

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Plan Change 9 – Heritage and Natural Environments –
Built Heritage

STATEMENT OF EVIDENCE OF LAURA JANE GALT

(PLANNING – BUILT HERITAGE)

Dated 1 September 2023

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INTRODUCTION

1. My full name is Laura Jane Galt.
2. I am a Senior Planner at Hamilton City Council (**HCC**). I have approximately 16 years' experience in policy planning, including involvement in the 2012 Hamilton City District Plan Review and as the reporting officer for Plan Change 3 – Temple View. I was the lead planning witness for HCC as the proponent the Significant Natural Area and Notable Tree topics for Session 1 of Proposed Plan Change 9 – Historic Heritage and Natural Environments to Hamilton City Operative District Plan (**PC9**).
3. My qualifications include a Master of Environmental Planning from the University of Waikato (2011), and a Bachelor of Social Science with Honours from the University of Waikato (Resource and Environmental planning, 2006). I am an intermediate member of the New Zealand Planning Institute.
4. I have been involved in the Built Heritage topic for PC9 to the Hamilton City Operative District Plan (**ODP**) since November 2022. I have reviewed all the notified PC9 documents, submissions and expert evidence related to Built Heritage. I have also accompanied Elise Caddigan on a number of site visits of Built Heritage items the subject of PC9.

CODE OF CONDUCT

5. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

SCOPE OF EVIDENCE

6. The purpose of this evidence, presented on behalf of HCC as proponent of PC9, is to:
 - a) Set out the background to the proposed Built Heritage provisions of PC9;
 - b) Describe the notified version of the Built Heritage provisions; and
 - c) Respond to submissions on Built Heritage insofar as they relate to the Built Heritage provisions.
7. My evidence does not address submissions on individual items listed in Schedule 8A and mapped in the interactive maps, other than to support Ms Caddigan's recommendations for removals of scheduled items.
8. In preparing this evidence, I have primarily relied on the s 32 report and the evidence of Ms Caddigan. Whilst not addressed in this evidence, I have also reviewed the WSP Identification and assessment of Built Heritage which was included in Appendix 8 of the s 32 report.

SUMMARY OF EVIDENCE

9. HCC last undertook a comprehensive citywide stocktake of the Built Heritage in the City in the late 1990s. HCC updated the provisions for Built Heritage through the last District Plan review which were deemed operative in 2014 with the resolution of the appeal from Heritage New Zealand Pouhere Taonga (**HNZPT**).
10. The preparation of PC9 involved a citywide review of Built Heritage items. As a result of that review, PC9 as notified proposes to add 181 new Built Heritage items to Schedule 8A.

11. PC9 also updates the provisions relating to Built Heritage in Chapter 19 – Historic Heritage, Appendix 1.1 – Definitions, Appendix 1.2 – Information Requirements, and Appendix 1.3 Assessment Criteria to ensure the District Plan better aligns with the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**), and the Resource Management Act 1991 (**RMA**), in particular section 6(f) and the definition of Historic Heritage¹ in section 2.
12. I have reviewed the submissions on the Built Heritage topic and, in response, have made recommendations which are explained below and set out in **Attachment A** – Tracked District Plan provisions.

BACKGROUND TO BUILT HERITAGE IN THE DISTRICT PLAN

13. HCC last undertook a citywide stocktake of Built Heritage in the late 1990s. Section 6(f) was inserted into the RMA in 2003. However, that did not result in changes to the 2012 ODP in relation to historic heritage prior to the 2012 District Plan Review, except for a couple of specific areas that were the subject of a plan variation (e.g., Hamilton East and Temple View).

¹ **historic heritage**—

- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:
- (i) archaeological;
 - (ii) architectural;
 - (iii) cultural;
 - (iv) historic;
 - (v) scientific;
 - (vi) technological; and
- (b) includes—
- (i) historic sites, structures, places, and areas; and
 - (ii) archaeological sites; and
 - (iii) sites of significance to Māori, including wāhi tapu; and
 - (iv) surroundings associated with the natural and physical resources

14. Historic heritage was addressed in the most recent District Plan review which was notified in 2012 and made fully operative in 2017 (**ODP**). To recognise the change in the RMA, the ODP replaced the A to D rankings with A and B ranked items. However, there was no citywide stocktake of individual Built Heritage items.
15. The ODP provisions were drafted to give effect to the 2003 amendment to the RMA to include Historic Heritage as a section 6(f) matter of national importance. Since the resolution of appeals against decisions on the Proposed District Plan in 2014, including HNZPT's appeal, there have been no substantial changes to the Built Heritage provisions within the ODP until the notification of PC9.

PREPARATION OF PC9: BUILT HERITAGE TOPIC

16. In preparing the Built Heritage topic for notification, the following was undertaken:
 - a) A stocktake of potential Built Heritage within the City by HCC staff which identified an initial list of over 500 built items for further assessment of heritage value.
 - b) Heritage consultants from WSP were engaged to assess the list of items provided by HCC. WSP's assessment recommended that 177² buildings and structures be included in Schedule 8A.
 - c) Drafting of new mapping (point location) provisions for the new identified buildings and structures on the District Plan maps.

² WSP treated duplexes as single items. Duplexes on WSP's list were subsequently separated and listed as single items in Schedule 8A as notified, increasing the proposed list to 181.

