection of historic heritage in three categories: buildings and structures, historic heritage areas and archaeological and cultural sites.
- †. u. Schedules in Volume 2, Appendix 8 — Historic Heritage identify:
 - i. Schedule 8A: Built Heritage (buildings and structures).
 - ii. Schedule 8B: Group 1 Archaeological or Cultural Sites.
 - iii. Schedule 8C: Group 2 Archaeological or Cultural Sites.
 - iv. Schedule 8CA: Group 3 Archaeological or Cultural Sites.
 - v. Schedule 8D: Historic Heritage Areas

19.2 Objectives and Policies: Historic Heritage

All Historic Heritage

Objective	Policies
19.2.1a.1 The City's historic heritage shall be protected from that contributes to an	19.2.1a The City's historic heritage shall be protected from the adverse effects of inappropriate subdivision, use and development.

<p><u>understanding and appreciation of the adverse effects history and culture of subdivision the City is identified, use and development significant heritage resources are protected.</u></p>	<p>19.2.1b <u>Ensuring that where features have been destroyed or damaged, the historical Historic heritage resources and heritage values of these sites are shall be identified, recorded and recognised to ensure maintain or enhance the sense of identity and wellbeing of the City's residents and the historical legibility of Hamilton the City.</u></p> <p>19.2.1c 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>19.2.1d <u>The relationship Mana Whenua have with both the whenua and awa, and the spiritual, cultural and/or historical significance of the whenua and awa to Mana Whenua shall be recognised and provided for.</u></p> <p>19.2.1e <u>Signs on buildings, structures and/or sites listed in Schedules 8A, 8B, 8C or 8D must:</u></p> <ul style="list-style-type: none"> i. <u>Be associated with lawful activities on the site;</u> ii. <u>Be consistent with and maintain or enhance the historic heritage values;</u> iii. <u>Avoid, remedy or mitigate adverse effects on the heritage resource.</u>
<p>Explanation</p>	
<p><i>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 <u>setting and surroundings with historical, physical/aesthetic/architectural, social, technological, archaeological, cultural, architectural and, scientific, archaeological or technological</u> significance.</i></p> <p><i>The District Plan matches levels of protection with the classification of the item so the City's most significant items are protected. <u>For Iwi and Hapuu this provides for the mana and wairua of the site to be recognised, and for owners and developers the identification provides certainty for the future.</u></i></p> <p><i>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.</i></p> <p><i>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.</i></p>	
<p>Objective</p>	<p>Policies</p>
<p>19.2.2 The heritage values of a diverse and</p>	<p>19.2.2a Items of significant heritage value <u>(buildings, objects, areas, trees and sites)</u> shall be scheduled.</p>

representative range of natural, physical and cultural resources are protected.	<p>19.2.2b The loss of heritage values associated with scheduled items shall be avoided <u>as far as practicable</u>.</p> <p>19.2.2c Outstanding examples of a particular type of <u>site, or sites</u> <u>historic heritage</u> that are highly significant to the community shall be scheduled.</p>
<p>Explanation</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 <u>buildings, objects, areas, trees</u> <u>buildings</u> and <u>Māori sites</u> <u>structures</u>, that are of heritage significance will be assessed against criteria which seek to maintain an item's heritage <u>value</u> <u>values</u>. As well, works within the extent of archaeological and cultural site, must recognise the heritage significance to ensure these heritage values are maintained. The items and areas of historic heritage (built heritage, HHA and archaeological and cultural sites), set out the Schedules in Appendix 8 have been assessed against the criteria contained in Appendix 8 respectively. The loss of heritage values will be considered through a resource consent process.</i></p>	

Buildings Built Heritage (Buildings and Structures)

Objective	Policies
<p>19.2.3 The heritage values of significant buildings, structures and their <u>immediate setting</u> surroundings are protected.</p>	<p>19.2.3a <u>The Demolition, or relocation</u> <u>removal from the site of buildings and structures identified in Schedule 8A, of buildings and structures ranked A or B in Schedule 8A</u> shall only occur if an investigation into the alternatives demonstrates that the alternatives are not practicable, including: <u>be avoided, except where:</u></p> <ul style="list-style-type: none"> i. <u>Demolition or removal is the last resort, and particularly for rank A, alternatives must have been fully investigated and it can be demonstrated that those alternatives are not practicable;</u> ii. <u>The extent of work required to repair the building or structure is of such a scale and/or nature that the integrity and heritage values would be destroyed;</u> iii. <u>The demolition is partial and the heritage values and significance will be retained;</u> iv. <u>The heritage significance of the building or structure has been irreparably damaged by a natural hazard event and there is no reasonable alternative to demolition, including repair;</u> v. <u>There is a threat to life and/or property and interim protection measures would not remove that threat;</u> vi. <u>Removal to a new site ensures the heritage values and significance will be retained.</u>

