

19 Historic Heritage

19.1 Purpose

This chapter is subject to the following plan changes:

Plan Change 9 with proposed new text are underlined with green highlighting

Plan Change 9 with proposed deleted text have ~~strikethrough with red highlighting~~

Plan Change 9 section 42A recommendations with new text being underlined and deleted text with ~~strikethrough~~

- a. Historic heritage is a natural or physical resource and is defined in the Act. This chapter addresses historic structures and their immediate 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.
- b. ~~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)
 - i. ~~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.
 - ii. ~~Schedule 8B: Group 1~~ 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 desecration 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. 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. 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. 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

- j. 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.
- k. 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.
- l. The identification of Historic Heritage Areas (HHAs), across the city, seeks to address this by recognising areas which have identifiable historic heritage significance to the history and identity of the city, which are consistent in their physical and visual qualities, and which have clearly identified historic heritage values.
- m. Rather than focus on architectural periods or styles, three Development Periods have been identified, which each represents a segment of Hamilton's development history which has created distinctive forms of urban landscape and which each met the particular socio-economic needs of Hamilton's society at the time.
- n. A review of cartographical sources and documentary records has identified a three-part sequence of change in the pre-1980 urban area in Hamilton; the Development Periods:
 - Pioneer Development (1860s–1880s)
 - Late Victorian and Edwardian and during and after inter-war growth (1890s–1940s)
 - Early post-war expansion (1950s–1970s).
- o. The methodology utilised has been designed to identify those areas which are the best

remaining examples for each Development Period, that is those areas which are of at least moderate heritage significance to the city, regionally or nationally.

- p. A total of 29 areas in Hamilton are recognised as having historic heritage values which are representative of a development period which has historic heritage significance to the development of the city, and which are consistent in their physical and visual qualities.
- q. Each HHA is supported by a Statement, which confirms its historic heritage values, its background (Historic, Cultural and Archaeological Qualities) and its Buildings and Streetscape Elements (Architectural, Scientific and Technical Qualities). The statements are intended to assist owners and applicants to understand the contribution that each area makes to the city and will be utilised in the assessment of resource consents within HHAs in line with the relevant policies, objectives, rules and relevant assessment criteria.
- ~~j. 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.~~
- k. 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.
- ~~l. 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

- o. 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 hapu hapuu.
- p. 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. 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.
- r. While many sites 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. 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 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 hapu 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.
- t. 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.

- u. 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.
- v. 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

- a. 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.
- b. Schedules in Volume 2, Appendix 8 – Historic Heritage identify:
 - i. Schedule 8A: Built Heritage (buildings and structures).
 - ii. Schedule 8B: Group 1 Archaeological and Cultural Sites.
 - iii. Schedule 8C: Group 2 Archaeological and Cultural Sites.
 - iv. 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 <u>Historic heritage shall be protected from that contributes to an 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>	19.2.1a The City's historic heritage shall be <u>is</u> protected from the adverse effects of <u>inappropriate</u> subdivision, use and development.
	19.2.1b Ensuring that where features have been destroyed or damaged, the historical <u>Historic heritage resources and heritage values of these sites are shall be identified, recorded and recognised to ensure maintain and enhance the sense of identity and wellbeing of the City's residents and the historical legibility of Hamilton the City.</u>
	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>19.2.1d The relationship Mana Whenua have with both the whenua and awa, and the spiritual, cultural and/or historical significance of the whenua and awa has to Mana Whenua shall be recognised and provided for.</p>
	<p>19.2.1e Signs on buildings, structures and/or sites listed in Schedule 8A or 8B must:</p> <ul style="list-style-type: none"> i. Be associated with lawful activities on the site; ii. Be consistent with and maintain or enhance the historic heritage values; iii. Avoid, remedy or mitigate adverse effects on the heritage resource.

Explanation

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 setting and surroundings with historical, social, cultural, architectural, scientific, archaeological 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. 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.