- d) Drafting of amendments to Appendix 8, Schedule 8A to include 181 Built Heritage items and deleting items which were identified as having been removed or demolished by way of resource consent.
- e) A review of the ODP provisions with a view to ensuring that they appropriately manage the effects of subdivision, use and development on Built Heritage (buildings and structures) in Chapter 19. Amendments were made to ensure the ODP better aligns with the HNZPTA, the RMA, in particular section 6(f) and the definition of Historic Heritage in section 2.

DISTRICT PLAN AMENDMENTS

- 17. The parts of the ODP that are the subject of the PC9 Built Heritage topic are:
 - a) Chapter 19 – Historic Heritage which deals with Built Heritage. It also includes provisions for Historic Heritage Areas (**HHAs**) and Archaeological and Cultural Sites which are a separate PC9 topic;
 - b) Appendix 8 – Historic Heritage which includes Built Heritage Schedule 8A and Appendix 8-1 which details the Assessment of Historic Building and Structures;
 - c) Appendix 1.1 – Definitions;
 - d) Appendix 1.3.3 – Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria E – Heritage Values and Special Character, specifically E1 to E8; and
 - e) Planning maps - locations of Built Heritage items.

18. Whilst the focus of Built Heritage in PC9 was the identification and scheduling of additional buildings, my evidence only addresses the PC9 amendments to provisions relating to Built Heritage in Chapter 19 – Historic Heritage, Appendix 1.1 Definitions, and Appendix 1.3 Assessment Criteria E. I rely on the evidence of Ms Caddigan in respect of the identification of Built Heritage items suitable for scheduling in the ODP and in respect of the assessment methodology and related provisions.

Objectives and policies

19. PC9 amends the policy framework in Chapter 19. As set out in the Section 32 report:³

PC9 proposes amendments to the existing objective 19.2.1 - All Historic Heritage and associated policies, and the introduction of two new policies of Chapter 19 of the ODP to better align the terms used with the Heritage New Zealand Pouhere Taonga Act 2014 and the definition in the RMA of 'historic heritage'.

20. Under the ODP, Policies 19.2.3a and 19.2.3b provide that demolition or relocation of buildings is avoided for A ranked buildings and discouraged for B ranked buildings. PC9 amended these policies to specify that demolition or removal from the site, and relocation within the site, of both A and B ranked items is to be avoided, and introduced a number of exceptions. Regrettably, the track changed version of Chapter 19 that was appended to the Section 32 report omitted Policy 19.2.3a in error. However, it was correctly included in the Eplan version of PC9. Upon discovering the issue, to avoid any scope issues, HCC made a submission seeking to reinstate Policy 19.2.3a as recorded in the Eplan version as follows:

19.2.3a

Demolition, or removal from the site identified in Schedule 8A, of buildings and structures ranked A or B in Schedule 8A shall be avoided except where:

³ Pages 16-17.

- i. 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;
- ii. 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;
- iii. The demolition is partial and the heritage values and significance will be retained;
- iv. 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;
- v. There is a threat to life and/or property and interim protection measures would not remove that threat;
- vi. Removal to a new site ensures the heritage values and significance will be retained;
- vii. Removal to a new site provides a setting and surroundings that are compatible with the heritage values of the building or structure.

21. In accordance with HCC's submission, I have included Policy 19.2.3a in **Attachment A** and have recommended amendments which are described later in my evidence.

22. Policy 19.2.3c in relation to subdivision activities is amended to specify how subdivision and/or development of Schedule 8A sites shall retain, protect and enhance the building's heritage values through the inclusion of the following new subclauses:

- 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.

23. Policy 19.2.3f, which requires the design, materials and finish of any development to be consistent with identified heritage values is amended to include reference to form, scale, character, and location.
24. Policy 19.2.3g, which encourages continued use and adaptive reuse of any building or structure of identified heritage value, is amended by adding the following subclauses for greater specificity:
 - 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.
25. Policy 19.2.3i, which encourages earthquake strengthening to minimise loss of heritage values, is amended to emphasise the requirement that any work for earthquake strengthening as well as fire protection, building services and accessibility upgrades to heritage buildings and structures must ensure that the materials and design reflects the heritage values and avoids, remedies or mitigates any adverse effects. It included new subsections to specify how that is to be achieved, as follows:
 - i. Protecting, as far as practicable, architectural features and details that contribute to the heritage values of the building or structure;
 - ii. Retaining or reinstating the appearance of the original façade; and
 - iii. Minimising the visual effects of additions to the heritage building or structure.
26. PC9 introduces new Policy 19.2.3j which specifies that work on heritage items must be carried out in a manner that:

- i. 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);
 - ii. Conserves, and wherever possible enhances, the authenticity and integrity of the building or structure;
 - iii. Identifies, minimises and manages risks or threats to the structural integrity and heritage values of the building or structure, including from natural hazards;
 - iv. Documents the material changes to the heritage building or structure and heritage setting;
 - v. Is reversible wherever practicable (other than where works are undertaken as a result of damage);
 - vi. Distinguishes between new work and existing heritage fabric in a manner that is sensitive to the heritage values;
 - vii. Maintains the building or structure to prevent deterioration and to retain its heritage value.
27. PC9 also introduces new Policy 19.2.3k which enables the modification of the interior of Built Heritage items to encourage use, re-use or adaptive re-use and facilitates the retention and protection of the exterior heritage values.

Rules: Activity Status Table

28. PC9 does not alter the activity status for existing Built Heritage activities. However, new activities have been introduced into the Activity Status Table and some changes are proposed to the description of activities within the Table. The changes to the Activity Status Table (19.3.1) include the following:
- a) a. and b. Maintenance and repairs: Amendments to clarify what constitutes maintenance by reference to Rule 19.4.1 and associated changes to the definition of maintenance and Assessment Criteria 1.3.3 E3 to include reference to maintenance and repair.