	<p>vii. <u>Removal to a new site provides a setting and surroundings that are compatible with the heritage values of the building or structure</u></p> <p>19.2.3b <u>Removal from the site of buildings and structures identified in Schedule 8A of buildings and structures ranked A or B in Schedule 8A shall only occur if an investigation into the alternatives demonstrates that the alternatives are not practicable, including:</u></p> <ul style="list-style-type: none"> i. <u>The removal is necessary to protect the building from being irreparably damaged by a natural hazard event;</u> ii. <u>The removal is necessary to provide protection of the building or structure or to ensure public safety;</u> iii. <u>Removal to a new site ensures the heritage values and significance will be retained;</u> iv. <u>Removal to a new site provides a setting and surroundings that are compatible with the heritage values of the building or structure</u> <p>19.2.3cb <u>Demolition or relocation</u> <u>The Relocation of buildings and structures ranked B identified in Schedule 8A should within a the site or in the extent of place identified in Schedule 8A is avoided, except where: should only be allowed where it can be demonstrated that:</u></p> <ul style="list-style-type: none"> i. <u>The relocation is necessary to maintain facilitate the on-going use, or facilitate adaptive re-use, or protection of the building or structure or to ensure public safety;</u> ii. <u>The relocation allows for significant public benefit and accessibility that would not otherwise be discouraged achieved;</u> iii. <u>The relocation is necessary to provide protection of the building or structure or to ensure public safety;</u> iv. <u>Measures will be taken to minimise the risk of damage to the building or structure;</u> v. <u>The relocation will provide continuity of the heritage values of the building or structure;</u> vi. <u>The building or structure will remain within the site and is as close to the original location as is practicable; and</u> vii. <u>The relocation maintains the heritage values and significance of the building or structure.</u>
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	<p>19.2.3de Subdivision and/or development of a the site identified in Schedule 8A shall retain, protect and where practicable enhance the heritage values of any building or structure listed within Schedule 8A scheduled item, having regard to the setting and surroundings' ability to accommodate change without compromising the heritage values, including by ensuring that:</p> <ul style="list-style-type: none"> i. The proposal is compatible with the sensitivity of the heritage building or structure and its setting and surroundings to change and its capacity to accommodate change without compromising the heritage values of the building or structure; ii. The proposal is compatible with the heritage values, including the form, character, scale, proportions, materials and finishes; and iii. Subdivision and/or development of the site identified in Schedule 8A will not adversely affect the visibility of the heritage building or structure from public places; iv. The resulting setting of the building or structure is sufficient to maintain or enhance the heritage values; <p>19.2.3ed Subdivision and development shall avoid any potential cumulative adverse effects on any building or structure listed in Schedule 8A.</p> <p>19.2.3fe Heritage bBuildings and structures identified in Schedule 8A shall be used in a manner that ensures identified essential heritage qualities values are not damaged or destroyed.</p> <p>19.2.3gf The form, scale, character, location, design, materials and finish of any development within the setting or extent of place of a historic heritage building or structure in Schedule 8A shall be consistent with and not detract from identified heritage values.</p> <p>19.2.3hg The continued use or adaptive reuse of any building or structure of identified in Schedule 8A heritage value shall be encouraged, where:</p> <ul style="list-style-type: none"> i. The continued use is integral to the heritage values of the building or structure, that use should be retained ii. Any works undertaken to adapt the building or structure for the new use are undertaken in a manner that is consistent with and protects the heritage values of the building or structure and its surroundings; and; iii. Any works undertaken are kept to the minimum necessary for the use or adaptive reuse and keep the heritage fabric of the building or structure as intact as possible practicable. <p>19.2.3ih The site surrounding the heritage building or structure identified in</p>
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	<p><u>Schedule 8A</u> shall be protected to the extent that it contributes to the heritage values.</p>
	<p>19.2.3 j <u>Encourage</u> Any work for earthquake strengthening, fire protection, building services and accessibility upgrades to heritage buildings and structures must ensure that the <u>strengthening of buildings in Schedule 8A to increase their ability to withstand future earthquakes while minimising materials and design reflect the significant loss of associated heritage values</u>, and avoid, remedy or mitigate any adverse effects on heritage values, including by:</p> <ol style="list-style-type: none"> <u>Protecting, as far as practicable, architectural features and details that contribute to the heritage values of the building or structure;</u> <u>Retaining or reinstating the appearance of the original façade; and</u> <u>Minimising the visual effects of additions to the heritage building or structure.</u>
	<p>19.2.3 k Any work on heritage buildings and structures in Schedule 8A shall be carried out in a manner that:</p> <ol style="list-style-type: none"> <u>Focuses any changes to those parts of the heritage building or structure that have more potential to accommodate change (other than where works are undertaken as a result of damage);</u> <u>Conserves, and restores wherever possible enhances, the authenticity and integrity of the building or structure;</u> <u>Identifies, minimises and manages risks or threats to the structural integrity and heritage values of the building or structure, including from natural hazards;</u> <u>Documents the material changes to the heritage building or structure and heritage setting;</u> <u>Is reversible wherever practicable (other than where works are undertaken as a result of damage or maintenance and repair);</u> <u>Distinguishes between new work and existing heritage fabric in a manner that is sensitive to the heritage values;</u> <u>Maintains the building or structure to prevent deterioration and to retain its heritage value.</u>
	<p>19.2.3 l Modification of the interior of buildings or structures <u>identified in Schedule 8A, where the interior is not listed as protected, is enabled as a means of encouraging use, re-use or adaptive reuse</u></p>