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>19.2.2 The heritage values of a diverse and representative range of natural, physical and cultural resources are protected.</p>	<p>19.2.2a Items of significant heritage value (buildings, objects, areas, trees and sites) <u>shall will</u> be scheduled.</p>
	<p>19.2.2b The loss of heritage values associated with scheduled items shall be avoided.</p>
	<p>19.2.2c Outstanding examples of a particular type of site, or sites <u>historic heritage</u> that are highly significant to the community shall be scheduled.</p>

Explanation

Historic heritage is an integral part of Hamilton's character and its future development. ~~For~~ For this reason the destruction or alteration of buildings, buildings, or significant elements of buildings, objects, areas, trees, buildings

and ~~Māori sites~~ structures, that are of heritage significance will be assessed against criteria which seek to maintain an item's heritage ~~value~~ values. 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 and archaeological and cultural sites and areas), 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.

Buildings

Built Heritage (Buildings and Structures)

Objective	Policies
19.2.3 The heritage values of significant buildings, structures and their immediate setting and surroundings are protected.	19.2.3b Relocation of buildings and structures in Schedule 8A within the site identified in Schedule 8A is avoided, except where: <ol style="list-style-type: none"> The relocation is necessary to facilitate the on-going use, adaptive re-use, or protection of the building or structure or to ensure public safety; The relocation allows for significant public benefit that would not otherwise be achieved; Measures will be taken to minimise the risk of damage to the building or structure; The relocation will provide continuity of the heritage values of the building or structure; The building or structure will remain within the site and is as close to the original location as is practicable; and The relocation maintains the heritage values and significance of the building or structure.
	19.2.3b, 3c Demolition or relocation Subdivision and/or development of buildings and structures ranked B the site identified in Schedule 8A should be discouraged. shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A, including by ensuring that: <ol style="list-style-type: none"> 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; The proposal is compatible with the heritage values, including the form, character, scale, proportions, materials and finishes; and Subdivision and/or development of the site identified in Schedule 8A will not adversely affect the visibility of the

	<p><u>heritage building or structure from public places;</u></p> <p>iv. <u>The resulting setting of the building or structure is sufficient to maintain or enhance the heritage values.</u></p> <p>19.2.3d Subdivision and development shall avoid any potential cumulative adverse effects on any building or structure listed in Schedule 8A.</p> <p>19.2.3e.3e <u>Heritage</u> Subdivision <u>buildings</u> and <u>development structures</u> shall <u>retain, protect and enhance the</u> <u>be used in a manner that ensures heritage values of any building are not damaged or structure listed within Schedule 8A destroyed.</u></p> <p>19.2.3e.3f <u>Heritage buildings</u> <u>The form, scale, character, location, design, materials and structures finish of any development within the setting of a historic heritage building or structure in Schedule 8A, shall be used in a manner that ensures essential consistent with identified heritage qualities are not damaged or destroyed.</u></p> <p>19.2.3f.3g The <u>design, materials and finish</u> <u>continued use or adaptive reuse</u> of any <u>development building or structure of identified heritage value</u> shall be <u>encouraged where:</u></p> <p>i. <u>The continued use is integral to the heritage values of the building or structure, that use should be retained</u></p> <p>ii. <u>Any works undertaken to adapt the building or structure for the new use are undertaken in a manner that is consistent with identified and protects the heritage values of the building or structure and its surroundings; and;</u></p> <p>iii. <u>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.</u></p> <p>19.2.3h The site surrounding the heritage building or structure shall be protected to the extent that it contributes to the heritage values.</p> <p>19.2.3g.3i <u>The continued use</u> <u>Any work for earthquake strengthening, fire protection, building services and accessibility upgrades to heritage buildings and structures must ensure that the materials and design reflect the heritage values, and avoid, remedy or adaptive reuse mitigate any adverse effects on heritage values, including by:</u></p> <p>i. <u>Protecting, as far as practicable, architectural features and details that contribute to the heritage values of any building the building or structure;</u></p> <p>ii. <u>Retaining or reinstating the appearance of identified the</u></p>
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	<p><u>original façade; and</u></p> <p>iii. <u>Minimising the visual effects of additions to the heritage value shall be encouraged building or structure.</u></p> <p>19.2.3j <u>Any work on heritage buildings and structures in Schedule 8A shall be carried out in a manner that:</u></p> <ul style="list-style-type: none"> i. <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> ii. <u>Conserves, and wherever possible enhances, the authenticity and integrity of the building or structure;</u> iii. <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> iv. <u>Documents the material changes to the heritage building or structure and heritage setting;</u> v. <u>Is reversible wherever practicable (other than where works are undertaken as a result of damage);</u> vi. <u>Distinguishes between new work and existing heritage fabric in a manner that is sensitive to the heritage values;</u> vii. <u>Maintains the building or structure to prevent deterioration and to retain its heritage value</u> <p>19.2.3k <u>Encourage Modification of the strengthening interior of buildings or structures in Schedule 8A to increase their ability to withstand future earthquakes while minimising is enabled as a means of encouraging use, re-use or adaptive reuse and facilitating the significant loss retention and protection of associated the exterior heritage values.</u></p>
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Explanation