- b) i. and j. Alterations or additions for the purpose of improving fire safety, physical access/accessibility and/or building services: The addition of a non-complying activity status for alterations and additions to A ranked buildings required for the purpose of providing or improving fire safety, physical access and physical accessibility, and/or building services. B ranked buildings have a controlled activity status. Associated changes are the inclusion/amendment of relevant assessment criteria for the new activity status and the introduction of a new definition for building services.
- c) m. and n. Earthquake strengthening: An amendment to the activity status rule for earthquake strengthening works to clarify that the activity status applies if interior works are externally visible.
- d) y. and z. Reconstruction and reinstatement: The addition of discretionary activity status for reconstruction and reinstatement of any A ranked building and restricted discretionary status for B ranked buildings. Associated changes include the introduction of a definition for reinstatement, and amendment of Assessment Criteria 1.3.3 E5 to address this activity.
- e) aa. Minor work: Addition of permitted activity status for minor work on a site of any Schedule 8A building to address an anomaly with the additions and alterations definition⁴.

Definitions

29. In addition to those identified above, PC9 also introduces new definitions for Adaptive re-use, Setting, and Surroundings, as follows:

⁴ I also replace the reference to note "1" with note "2" which was an error in the notified version.

Adaptive re-use (in relation to Volume 1, Chapter 19: Historic Heritage): Means modifying a building, structure and/or its setting to suit it to a use that is compatible and consistent with the heritage values, and which has no or minor adverse effects on the authenticity and integrity and heritage values of the building, structure and/or setting.

Setting (in relation to Volume 1, Chapter 19: Historic Heritage): Means the area around and/or adjacent to a building, structure, site and/or area of heritage value that is integral to its function, meaning and relationships, which may extend beyond the legal boundaries of allotment, and that includes:

- The structures, accessory buildings, features, gardens, curtilage, airspace, accessways forming the spatial context of, or used in association with, the building, structure, site, and/or area
- The landscape, streetscape, perspectives and views to the building, structure, site, and/or area from public places;
- The views from the building or structure, where those views are integral to the heritage value of the building or structure.

Surroundings (in relation to Volume 1, Chapter 19: Historic Heritage): The area of land surrounding a building, structure, site or area of heritage significance that is essential for retaining and interpreting the heritage significance of the building, structure, site or area. It includes curtilage and the setting of the heritage resource.

Assessment criteria

30. A number of amendments are proposed in PC9 for Appendix 1.3 – Assessment Criteria E – Heritage Values and Special Character to align with the amended objectives and policies described above.

SUBMISSIONS ON BUILT HERITAGE

31. My evidence does not address all submission points raised on Built Heritage, particularly where I do not recommend any changes to the notified provisions or where they are in support of the provisions as notified.

Objective 19.2.1 Explanation

32. PC9 deletes the word “social” in the explanation for Objective 19.2.1. HNZPT (151.10) seeks that the word be reinserted into the explanation on the basis that it is a heritage value in the ICOMOS New Zealand Charter.
33. The explanation sets out the heritage values and types of significance as provided in the Waikato Regional Policy Statement (**WRPS**). In changing the ODP, HCC must give effect to the WRPS. Further, other matters of significance listed in ICOMOS are not included in the explanation. On that basis, I do not support reinserting the word into the explanation.
34. The Waikato Heritage Group (**WHG**) (427) also seeks the inclusion of “and surroundings” in the explanation. I agree with the inclusion of surroundings as it is consistent with the RMA definition of “historic heritage”. Furthermore, it is consistent with Objective 19.2.3 and the changes that PC9 introduces to the associated policies.

Policy 19.2.1c

35. Sky City (450.3) seeks deletion of the reference to “ICOMOS” in Policy 19.2.1c on the basis that it is better to reference it in either a design guide or in assessment criteria. I do not support this amendment. PC9 did not amend this policy or any reference to ICOMOS elsewhere in the District Plan. I consider that it is appropriate for the policy framework to broadly require consistency with ICOMOS.

Objective 19.2.3

36. SkyCity (450.4) and The Lawrenson Group (385.4) oppose the amendment to Objective 19.2.3 which deletes the word “immediate” and replaces it with “setting and” on the basis that it will restrict future development of the site, noting that Policy 19.2.3f requires new development to be consistent with identified heritage in relation to form, scale, character and location of the setting.
37. A heritage item’s setting is an important consideration when work is undertaken on identified Built Heritage. To consider a heritage item without regard to its setting may result in outcomes that adversely affect the heritage values of a listed item. I recommend that the objective is retained as notified.

Policies 19.2.3a to 19.2.3k

38. As described above, PC9 introduces exclusions and additional considerations to the policies associated with Objective 19.2.3 to provide greater specificity and to align with best practice. However, a general concern arising in submissions is that, in some cases, these changes add a layer of complexity and duplication. I address each policy individually below.

Policy 19.2.3a

39. As discussed earlier, due to an administrative error, Policy 19.2.3a is not shown in the PC9 tracked change version of Chapter 19 appended to the Section 32 report. However, the Eplan correctly shows Policy 19.2.3a as amended by PC9 which is set out above in paragraph 20. HCC’s submission (201.1) seeks that Policy 19.2.3a be reinstated.