	<u>and while facilitating the retention and protection of the exterior heritage values.</u>
Explanation	
<p>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.</p> <p>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.</p> <p>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, <u>except where the interior is listed, then changes to the interior are equally sensitive to change and need to be controlled and managed.</u></p> <p>The strengthening of historic heritage buildings to meet earthquake 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.</p> <p>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.</p> <p>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.</p>	

Historic Heritage Areas

Objective	Policies
19.2.4 The heritage values of a historic heritage area are <u>identified and protected.</u>	19.2.4a Cumulative adverse effects on the heritage values of the areas are avoided wherever practicable.
	19.2.4b <u>The design, material use and placement of buildings and structures is compatible and sympathetic with the heritage values for the area being identified.</u> <u>Enable the use, development and adaptation of buildings and sites within HHAs where it will not result in adverse effects on the significance of the HHA.</u>
	19.2.4c <u>The design, material use and placement of buildings and structures, including relocated buildings and additions and alterations to existing buildings, demonstrate consistency with the physical and visual qualities of the historic heritage area through a Heritage Impact Assessment.</u>

	<p><u>Development within a HHA protects the heritage significance of the HHA by ensuring that:</u></p> <ul style="list-style-type: none"> <u>the form, scale and proportion of the development, and the proposed materials do not detract from the heritage values of the HHA;</u> <u>the location of development does not detract from the relationship that exists with other buildings and sites in the HHA or with the street.</u> <p>19.2.4d <u>The effects of demolition or removal of existing building, including detached accessory building, on a front, corner or through site within a historic heritage area is managed to protect the identified historic heritage values.</u> <u>Discourage the demolition or removal of existing buildings from a HHA unless evidence is provided which demonstrates that:</u></p> <ol style="list-style-type: none"> <u>The demolition or relocation of the building off site does not detract from the identified heritage values of the HHA;</u> <u>Other reasonable alternatives have been shown to be impractical;</u> <u>There is a significant risk to public safety or property if the building is to remain; and</u> <u>Appropriate mitigation is provided.</u>
	<p>19.2.4e <u>Require all resource consents within an HHA to be accompanied by a Heritage Impact Assessment (HIA) (See Information Requirements 1.2.2.8)</u></p>
<p>Explanation</p>	

All the areas which have been identified as HHAs have particular heritage values. It is important that these qualities are identified, and any new development is sensitive and is compatible with them.

These policies seek to retain and manage the historic heritage values of each HHA. Each HHA is supported by a HHA Statement identifying its heritage significance. specific areas identified as having collective and cohesive values, importance, relevance and interest to the historic heritage significance in the development of Hamilton City. Each historic heritage area is supported by a Historic Heritage Area statement identifying the key physical and visual qualities of the area.

Assessment of proposals for development and modifications to buildings within these areas will be considered against the relevant policies, the HHA Statements historic heritage area statements and the historic values that are identified in those HHA sStatements.

<p>19.2.5 <u>Recognise, protect and, where possible, enhance the physical and visual qualities of the heritage values of a residential zoned site within a historic heritage area.</u></p>	<p>19.2.5a <u>Development is sympathetic with the existing historic values found within the historic heritage area through:</u></p>
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	<p>i. Being compatible with the design, material used and placement of buildings and structures within the area.</p> <p>ii. Mitigating the effects of the demolition or removal of existing buildings and structures from the site.</p> <p>iii. Ensuring that any car parking, servicing, lighting and sign requirements do not adversely affect the heritage values of the area or the relationship of a building with the streetscape.</p> <p>iv. <u>Providing a site-specific Heritage Impact Assessment.</u></p>
Explanation	