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.

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 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.

Historic Heritage Areas

Objective	Policies
<p><u>19.2.4</u> That historic heritage areas which have identifiable historic heritage significance to the history and identity of the city are identified and protected from inappropriate subdivision, use, and development.</p> <p><u>19.2.4</u> The heritage values of a historic heritage area are identified and protected.</p>	<p><u>19.2.4a</u> Ensure that areas which have identifiable historic heritage significance are identified in Schedule 8D of the plan.</p>
	<p><u>19.2.4a</u> Cumulative adverse effects on the heritage values of the areas are avoided wherever practicable.</p>
	<p><u>19.2.4b</u> Cumulative adverse effects on the heritage values of HHAs are avoided wherever practicable.</p>
	<p><u>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.</p>
	<p><u>19.2.4c</u> Enable the use, development and adaptation of buildings and sites within HHAs where it will not result in adverse effect on the significance of the site or HHA as a whole and is guided by the purpose and principles of the ICOMOS New Zealand Character for the Conservation of Places of Cultural Heritage Value.</p>
	<p><u>19.2.4e</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.</p>
	<p><u>19.2.4d</u> Where development is proposed within a HHA, protect the historic heritage significance of the HHA, ensuring that: the form, scale and proportion of the development, and the proposed materials, do not detract from the heritage significance of the HHA; the location of development does not detract from the</p>

	<p><u>relationship that exists with other buildings and sites in the HHA or with the street;</u></p> <p><u>19.2.4d</u> <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></p>
	<p><u>19.2.4e</u> <u>Discourage the demolition or removal of existing buildings from HHAs unless evidence is provided which demonstrates that:</u></p> <ul style="list-style-type: none"> i. <u>The demolition or relocation of the building off site does not detract from the heritage significance of the HHA</u> ii. <u>Other reasonable alternatives have been shown to be impractical.</u> iii. <u>There is a significant risk to public safety or property if the building is to remain.</u> iv. <u>Appropriate mitigation is provided.</u>
	<p><u>19.2.4f</u> <u>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.</u></p>
	<p><u>19.2.4g</u> <u>Require that all proposals for resource consent within an HHA are accompanied by a Heritage Impact Assessment which considers the effects of the proposal on the heritage values of the site and the HHA as a whole.</u></p>
<p>Explanation</p>	

All the areas which have been identified as a HHAs have particular historic heritage significance and historic heritage values which are representative of a development period which has historic heritage significance to the development of the city, and which are consistent in their physical and visual qualities. It is important that these unique qualities are identified, and any new development is sensitive and is compatible with them.

These policies seek to retain and manage the historic values of each HHA. Each HHA is supported by a Statement identifying its historic heritage significance. Assessment of proposals for development and modifications to buildings within these areas will be considered against the relevant objectives, policies, the historic heritage area statements and the historic values that are identified in those statements.

These policies seek to retain and manage the historic values of 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 historic heritage area statements and the historic values that are identified in those statements.