40. Despite its omission from the Section 32 report, two submitters support Policy 19.2.3a⁵ and none have sought amendments. To ensure consistency in the ODP while retaining the intent of the policy, I recommend reorganising the policy to address demolition and removal as two separate policies. The proposed redrafted policies are set out in **Attachment A**.

Policy 19.2.3b

41. Several submissions seek amendments to Policy 19.2.3b. HNZPT (151.15) supports the avoidance of relocation but has concerns that the exceptions that have been introduced are ambiguous and detrimental to heritage values.
42. I agree with most of the amendments proposed by HNZPT and their reasoning. However, I recommend minor changes for greater clarity and consistency with related provisions in the District Plan as set out in **Attachment A**. I also agree with HNZPT's suggestion that some of the subclauses as drafted are not policies but matters to be addressed if resource consent was granted.
43. Kāinga Ora (428.44) submits that the use of the word "avoid" is contrary to the Supreme Court decision *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38 (*King Salmon*). Kāinga Ora considers that as the policy uses the term "avoid", there cannot be any exceptions within the policy. It seeks that the word "avoid" be deleted. I agree with the submission that the word "avoid" should be deleted in accordance with *King Salmon* as relocation does not have prohibited activity status.

⁵ Blue Wallace Surveyors (347.3); Graham Family Trust (408.2).

Policy 19.2.3c

44. Submitters HNZPT, Z Energy, Kāinga Ora and Eion Hall have sought amendments to Policy 19.2.3c as follows:

Submission point number	Relief sought
HNZPT (151.16)	<p>19.2.3c Subdivision and/or development of the site identified in Schedule 8A shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A, 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 <u>or the settings or surroundings, and the proposal is supported by a report from an appropriately qualified conservation architect;</u>
Z Energy (422.23)	<p>Amend Policy 19.2.3c to read:</p> <p>19.2.3c Subdivision and/or development of the a site identified in Schedule 8A shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A, 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 <u>protective of the heritage values having regard to the</u> 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.
Eion Hall (350.6)	<p>Amend Policy 19.2.3c to read:</p> <p><u>“Subdivision and/or development of the sites which contain buildings or structures</u> identified in Schedule 8A shall retain, protect and enhance the heritage values of any those buildings or structures listed within Schedule 8A, 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;

	<ul style="list-style-type: none"> 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.”
Kainga Ora (428.45)	<p>Amend Policy 19.2.3c to read:</p> <p>Subdivision and/or development of the site identified in Schedule 8A shall retain, protect and <u>where practicable</u>, enhance the heritage values of any building or structure listed within Schedule 8A, including by ensuring that:</p> <p>...</p>

45. HNZPT and Z Energy seek deletion of the word “enhance”. Kāinga Ora also opposes the terminology “retain, protect and enhance”, on the basis that it implies that all outcomes must be achieved at the same time. I consider that the word “enhance” should be retained because if current titles are amalgamated to reflect a previous historic title, then this would enhance the scheduled site. However, I support deletion of the preceding word “and” and replacing it with the word “or” as enhancement will not occur in every instance, nor at the same time as retention and protection occurs.
46. The second part of HNZPT’s submission point seeks to include a requirement that subdivision or development of a Schedule 8A site be supported by a report from a qualified conservation architect. I consider such a requirement to be inappropriate in a policy. Nevertheless, I agree that it is important that relevant reports be provided to support such activities in relation to Built Heritage which is already addressed in Information Requirement 1.2.2.7.
47. Z Energy seeks that the whole policy be revised to more simply and clearly articulate the policy intent and give effect to the overarching objective. I agree that the policy can be improved in that regard, but do not agree with the amendments proposed by Z Energy.

48. The submission made by Eion Hall seeks amendments to the policy so that it applies where sites contain buildings or structures identified in Schedule 8A. The submitter points out that if the buildings or structures are not extant after being lawfully removed (including by way of resource consent or a previously granted certificate of compliance) then the sites would not have any heritage values to retain, protect or enhance. I support the reasons for the relief but consider that alternative wording will better achieve that outcome.
49. I have considered the submissions of HNZPT, Z Energy, Eion Hall and Kāinga Ora. I do not support the specific wording proposed by those parties but agree that the policy can be improved to reflect the policy intent and provide greater clarity on how the objective is to be achieved. My proposed wording of 19.2.3c is as follows and is set out in **Attachment A**:

Subdivision and/or development of a site identified in Schedule 8A shall retain, protect or enhance the heritage values of any scheduled item, having regard to the setting and surroundings' ability to accommodate change without compromising the heritage values.

Policy 19.2.3e

50. PC9 does not amend Policy 19.2.3e, however Kāinga Ora (428.46) has sought an amendment to clarify that the buildings and structures referred to in the policy are those listed in Schedule 8A. I support this clarification but have proposed alternative wording. I also recommend a consequential amendment to replace the word “qualities” with “values” to be consistent with the terminology used in the District Plan.

Policy 19.2.3f

51. In relation to Policy 19.2.3f, the following relief is sought:

Submission number	point	Relief sought
HNZPT (151.17)		That Policy 19.3.2f is retained and amended as follows: The form, scale, character, location, design, materials and finish of any development within the setting <u>and surroundings</u> of a historic heritage building or structure in

	Schedule 8A, shall be consistent with <u>and not detract from identified heritage values.</u>
Z Energy (422.25)	The form, scale, character, location, design, materials and finish of any development within the setting of a historic heritage building or structure in Schedule 8A, shall <u>not</u> be <u>inconsistent</u> with identified heritage <u>values</u> .
Blue Wallace Surveyors Limited (347.19)	"The form, scale, character, location, design, materials and finish of any development within the setting of a historic heritage building or structure...shall be consistent <u>compatible</u> with identified heritage".