~~All the areas which have been identified as historic heritage areas have particular physical and visual qualities which make them represent a period of development with historic heritage significance in the development of the city. It is important that these unique qualities are identified and any new development is sensitive and is compatible with them.~~

Archaeological and Cultural Sites

Objective	Policies
<p>19.2.4.6 Significant archaeological and cultural sites shall be protected from <u>modification</u>, damage or destruction.</p>	<p>19.2.4a.6a Subdivision, use and development shall be managed to avoid damage to so that where adverse effects on archaeological and cultural sites where cannot be avoided, they exist, shall be <u>remedied</u> or are likely to exist minimised as far as practicable.</p>
	<p>19.2.6b <u>The risk of damage to archaeological and cultural sites is reduced by identifying the known archaeological resource and the extent of the recorded identified site.</u></p>
	<p>19.2.4b.6c The protection and management of sites of archaeological and cultural significance shall be informed by their significance.</p>
	<p>19.2.4c.6d 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"> i. Inappropriate planting, ii. The removal of vegetation where it affects the stability of the site, and iii. Addition, excavation or compaction of any soil, rock or other materials.
	<p>19.2.4d.6e The relationships of tangata whenua <u>Mana Whenua</u> with sites of</p>

	<p>spiritual, cultural or historical significance <u>that are archaeological and cultural sites</u> shall be recognised and provided for.</p>
	<p>19.2.4e.6f</p> <p>Where features of significant <u>archaeological and</u> cultural sites are lost, these features should<u>must</u> be recorded and/or recognised through on-site marking to ensure the historical legibility of Hamilton City.</p>
	<p>19.2.6g</p> <p><u>The maintenance of existing gardens, lawns and planting beds, is enabled, but earthworks on Schedule 8B: Group 1 and Schedule 8C: Group 2 archaeological and cultural sites are managed to ensure adverse effects on the archaeological and cultural site are avoided, remedied or mitigated.</u></p>
Explanation	
<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 <u>surface</u> 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.</p> <p>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.</p> <p><u>An important concern for tangata whenua Archaeological sites recorded on the New Zealand Archaeological Association's (NZAA's) Digital Archaeological Site File database (ArchSite) as of 1 September 2023 are included in either Schedule 8B, 8C, or 8CA of Appendix 8, and the location and extent of each site is shown on the District Plan Planning Map. Details of any archaeological or cultural sites added to ArchSite after 1 September 2023, including their location and extent, would need to protect sites be obtained from ArchSite. Refer to https://nzaa-archsite.hub.arcgis.com/</u></p> <p><u>The protection of sites from accidental or intentional interference is important to Mana Whenua. The District Plan will record and protect only those sites which iwi Mana Whenua are comfortable to make known or are recorded by NZAA. The location of some other sites is known only to Waikato iwi and local hapu hapuu. In addition, there may be other yet to be discovered archaeological and cultural sites present within the City's boundary. The policies, also rules and notes regarding accidental discover recognise the ongoing importance of these sites to Maaori.</u></p> <p><u>Where development has already taken place and the site site's features have been destroyed or damaged, recognition of the site site's existence is desirable necessary. This recognition could be given through one or more of the following, or other, methods: erecting signs, planting carved pou, public art, interpretation panels, or some other method story boards, building design and decoration, landscaping design, planting, and naming. Even where these sites a site's features no longer exist physically, they the site still hold holds cultural significance, particularly to Waikato iwi and local hapu hapuu with respect to sites and areas of significance to Maaori.</u></p>	

19.3 Rules - Activity Status Table

19.3.1 Built Heritage (Buildings and Structures)

Activity	Class		
	A Ranked	B Ranked	Other

a. Maintenance and repair of buildings or structures where compliance with Rule 19.2.4.1 is achieved	P		
b. Maintenance and repair of buildings or structures where compliance with Rule 19.2.4.1 is not achieved	RD		
b. Internal alterations of buildings, except those specific interiors listed in Schedule 8A (see Note 3).	P		
c. Accessory buildings or new buildings within any scheduled site or identified extent of place ranked A	D	RD*	P - Building or structure within Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus
e. Accessory buildings or new buildings within any scheduled site ranked B	RD*		
f. Accessory buildings or new buildings within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus	P		
d. Alterations or additions (excluding maintenance and repair) to the exterior and interior (if the interior is listed in Schedule 8A), of any structure or building ranked A	D	RD	P – a building or structure that is freestanding C – a building or structure that is attached to a listed item
h. Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked B	RD		
e. Alterations necessary to any structure or building ranked A for the purpose of providing or improving fire safety, physical access and physical accessibility upgrades, and /or building services.	RD	C	P – a building or structure that is freestanding C – a building or structure that is attached to a listed item
i. Alterations necessary to any structure or building ranked B for the purpose of providing or improving fire safety, physical access and physical accessibility upgrades, and /or building services.	C		
f, k. Demolition of any structure or building ranked A	NC	D	P – a building or structure that is freestanding C – a building or structure that is attached to a listed item
l. Demolition of any structure or building ranked B	D		
g, m. Earthquake strengthening works to the external façade or to the interior where the strengthening will be externally visible, of any structure or building ranked A or internally visible where the interior is listed in Schedule 8A.	RD*	C	P – a building or structure that is freestanding C – a building or structure that is attached to a listed item