<p><u>19.2.5</u> <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><u>19.2.5a</u> <u>Development is sympathetic with the existing historic values found within the historic heritage area through:</u></p> <ul style="list-style-type: none"> i. <u>Being compatible with the design, material used and placement of buildings and structures within the area.</u> ii. <u>Mitigating the effects of the demolition or removal of existing buildings and structures from the site.</u> iii. <u>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.</u> <p><u>Providing a site-specific Heritage Impact Assessment.</u></p>
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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 <u>Inappropriate subdivision</u>, use and development shall be managed to avoid damage to <u>adverse effects on</u> archaeological and cultural sites where they <u>are known to</u> exist, or are likely to exist.</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 <u>sites</u> of archaeological and <u>and</u> 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.
	19.2.4d.6e The relationships of tangata whenua Mana Whenua with sites of spiritual, cultural or historical significance <u>that are archaeological and cultural sites</u> shall be recognised and provided for.
	19.2.4e.6f Where features of significant <u>archaeological and</u> cultural sites are lost, these features should <u>must</u> be recorded and recognised through on-site marking to ensure the historical legibility of Hamilton City.
	19.2.6g <u>Minor work, including the maintenance of existing site landscape features such as gardens and planting beds, is enabled, but earthworks on Schedule 8B: Group 1 and Schedule 8C: Group 2 archaeological and cultural sites are managed so as to ensure adverse effects on the archaeological and cultural site are avoided, remedied or mitigated.</u>
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 <u>site</u> may be lost or damaged through exposure to weather, earthworks, damage from tree roots and coverage of a site <u>site</u> 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 <u>site</u>.</p> <p>Identification of sites <u>sites</u> before development occurs is particularly important. If the general location of sites <u>sites</u> can be signalled then developers and landowners are able to plan development that minimises or avoids disturbance. <u>Known archaeological sites, and the extent of those sites, are identified by mapping.</u></p> <p>An important concern <u>matter</u> for tangata whenua Mana Whenua is the need to protect sites <u>sites</u> from accidental or intentional interference. The District Plan will record and protect only those sites <u>sites</u> which in <u>in</u> Mana Whenua are comfortable to make known <u>or are recorded by NZAA.</u> The <u>The</u> location of other sites <u>sites</u> is known only to Waikato iwi and local hapu <u>hapuu</u>. The <u>While not identified in the District Plan or a recorded archaeological site it is important that awareness is had for there to be further, yet discovered archaeological and cultural sites to be present within the City's boundaries. Accordingly, the policies and also recognise</u> notes regarding accidental <u>discover ensures there is recognitions of the ongoing importance of these</u> sites <u>sites</u> to Maaori.</p> <p>Where development has already taken place and the site <u>site</u>'s features have been destroyed or damaged, recognition of the site <u>site</u>'s existence is desirable through signs, planting or some other method. Even where these sites <u>sites</u> no longer exist physically they still hold cultural significance, particularly to Waikato iwi and local hapu.</p>	

19.3 Rules - Activity Status Table

19.3.1 Built Heritage (Buildings and Structures)

Volume 2, Appendix 8, Schedule 8A: Built Heritage (structures, buildings and associated sites)	
a. Maintenance and repair <u>of buildings or structures where compliance with Rule 19.4.1 is achieved</u>	P

b. Internal alterations Maintenance and repair of buildings and structures where compliance with Rule 19.4.1 is not achieved	PRD
c. Accessory Internal alterations of buildings or new buildings within any scheduled site ranked A	DP
d. Accessory buildings or new buildings within any scheduled site ranked BA	RD*D
e. Accessory buildings or new buildings within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus any scheduled site ranked B	PRD*
f. Alterations Accessory buildings or additions (excluding maintenance and repair) to the exterior of any structure or building ranked A Wintec City Campus	DP
g. Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked BA	RDD
h. Demolition Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked AB	NCRD
i. Demolition of Alterations necessary to any structure or building ranked BA for the purpose of providing or improving fire safety, physical access and physical accessibility upgrades and/or building services.	DRD
j. Earthquake strengthening works Alterations necessary to the external façade of any structure or building ranked AB for the purpose of providing or improving fire safety, physical access and physical accessibility upgrades, and /or building services.	RD*C
k. Earthquake strengthening works to the external façade Demolition of any structure or building ranked BA	CNC
l. Erecting, constructing or extending Demolition of any structure or fence on a site building ranked B	RD*D
m. Erecting, constructing Earthquake strengthening works to the external façade or extending to the interior where the strengthening will be externally visible, of any structure or fence on a site within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus building ranked A	PRD*
n. Signs (refer also to Earthquake strengthening works to Chapter 25.10: City-wide – Signs) the external façade or to the interior where the strengthening will be visible externally visible, of any structure or building ranked B	RD*C
o. Signs within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus Erecting, constructing or extending any structure or fence on a site	Refer to Chapter 25.10: City-wide – Signs RD*
p. Subdivision of an allotment containing Erecting, constructing or extending any structure or fence on a scheduled Historic Heritage Items site within the Major Facilities Zone – Waikato Hospital Campus and sites identified in Volume 2 Appendix 8, Schedule 8A and 8B Wintec City Campus	Refer to Chapter 23: Subdivision P
q. Change of use Signs (refer also to an activity otherwise listed as non-complying in the underlying zone rules for any historic place identified in Schedule 8A Chapter 25.10: City-wide – Signs)	DRD*
r. Removal off site of any structure or building ranked A Signs within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus	NC Refer to Chapter