52. HNZPT (151.17) considers that Policy 19.2.3f should be amended to recognise that the development may potentially occur not just in the setting of a Built Heritage building or structure but also in the "surrounding" and that development should not only be consistent with but also "not detract from" identified heritage values. HNZPT considers that these amendments would assist in meeting the requirements of section 6(f) of the RMA.
53. Conversely, there are several submitters who seek a relaxation of the policy, including Blue Wallace Surveyors Limited (347.19) and Graham Family Trust (408.9) who seek that the word "consistent" be replaced with the word "compatible" to allow more flexibility with design.
54. Z Energy (422.25) also seeks amendment to the Policy to say "not be inconsistent with" rather than "shall be consistent with" as it considers that the requirement for development on sites with Built Heritage to be consistent with the identified heritage value is a high threshold and may preclude adaptive use.
55. I do not support inclusion of "and surroundings" as this goes further than the intent of the notified policy, particularly given it is required to be consistent with the heritage values. Furthermore, the surroundings are already identified and addressed in Policy 19.2.3c requiring the development to be compatible with the heritage values within the legal sites identified in Schedule 8A. It is noted that changes relating to setting

and surroundings should be considered in the context of changes recommended below relating to “extent of place”.

56. For the same reasons, I also do not consider it appropriate to soften the language of the policy by changing the word consistent to compatible or to “not be inconsistent” with the heritage values within the setting of the heritage item.
57. Regarding the inclusion of “and not detract from”, I consider that this better reflects the policy intent and is an appropriate amendment as it applies to the setting of a scheduled item, which I have addressed in detail in my evidence.
58. HNZPT and Z Energy both identify and seek the reinstatement of the word “values” at the end of the policy. I consider that the word was omitted from the PC9 notified version of the policy in error and should be reinstated to ensure consistency with the terminology used in the remainder of the chapter and in the ODP. The changes that I support to Policy 19.2.3f are shown in **Attachment A**.

Policy 19.2.3g

59. HNZPT (151.18) supports Policy 19.2.3g which encourages adaptive reuse but seeks an amendment to include the consideration of the retention of embodied energy. HNZPT does not provide specific drafting suggestions.
60. Whilst the policy relates to adaptive reuse, it is focused on ensuring works are kept to a minimum and the heritage values of the item and surroundings are protected. Further, the policy does not specify what adaptive reuse activities are. On that basis, I consider it unnecessary to amend the policy as sought by the submitter.
61. Z Energy (422.26) opposes the policy in part as it considers that the continued use should not be limited to circumstances where that use is

integral to the heritage values. It also seeks replacement of the word “possible” with “practicable” in subclause iii. which it considers to be a more appropriate threshold.

62. I do not support the relief sought by the submitter as the policy seeks to encourage continued use or adaptive reuse and clearly identifies that the continued use that is integral to the heritage values is preferred. I do agree that the word “possible” should be replaced with “practicable” to provide consistency of terminology in the District Plan.

Policy 19.2.3i

63. HNZPT (151.19) seeks deletion of the words “as far as practicable” from Policy 19.2.3i. I do not support this amendment as there are situations where absolute protection is unachievable. This will be problematic for earthquake strengthening, fire protection, building services and accessibility works for B ranked buildings, each of which are a controlled activity.

Policy 19.2.3j

64. HNZPT (151.20) seeks deletion of the words “and wherever possible enhances” from 19.2.3j ii on the basis that it dilutes the policy and that all works should look to conserve the authenticity and integrity of the heritage item. Further, it contends that the word “enhance” does not have a clear meaning so should not be used.
65. I disagree with HNZPT’s reasoning, as the subclause of the policy should be read as a whole and not in a piecemeal manner. I consider that the words should be retained. Furthermore, deletion of the word “enhance” would limit the ability of the policy to address instances where a previous addition or alteration is not in keeping with the original building or structure and to

remove it would be considered an enhancement to the authenticity and integrity of the scheduled item.

66. Kāinga Ora (428.47) proposes an amendment to subclause v. to exclude “maintenance and repair” from the requirement that works be reversible. I agree with the proposed amendment and have adopted it as shown in **Attachment A**.

Policy 19.2.3k

67. HNZPT (151.21) seeks to replace Policy 19.2.3k as follows:

HNZPT (151.21)	Delete Policy 19.2.3k as notified and replace with the following: <u>Any proposal to change the interiors of buildings or structures in Schedule 8A must avoid adverse effects on exterior heritage values.</u>
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68. The submitter considers that Policy 19.2.3k should be reframed in this manner to ensure that consideration of proposals to modify interiors retains heritage values.
69. I consider that the notified version of the policy achieves that objective. Accordingly, I do not agree with the relief sought. I address additional amendments relating to the protection of interiors as a Schedule 8A item further below.

Rule 19.3.1 – Activity Status Table

70. Several submissions seek to amend the status of activities listed in the Activity Status Table. I do not support those amendments. The Activity Status Table establishes a logical ‘hierarchy’ in relation to the identified activities. For example, removal of a building or structure offsite is a non-complying activity and relocation onsite is a discretionary activity. In most cases, relocation onsite is preferable to removal offsite to maintain

heritage values. Accordingly, I consider it appropriate to maintain the hierarchy.