n. Earthquake strengthening works to the external façade or to the interior where the strengthening will be externally visible, of any structure or building ranked B	C		
h. o. Erecting, constructing or extending any structure or fence on a site or identified extent of place.		RD*	P - Building or structure within Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus
p. Erecting, constructing or extending any structure or fence on a site within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus	P		
l. q. Signs (refer also to Chapter 25.10: City-wide – Signs)		RD*	Building or structure within Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus - Refer to Chapter 25.10: City-wide – Signs
r. Signs within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus	Refer to Chapter 25.10: City-wide – Signs		
j. s. Subdivision of an allotment containing a building or structure listed in Schedule 8A scheduled Historic Built Heritage Item and sites identified in Volume 2 Appendix 8, Schedule 8A and 8B. (See note 2)		Refer to Chapter 23: Subdivision	
k. t. Change of use to an activity otherwise listed as non-complying in the underlying zone rules for any historic place building or structure identified in Schedule 8A		D	
l. u. Removal off site or identified extent of place of any structure or building ranked A	NC	D	P – a building or structure that is freestanding C – a building or structure that is attached to a listed item
m. v. Relocation on existing site or identified extent of place of any structure or building ranked A	D	RD	P – a building or structure that is freestanding C – a building or structure that is attached to a listed item
w. Removal off site of any structure or building ranked B	D		
x. Relocation on site of any structure or building ranked B	RD		
n. y. Reconstruction and reinstatement of any structure or building ranked A	D	RD	P – a building or structure that is freestanding

			C – a building or structure that is attached to a listed item
z. Reconstruction and reinstatement of any structure or building ranked B	RD		
o.-aa. Minor work on a site or identified extent of place of any structure or building identified in Schedule 8A that complies with Rule 19.4.12 (See note 24)		P	
Volume 2, Appendix 8, Schedule 8A: Built Heritage (structures, buildings and associated sites)			
Volume 2, Appendix 8, Schedule 8B: Group 1 Archaeological and Cultural Sites			
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 \(Schedule 8D\)](#)

Activity	Class
a. Alterations and additions (excluding maintenance and repair) to an existing building on a front, corner or through site within an HHA (excluding heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	RD
b. Maintenance and Repair Alterations and additions to an existing building on a rear site within an HHA (excluding heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
c. Ancillary residential structure, excluding fences and/or walls provided in (h.) and (i) below.	P
d. Demolition of existing curtilage wall	RD
e. d. Demolition or relocation off the site of an existing residential unit dwellings on a front, corner or through site within an HHA (excluding detached accessory buildings, or heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	D
e. Demolition or relocation off the site of a building fronting the street within the following HHAs:	D

<ul style="list-style-type: none"> Victoria Street Frankton Commerce Street Claudlands Commercial 	
f. Demolition or relocation off the site of existing detached accessory buildings (excluding garden sheds established under 20.3.2 n.) on a front, corner or through site within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	RD
g. Demolition of existing buildings on a rear site within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
h. g. New Fences and/or walls located forward of the front building line of the dwelling that meet the standards in Rule 19.4.3: <ul style="list-style-type: none"> Have a maximum height of 1.2m Have a maximum height of 1.8m 	P RD
i. h. New Fences and/or walls except provided in (h) above that do not meet the standards in Rule 19.4.3	PRD
j. i. New buildings or buildings relocated onto a HHA site.	RD
k. Relocated buildings off the original site within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	D
l. j. Relocated buildings on the within their original sites (excluding garden sheds established under Rule 20.3.2 n.) within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	RD
m. Relocated buildings onto sites within an HHA	RD
k. Freestanding and uncovered scaffolding or falsework erected for a period not exceeding six months for maintenance or construction purposes.	P
l. The erection of a garden shed of no greater than 7m² located to the rear of the existing dwelling and no more than 2.2m high.	P
The following activities should only apply to the residential zoned sites locating within an HHAs	
j. m. Accessory building	RD
k. n. Apartments	NC
o. Terraced Housing	NC
l. p. Ancillary residential unit	RD
m. q. Detached dwelling-1 single residential unit on a site	RD
r. 2 or more single residential units on a site	D
n. Duplex dwelling on a rear site within Hamilton East HHA	RD
o. Duplex dwelling on a rear site within Hayes Paddock HHA	D
p. s. Duplex dwelling Residential Unit on a front, corner or through site within HHAs (excluding provided in n and o above)	NC
q. t. Papakainga	NC