	25.10: Citywide – Signs
s. Relocation on existing site Subdivision of any structure or building ranked A an allotment containing a scheduled Built-Heritage Item identified in Volume 2 Appendix 8, Schedule 8A (See note 2)	D Refer to Chapter 23: Subdivision
t. Removal off site Change of use to an activity otherwise listed as non-complying in the underlying zone rules for any structure or building ranked B historic place identified in Schedule 8A	D
u. Relocation on site Removal off site of any structure or building ranked B A	RD NC
Volume 2, Appendix 8, Schedule 8B: Group 1 Archaeological and Cultural Sites	
v. Minor work Relocation on all sites existing site of any structure or building ranked A	P D
w. Any earthworks on a site in Group 1 Removal off site of any structure or building ranked B	RD D
x. Signs Relocation on a site in Group 1 (refer also to Chapter 25.10: City-wide – Signs) site of any structure or building ranked B	RD *
y. Any earthworks on a site in Group 2 Reconstruction and reinstatement of any structure or building ranked A	P D
z. Reconstruction and reinstatement of any structure or building ranked B	RD
aa. Minor work on a site of any structure or building identified in Schedule 8A that complies with Rule 19.4.2 (See note 1)	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
a. Alterations and additions 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. 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
c. Demolition of existing curtilage wall	RD
e. d. Demolition, or relocation off the site of existing dwellings on a front, corner or through site within an HHA or a building fronting the street within the Victoria Street, Frankton	D

<u>Commercial Centre and Claudelands Commercial Centre HHAs (excluding detached accessory buildings, or heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	
f. <u>Demolition or relocation off the site of 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>RD</u>
g. <u>Demolition or relocation off the site of existing buildings on a rear site within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	<u>P-RD</u>
h. <u>Fences and/or walls located forward of the front building line of the dwelling in the Acacia Crescent, Ashbury Avenue, Augusta, Casper and Roseburg Streets, Cattnach Street, Chamberlain Place, Frankton Railway Village, Hayes Paddock, Hooker Avenue, Jennifer Place, Lamont, Freemont, Egmont and Claremont Streets, Riro Street, Seifert Street, Springfield Crescent, Sunnyhills Avenue and Wilson Street and Pinfold Avenue HHAs:</u> • <u>Have a maximum height of 1.2m</u> • <u>Have a maximum height of 1.8m</u>	<u>P</u> <u>RD</u>
i. <u>Fences and/walls except provided in (h) above</u>	<u>P</u>
j. <u>New buildings or buildings relocated onto a site within an HHA</u>	<u>RD</u>
k. <u>Relocated buildings off the original site within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	<u>D</u>
l. <u>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>RD</u>
m. <u>Relocated buildings onto sites within an HHA</u>	<u>RD</u>
m. <u>Scaffolding or falsework erected for a period of not exceeding six months for maintenance or construction purposes.</u>	<u>P</u>
n. <u>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.</u>	<u>P</u>

Note

1. The rules in 19.3.2 do not apply to the Transport Corridor Zone. Refer to 18 Transport Corridor Zone.

19.3.3 Archaeological and Cultural Sites

<u>Activity</u>	<u>Class</u>
a. <u>Minor work on all sites in Schedule 8B or Schedule 8C</u>	<u>P</u>
b. <u>Any earthworks on a site in Schedule 8B: subject to Rule 19.4.2b (see note 1)</u>	<u>RD</u>
c. <u>Signs on a site in Schedule 8B: Group 1 (refer also to Chapter 25.10: City-wide – Signs)</u>	<u>RD*</u>
d. <u>Any earthworks on a site in Schedule 8C: Group 2 (see note 1)</u>	<u>C</u>
e. <u>Subdivision of a site containing a scheduled archaeological and cultural site identified in Volume 2 Appendix 8, Schedule 8B and 8C (see note 2)</u>	<u>Refer to Chapter 23: Subdivision</u>