71. The proposed amendments I have suggested for the Activity Status Table include addressing my agreement that “extent of place” should be identified in Schedule 8A (as I discuss further below).
72. Any other changes to the text of the Activity Status Table relate to the matters discussed below or address minor drafting anomalies or errors.

Maintenance and repair

73. I agree with the submission from HCC that the notified drafting of Rules 19.3.1a. and 19.3.1b. may be confusing to plan users. The Rules direct the reader to standard 19.4.1. The standard then directs the reader to the definition for maintenance and repair in Appendix 1.1 (which is also amended under PC9). In my view, the requirement to refer to the standard, and then the definition, is an unnecessary step.
74. I recommend that Rule 19.4.1 be deleted. That amendment makes Rule 19.3.1b. redundant. If the maintenance and repair definition is not met then it is a different activity (e.g. additions and alterations).
75. I also recommend that Rule 19.3.1a. be amended by deleting reference to Rule 19.4.1, completely deleting Rules 19.3.1b., 19.6a.i. and deleting reference to “maintenance and repair” in Appendix 1.3.3 E3. These recommendations are included in **Attachment A**.
76. There is one submission on the definition of “maintenance and repair” from Kāinga Ora and it supports the definition as notified. However, I consider that the definition conflates two separate terms within one definition (as guided by ICOMOS). I recommend retaining “maintenance

and repair” as one definition but separating it into two parts to provide greater clarity as to what each term means.

Assessment Criteria

77. Within the Assessment Criteria, I recommend several amendments as follows:

- a) Consequential amendments to reflect the changes I have discussed and recommended above in relation to Objective 19.2.3 and the associated policies;
- b) Minor editorial amendments to remove inconsistencies in terminology;
- c) The deletion of assessment criteria introduced through PC9 which contradict the existing ODP in relation to ICOMOS; and
- d) The deletion of references to specific policies in the assessment criteria which is considered to be redundant. Where relevant, the objectives and policies must be considered, irrespective of whether they are referred to in the assessment criteria.
- e) Consolidation of E6 and E7 to address the remaining criterion because of the changes in c) and d) above.

Definitions

78. WHG (427.46) seeks amendment to the definition of “adaptive re-use” to reflect the definition used by HNZPT (the submission does not set out the specific wording of the definition used by HNZPT). Conversely, Kāinga Ora

(428.92) supports the definition as notified. I agree that the definition as notified is appropriate and recommend that it be retained.

79. HCC (201.4, 201.5 and 201.6) seeks the inclusion of a definition for “alterations and additions” that applies specifically to Chapter 19. The current ODP definition applies across the entire ODP and there are Built Heritage matters that are not addressed in the ODP definition. I agree that a specific definition is required, however I do not consider the proposed definition in the HCC submission is entirely appropriate as the activity status is listed as “Alterations **or** additions”. I recommend having two separate definitions, as follows:

Alterations (in relation to Chapter 19: Historic Heritage): Means any work, including network utility structures, to a building or structure that do not have the effect of increasing the gross floor area, footprint, mass or height of a building or structure. It excludes any defined maintenance and repair.

Additions (in relation to Chapter 19: Historic Heritage): Means any work to a building or structure that have the effect of increasing the gross floor area, footprint, mass or height of the building or structure.

80. In line with their submission regarding the inclusion of a mapped extent of place, which I discuss below, WHG (427.48) requests that the definition of “setting” and “surrounding” be reviewed. Kāinga Ora opposes the definition of “setting” as the RMA only refers to the surroundings. In light of my support for defining the extent of place, I disagree with Sky City Hamilton Limited’s (450.8) request to amend the definition for “setting” to specify that it only encompasses the Built Heritage item and site but does not extend beyond the legal boundaries of the site. Heritage values are not necessarily confined within legal boundaries. Nevertheless, it may well be that in some cases the legal boundary is the appropriate extent and this needs to be considered and identified for each individual item.
81. I propose minor amendments to both definitions to reflect the conclusions of Ms Caddigan and myself in relation to the extent of place as shown in **Attachment A.**

Extent of place

82. The “surrounding” and “setting” of a heritage building or structure can be an important component of the identified heritage values of scheduled items that may require protection. The definition of “Historic Heritage” in the RMA recognises that the protection of historic heritage includes the surroundings of the physical and natural resource.
83. PC9 addresses this by adding references to settings and surroundings in the relevant objectives and policies in Chapter 19, along with two corresponding new definitions:

Setting (in relation to Volume 1, Chapter 19: Historic Heritage): the area around and/or adjacent to a building, structure, site, and/or area of heritage value that is integral to its function, meaning and relationships, which may extend beyond the legal boundaries of allotment, and that includes:

- the structures, accessory buildings, features, gardens, curtilage, airspace, accessways forming the spatial context of, or used in association with, the building, structure, site, and/or area;
- the landscape, streetscape, perspectives and views to the building, structure, site, and/or area from public places;
- the views from the building or structure, where those views are integral to the heritage value of the building or structure.

Surroundings (in relation to Volume 1, Chapter 19: Historic Heritage): The area of land surrounding a building, structure, site or area of heritage significance that is essential for retaining and interpreting the heritage significance of the building, structure, site or area. It includes curtilage and the setting of the heritage resource.

84. Two submitters, WHG (427.47) and Niall Baker (199.14), identify and seek that the “extent of place” is determined and mapped within Appendix 8A for each item to assist with understanding the setting and curtilage for each place and the inclusion of any historic heritage within the surrounding and setting of an item.