Commented [HCC1]: Theme 2, Issue 1, Appendix B
Historic Heritage Areas Evidence

F- U. Residential centre	NC
S- V. Rest home	NC
<p><u>Note</u></p> <p>1. <u>The rules in 19.3.2 do not apply to the Transport Corridor Zone. Refer to 18 Transport Corridor Zone.</u></p> <p>2. <u>The rules in 19.3.2 do not apply to built heritage buildings and structures listed in Schedule 8A, refer to Rule 19.3.1</u></p>	

19.3.3 Archaeological and Cultural Sites

Activity	Class
a. Minor work on all sites in Schedules 8B, 8C or 8CA	P
b. Any earthworks on a site in Schedule 8B: or that is asterisked in Schedule 8C subject to Rule 19.4.2b (see note 1)	RD
c. Signs on a site in Schedule 8B (refer also to Chapter 25.10: City-wide — Signs)	RD*
d. Any earthworks on a site that is not asterisked in Schedule 8C (see note 1)	C
e. Subdivision of a site containing a scheduled archaeological or cultural site identified in Volume 2 Appendix 8, Schedule 8B or 8C (see note 2)	Refer to Chapter 23: Subdivision
f. Any earthworks on a site in Schedule 8CA (see note 3)	P
g. Demolition, alterations, and additions to an existing building or structure constructed after 1900 on a Schedule 8C site that does not involve earthworks or Schedule 8A buildings or structures	P

Note

- 1. Refer to the notes below Rule 19.4.2
- 2. Refer to Rule 23.3 and other relevant provisions of Chapter 23 Subdivision
- 3. Heritage New Zealand Pouhere Taonga should be consulted about any proposed earthworks on a site in Schedule 8CA to determine whether any further assessment of this proposal is required to satisfy the requirements of the Heritage New Zealand Pouhere Taonga Act 2014.
- 4. Refer to the explanation below Objective 19.2.6 for information regarding the mapping of archaeological or cultural sites.

19.4 Rules – Specific Standards

19.4.1 Maintenance and Repairs to a Schedule 8A Item Built Heritage (Building or Structure)

- 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 and repair of buildings and structures in Schedule 8A shall be limited to:

i. Works for those works that come within the purpose definition of weatherproofing;

ii. Plumbing, maintenance and electrical work;

repair of buildings and structures' in Volume 2, Appendix 1.1

Repairs shall be for the purpose of repair, patching, piecing in, splicing or consolidating.

19.4.12

Archaeological and Cultural Sites

- a. ~~In the event~~ If, 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~~ must be complied with.
- b. Applications for earthworks within a site listed in Schedules 8B or 8C must report in the assessment of environmental effects:
 - i. An assessment of the proposed activity's effects on the site's cultural and spiritual values and Mana Whenua's relationships with the site, and
 - ii. Any measures to be incorporated into the proposal to recognise and provide for the relationships of Mana Whenua with the site and to avoid, remedy, or mitigate any adverse effects of the proposal on those values and relationships. Such measures must correspond with the scale and significance of the effects the proposal may have on those values and relationships.

Note

1. If archaeological material, koiwi or taonga, which pre-dates 1900, is present or uncovered on a site, then the site may be an archaeological site in terms of the Heritage New Zealand Pouhere Taonga Act 2014.
2. Any disturbance of an archaeological site is not permitted under the Heritage New Zealand Pouhere Taonga Act 2014, regardless of whether the site is listed in this District Plan or on land that is designated, or the activity causing the disturbance is permitted under the District or Regional Plan or by a building consent or resource consent.
3. The Heritage New Zealand Pouhere Taonga Act 2014 requires an authority to be obtained from Heritage New Zealand Pouhere Taonga before an archaeological site is modified or destroyed.
4. If you wish to do any work that may affect an archaeological site, obtain further information about Heritage New Zealand Pouhere Taonga Act 2014 requirements, or make an application for an authority, then contact the nearest office of Heritage New Zealand Pouhere Taonga.

19.4.23

Historic Heritage Areas - New Fences and Walls

- a. Sites within Victoria Street, Claudelands Commercial, and Frankton Commerce Street HHAs shall have no fence or wall along the street front boundary.
- b. Where there are existing fences and walls in an HHA, new fences and walls shall be in keeping with the existing fences and walls identified in the HHA Statement.