Note

1. Refer to Volume 2, Appendix 8-2 Accidental Discovery Protocol (ADP): Archaeological and Cultural Sites, Archaeological Areas, Historic Areas or Waahi Tapu, Appendix 8, for the protocol that must be followed where during earthworks on any site any archaeological feature, artefact or human remains are accidentally discovered. 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. The consent holder or proponent must engage with a representative of Mana Whenua to ensure cultural protocols are adhered to and decisions made are culturally appropriate.
2. Refer Rule 23.3 and other relevant provisions of Chapter 23 Subdivision

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.~~
- c. repair of buildings and structures' in Volume 2, Appendix 1.1
- c. ~~Repairs shall be for the purpose of repair, patching, piecing in, splicing or consolidating.~~

19.4.2 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.
- b. Applications for earthworks within a site in Schedule 8B: Group 1 Archaeological and Cultural Sites, must provide in the assessment of environmental effects for the proposal, identification of any measures to avoid, remedy or mitigate adverse effects recommended by representatives of Mana Whenua in any engagement carried out for the proposal by the applicant.

19.4.3 Historic Heritage Areas - Fences and Walls

- a. Sites within Victoria Street HHA shall have no fence or wall along the street front boundary.
- b. Fences forward of the front building line of the dwelling shall have a maximum height of 1.2m
- b. The following design and dimension shall apply to fences and/or walls located forward of the front building line of the dwelling:

<u>Designed and constructed with the use of material, colour texture and form as the existing dwelling onsite</u>	<u>1.2m maximum height</u>
<u>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)</u>	<u>1.8m maximum height</u>

- c. 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.

19.5 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*</u>	• <u>E – Historic Heritage and Special Character</u>
ii. <u>Earthquake strengthening works Alterations 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>	• <u>E – Historic Heritage and Special Character</u>
Archaeological and Cultural Sites	
iii. <u>Any earthworks on a site in Schedule 8C: Group 2</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: (structures, buildings) buildings associated sites structures	
i. Accessory buildings or new buildings within any scheduled site ranked B* Maintenance and repairs that does not comply with Rule 19.4.1	• E – Heritage Values and Special Character
ii. 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. Earthquake strengthening works Alterations or additions (excluding maintenance and repair) to the external building façade exterior of any structure or building building ranked A*B	• E – Heritage Values and Special Character
iv. 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. Relocation on site Earthquake strengthening works to the external building façade of any structure or building building ranked BA	• E - Heritage Values and Special Character
vi. 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. Any earthworks Relocation on a site in Group 1 site of any structure or building ranked B	• E – Heritage Values and Special Character
viii. Signs on a site in Group 1*	• E – Heritage Values and Special Character
Historical Heritage Areas	
ix. Alterations and additions 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)	• E – Heritage Values and Special Character
x. Demolition or removal of existing curtilage wall	• E – Heritage Values and Special Character
xi. Demolition or relocation off the site removal of existing detached accessory buildings on a front, corner or through site within an HHA (excluding	• E – Heritage Values and Special Character

heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	
xii. Demolition, or relocation off the site, of existing buildings on a rear site within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	• E – Heritage Values and Special Character
xii. Fence and/or walls located forward of the front building line of the dwelling and have a maximum height of 1.8m	• E – Heritage Values and Special Character
xiii. New buildings or buildings relocated onto a site within an HHA	• E – Heritage Values and Special Character
xiv. Relocated buildings on the within their on the original sites within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	• E – Heritage Values and Special Character
xv. Relocated buildings onto sites within an HHA	• E – Heritage Values and Special Character
Archaeological and Cultural Sites	
xvi. Any earthworks on a site in Schedule 8B:Group 1 or Schedule 8C: Group 2	• E – Heritage Values and Special Character
xvii. Signs on a site in Schedule 8B:Group 1*	• E – Heritage Values and Special Character

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