85. Whilst the ODP is yet to incorporate the National Planning Standards in full, it does provide some direction regarding the mapping of heritage items. The mapping standards provide a point location mapping and an area extent, it also relies on the RMA definition of historic heritage.
86. Ms Caddigan's evidence addresses the "extent of place" in response to the submission from Parish of the Holy Cross (83.1) in relation to Built Heritage item H173 St Joseph's Fairfield Chapel and Spire at paragraphs 33 to 37. Schedule 8A identifies the Chapel and Spire as a B ranked item and refers to the legal description of the entire site, which also includes a school. Ms Caddigan agrees that the heritage values of the Chapel do not extend to the adjacent school complex on the property. However, as Ms Caddigan notes, the provisions of Chapter 19 trigger resource consent for many activities within the identified legal description, not merely in respect of the Built Heritage item on the property.
87. I agree with Ms Caddigan that a place-based approach, by defining an "extent of place", provides greater certainty as to the physical extent of heritage values relating to each Built Heritage item and will simplify administration of the District Plan for all plan users, particularly in relation to consent requirements.
88. I agree that an extent of place should be applied to St Joseph's Fairfield Chapel, Schedule 8A item H173. In addition, I consider that Schedule 8A should specify the particular buildings and structures that do not contribute to the historic setting and surroundings. I recommend that a new column be added to Schedule 8A which identifies exclusions that apply within a specific extent of place. Further, I consider that the extent of place should be identified for all Schedule 8A items introduced through PC9. However, I note that specific changes to Schedule 8A are not being addressed in the November hearing which is focused on methodology. They will be the subject of the second hearing on the Built Heritage topic to be held in 2024. I will make recommendations to amend Schedule 8A in

relation to these matters at that second stage in the PC9 Built Heritage topic process.

89. In relation to Built Heritage items that already exist in the ODP, as referred to above, I recommend minor amendments to the definition of setting to address the extent of place in relation to the existing Built Heritage items until such time as it is applied to those items through a future plan change or plan review process. I also recommend amendments to Policies 19.2.3b and 19.2.3f and Rules 19.3.1.o, 19.3.1.u, 19.3.1.v, 19.3.1.aa to reflect my support for identifying an extent of place.
90. Finally, Niall Baker (199.14) and Laura Kellaway (452.2) seek inclusion of maps showing the extent of place in Appendix 8. I consider the extent of place is most appropriately shown on the planning maps, alongside all other overlays and mapped features.

Protection of interiors

91. The Harts (441.3) seek protection of the interior of their house at 129 Cambridge Road which is an existing B ranked building in the ODP, H49.
92. As set out in Ms Caddigan's evidence at paragraphs 38 and 39, she has visited the property⁶ and supports the relief sought. I support and agree with Ms Caddigan's recommendation to include the interior of 129 Cambridge Road as part of the already scheduled house, H49.
93. I propose minor amendments to Chapter 19 to provide for the protection of the interior in this instance. This includes changes to Policy 19.2.3k, the explanation to Objective 19.2.3 and associated policies, and to Rules 19.3.1.c, 19.3.1.g, 19.3.1.m, insertion of advice note 3 under the Activity Status Table, and 19.6.v. These amendments are set out in **Attachment A**.

⁶ I accompanied Ms Caddigan on this site visit.

94. Other submitters such as WHG (427.16) have sought the protection of interiors of other scheduled buildings. I do not support such relief from non-landowners. PC9 does not seek to include interiors on the Schedule. In any event, the modification of the rules can be applied, if required, to other Built Heritage through a future plan review or plan change.

Schedule 8A

95. In regard to the Schedule 8A items, I have reviewed the recommendations in the Themes and Issues report and the recommendations of Ms Caddigan. I support the proposed amendments to Schedule 8A in relation to the items that can be removed for the reasons set out in Ms Caddigan's evidence.

CONCLUSION

96. I support the recommendations made by Ms Caddigan in relation to the extent of place, the inclusion of the interior of 129 Cambridge Road, and the items to be removed from Schedule 8A.
97. While I have reviewed all submission points on the Built Heritage topic, rather than specifically refer to all submissions in my evidence, I have identified and addressed the critical issues and key changes sought. There are a number of further minor edits to the PC9 Built Heritage provisions which I recommend. My response to all of the issues raised and relief sought in submissions is reflected in my proposed changes to the PC9 Built Heritage District Plan provisions which are set out in **Attachment A**.

Laura Galt

1 September 2023

ATTACHMENT A

Proposed amendments to PC9 notified version are shown in red

19 Historic Heritage

19.1 Purpose

- a. Historic heritage is a natural or physical resource and is defined in the Act. This chapter addresses built heritage (buildings 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.
- 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.

Historical Heritage Areas

- 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 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
<p>19.2.1 The City's historic <u>Historic</u> heritage shall be protected from that contributes to an understanding and appreciation of the adverse effects <u>history and culture of subdivision</u> the City is identified, <u>use and development</u> <u>significant heritage resources are protected.</u></p>	<p>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.</p> <p>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</u> <u>shall be identified,</u> recorded and recognised to <u>ensure</u> <u>maintain and enhance the sense of identity and wellbeing of the City's residents and</u> the historical legibility of Hamilton <u>the</u> City.</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 has 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 Schedule 8A or 8B 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, social, cultural, architectural, <u>scientific, archaeological</u> or technological significance.</u></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</i></p>	

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
19.2.2 The heritage values of a diverse and representative range of natural, physical and cultural resources are protected.	19.2.2a Items of significant heritage value (buildings, objects, areas, trees and sites) shall <u>will</u> be scheduled.
	19.2.2b The loss of heritage values associated with scheduled items shall be avoided.
	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.