- c. Where the HHA does not have existing fences and/or walls identified, the following design and dimension shall apply to fences and/or walls located forward of the front building line of the dwelling:

Designed and constructed with the use of material, colour texture and form as the existing dwelling onsite	1.2m maximum height
Designed and constructed with the use of material, colour texture and form as the existing dwelling onsite; and achieve with 50% or more see-through visibility (see note 1)	1.8m maximum height

- e. d. The height of any fence and/or wall shall be measured in terms of natural ground level.

- d. All other fences and/or walls shall have a maximum height of 1.8m.

Note

1. Glass, metal bars or louvres are acceptable fence designs to achieve minimum 50% see-through visibility.

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

19.4.43 Historic Heritage Areas - Site Coverage

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

19.4.54 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% minimum

Commented [HCC2]: Theme 3, Issue 1, Appendix B
Historic Heritage Areas Evidence

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>	80% minimum
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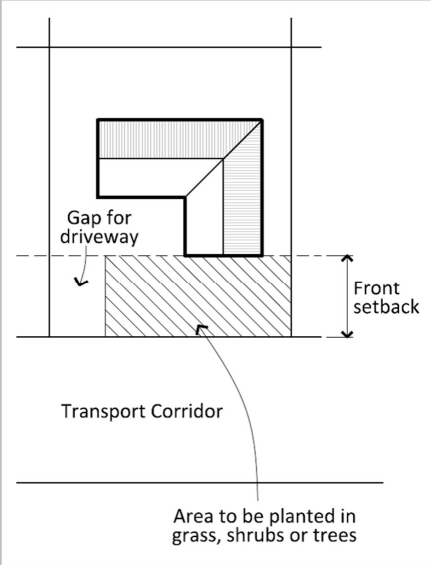


Figure 19.4.5: Planting requirement forward of the front building line

19.4.65 Historic Heritage Areas - Building Height

Activity	HHA (except Temple View HHA)	Temple View HHA
a. <u>Front, corner and through site</u> (maximum height unless otherwise stated)	All buildings shall have a maximum height of: <ul style="list-style-type: none"> i. <u>The original height of the building on the subject site; or</u> ii. <u>The average of existing heights of buildings on adjacent sites also in the HHA, being the three sites on either side of the subject site or six sites on one side of the subject site</u> iii. Whichever is higher 	No part of any new or extended building or structure shall be higher than the floor level of the Temple
b. <u>Rear site (maximum height unless otherwise stated)</u>	8m and maximum two storeys (except Frankton Railway Village and Hayes Paddock HHAs)	

	Frankton Railway Village – 5m, and maximum one storey	
	Hayes Paddock – 6m	

19.4.76 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.

19.4.87 Historic Heritage Areas - Building Setbacks

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

	<p>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.</p> <p>For Temple View HHA:</p> <p>i. No Building to be located closer to Tuhikaramea Road than the existing setback distance to the Temple.</p> <p>ii. Minimum 5m setback in all other situations.</p>	
b. <u>A garage or carport shall be set back:</u>	<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</u></p> <p><u>whichever creates the greater setback from the front boundary.</u></p>	
<p>a. A garage or carport shall be set back:</p> <p>i. A minimum of 8m from the front boundary; or</p> <p>ii. A minimum of 0.5m behind the front façade of the building on the site</p> <p>whichever creates the greater setback from the front boundary.</p>		
c. Front, corner and through site—side and rear boundaries (minimum setback)	<p>For Hamilton East and Claudelands West HHAs —</p> <ul style="list-style-type: none">One side boundary minimum 3mOther side boundary and rear boundary minimum 1.5m <p>For Temple View HHA —</p> <ul style="list-style-type: none">Minimum 3m <p>For other HHAs —</p> <ul style="list-style-type: none">Minimum 1.5m	
c. <u>Front, corner and through site - side and rear boundaries (minimum setback)</u>	<p><u>For other HHAs – (except for Hamilton East and Claudelands)</u></p> <ul style="list-style-type: none"><u>Minimum 1.5m</u> <p><u>For Hamilton East and Claudelands West HHAs –</u></p> <ul style="list-style-type: none"><u>One side boundary minimum 3m</u><u>Other side boundary and rear boundary minimum 1.5m</u>	<p><u>For Temple View HHA –</u></p> <p><u>Minimum 3m</u></p>

d. Rear site – all boundaries (minimum setback)	For Temple View HHA – h. Minimum 3m For other HHAs – i. Minimum 1.5m	
d. <u>Rear site - all boundaries (minimum setback)</u>	For other HHAs – <u>Minimum 1.5m</u>	For Temple View HHA – <u>Minimum 3m</u>
e. <u>Waikato Riverbank and Gully Hazard Area</u>	For Temple View HHA – a. Minimum 3m For other HHAs – 5. Minimum 1.5m 6m (applies to buildings and swimming pools)	

Note

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

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. <u>Earthquake strengthening works to the external building façade or to the interior where the strengthening will be externally visible, of any structure or building ranked B* except internal works where the interior is listed in Schedule 8A.</u>	• <u>E — Historic Heritage and Special Character</u>
ii. <u>Earthquake strengthening works necessary to the external building façade of any structure or building ranked B* for the purpose of providing or improving fire safety, physical access and physical accessibility upgrades, and /or building services.</u>	• E — Historic Heritage <u>and Special Character</u>
iii. <u>Controlled activities if excluded in Schedule 8A and is attached to a listed item.</u>	• <u>E — Historic Heritage and Special Character</u>
Archaeological and Cultural Sites	
iii. <u>iv. Any earthworks on a site in Schedule 8C that is not asterisked.</u>	• <u>E — Heritage Values and Special Character</u>

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)
Schedule 8A: Built Heritage (structures, buildings (buildings and associated sites structures))	
i. Accessory buildings or new buildings within any scheduled site ranked B* <u>Maintenance and repairs that does not comply with Rule 19.4.1</u>	• E — Heritage Values and Special Character
ii. i. Alterations Accessory buildings or additions (excluding maintenance and repair) to the exterior of new buildings within any structure or building scheduled site ranked B*	• E — Heritage Values and Special Character
iii. ii. Earthquake strengthening works Alterations or additions (excluding maintenance and repair) to the external building façade exterior of any structure or building ranked A*B or to the interior of any structure or building listed in Schedule 8A.	• E — Heritage Values and Special Character
iv. iii. Erecting, constructing or extending Alterations necessary to any structure or fence on a site* building ranked A for the purpose of providing or improving fire safety, physical access and physical accessibility upgrades, and /or building services	• E - Heritage Values and Special Character
v. iv. Relocation on site Earthquake strengthening works to the external building façade or to the interior where the strengthening will be externally visible, of any structure or building ranked BA or internal works where the interior is listed in Schedule 8A.	• E - Heritage Values and Special Character
vi. v. Signs Erecting, constructing or extending any structure or fence on a site*	• E — Heritage Values and Special Character
Schedule 8B: Group 1 Archaeological and Cultural Sites	

vii. vi. Any earthworks <u>Relocation on a site in Group 1</u> <u>site of any structure or building ranked B</u>	• E — Heritage Values and Special Character
<u>vii. Reconstruction and reinstatement of any structure or building ranked B</u>	• <u>E - Heritage Values and Special Character</u>
viii. Signs <u>on a site in Group 1*</u>	• E — Heritage Values and Special Character
Historical Heritage Areas	
ix. <u>Alterations and additions (excluding maintenance and repair) to an existing building on a front, corner or through site within an HHA (excluding heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	• <u>E — Heritage Values and Special Character</u>
x. <u>Demolition or removal of existing curtilage wall</u>	• <u>E — Heritage Values and Special Character</u>
xi. <u>x. Demolition or relocation off the site removal of an existing detached accessory buildings on a front, corner or through site within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	• <u>E — Heritage Values and Special Character</u>
xii. <u>xi. Fence and/or walls located forward of the front building line of the dwelling that do not meet standard 19.4.3 and have a maximum height of 1.8m</u>	• <u>E — Heritage Values and Special Character</u>
xiii. <u>xii. New buildings or buildings relocated onto a HHA site</u>	• <u>E — Heritage Values and Special Character</u>
xiv. <u>xiii. Relocated buildings on the within their original sites within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	• <u>E — Heritage Values and Special Character</u>
xv. <u>Relocated buildings onto sites within an HHA</u>	• <u>E — Heritage Values and Special Character</u>
xiv. <u>xv. Accessory building</u>	• <u>E — Heritage Values and Special Character</u>
xv. <u>xvi. Ancillary residential building</u>	• <u>E — Heritage Values and Special Character</u>
xvi. <u>xvii. Detached dwelling – 1 single residential unit on a site</u>	• <u>E — Heritage Values and Special Character</u>
viii. <u>Duplex dwelling on a rear site within Hamilton East HHA</u>	• <u>E — Heritage Values and Special Character</u>
Archaeological and Cultural Sites	
xvi. <u>xviii. Any earthworks on a site in Schedule 8B or that is asterisked in Schedule 8C</u>	• <u>E — Heritage Values and Special Character</u>
xvii. <u>xiv. Signs on a site in Schedule 8B: Group 1*</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