Explanation

Historic heritage is an integral part of Hamilton's character and its future development. For this reason the destruction or alteration of buildings, or significant elements of ~~buildings, objects, areas, trees~~buildings and Maaori 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), 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 <u>setting and</u> surroundings are protected.	19.2.3a Demolition, or relocation <u>removal from the site identified in Schedule 8A</u> , of buildings and structures ranked A or B in Schedule 8A shall be avoided; except where Demolition or removal is the last resort, and particularly for rank A , alternatives <u>must</u> have been fully investigated and it can be demonstrated <u>alternatives are not practicable resulting in demolition being a last resort; including</u> <ol style="list-style-type: none"> i. <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> ii. <u>The demolition is partial and the heritage values and significance will be retained;</u> iii. <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>

- iv. There is a threat to life and/or property and interim protection measures would not remove that threat;
- v. ~~Removal to a new site ensures the heritage values and significance will be retained;~~
- vi. ~~Removal to a new site provides a setting and surroundings that are compatible with the heritage values of the building or structure~~

19.2.3X

Removal of scheduled buildings and structures from the site identified in Schedule 8A shall be avoided except where ~~except~~ where alternatives ~~must~~ have been fully investigated and it can be demonstrated that those ~~alternatives are not practicable; and removal being the only alternative to demolition; including:~~

- i. ~~The removal is necessary to protect the building from being irreparably damaged by a natural hazard event;~~
- ii. ~~The removal is necessary to provide protection of the building or structure or to ensure public safety;~~
- iii. Removal to a new site ensures the heritage values and significance will be retained;
- iv. Removal to a new site provides a setting and surroundings that are compatible with the heritage values of the building or structure

19.2.3b

~~Demolition or relocation~~

Relocation of ~~scheduled~~ buildings and structures ~~ranked Bin Schedule 8A~~ within the site identified in Schedule 8A ~~or the extent of place should is only be allowed avoided, except~~ where ~~it can be demonstrated that:~~

- i. 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;~~
- ii. The relocation allows for significant public benefit ~~and accessibility~~ that would not otherwise be ~~discouraged~~ achieved;
- iii. ~~The relocation is necessary to provide protection of the building or structure or to ensure public safety.~~
- iv. ~~Measures will be taken to minimise the risk of damage to the building or structure;~~

- v. ~~The relocation will provide continuity of the heritage values of the building or structure;~~
- vi. The building or structure will remain ~~within the site and is~~ as close to the original location as ~~is~~ practicable; ~~and~~
- vii. The relocation maintains the heritage values and significance of the building or structure.

19.2.3c

Subdivision and/or development ~~of a the site identified in Schedule 8A~~ shall retain, protect ~~and or~~ enhance the heritage values of any ~~scheduled item building or structure listed within Schedule 8A,~~ ~~having regard to the setting and surroundings ability to accommodate change without compromising the heritage values including by ensuring that:~~

- i. ~~The proposal is compatible with the sensitivity of the with 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.~~

19.2.3d

Subdivision and development shall avoid any potential cumulative adverse effects on any building or structure listed in Schedule 8A.

19.2.3e

~~Heritage b~~Buildings and structures ~~listed in Schedule 8A~~ shall be used in a manner that ensures essential heritage ~~values~~ qualities are not damaged or destroyed.

19.2.3f

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~~.

19.2.3g

The continued use or adaptive reuse of any building or structure of identified heritage value shall be encouraged, ~~where:~~

- 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 practicable possible.

19.2.3h

The site surrounding the heritage building or structure shall be protected to the extent that it contributes to the heritage values.

19.2.3i

~~Encourage~~ Any work for earthquake strengthening, fire protection, building services and accessibility upgrades to heritage buildings and structures must ensure that the 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, and avoid, remedy or mitigate any adverse effects on heritage values, including by:

- i. Protecting, as far as practicable, architectural features and details that contribute to the heritage values of the building or structure;
- ii. Retaining or reinstating the appearance of the original façade; and
- iii. Minimising the visual effects of additions to the heritage building or structure.

19.2.3j

Any work on heritage buildings and structures in Schedule 8A shall be carried out in a manner that:

- i. 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);
- ii. Conserves, and wherever possible enhances, the authenticity and integrity of the building or structure;
- iii. Identifies, minimises and manages risks or threats to the structural integrity and heritage values of the building or structure, including from natural hazards;

- iv. Documents the material changes to the heritage building or structure and heritage setting;
- v. Is reversible wherever practicable (other than where works are undertaken as a result of damage or maintenance and repair);
- vi. Distinguishes between new work and existing heritage fabric in a manner that is sensitive to the heritage values;
- vii. Maintains the building or structure to prevent deterioration and to retain its heritage value

19.2.3k

Modification of the interior of buildings or structures in Schedule 8A is enabled as a means of encouraging use, re-use or adaptive reuse and facilitating the retention and protection of the exterior heritage values, and internal features specifically listed in schedule 8A.

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, except where the interior is specially listed, then changes to the interior are equally sensitive to change and need to be controlled and managed.

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>19.2.4 <u>The heritage values of a historic heritage area are identified and protected.</u></p>	<p>19.2.4a <u>Cumulative adverse effects on the heritage values of the areas are avoided wherever practicable.</u></p>

	<p>19.2.4b 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>19.2.4c 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>19.2.4d 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.</p>
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Explanation

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>19.2.5 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.</p>	<p>19.2.5a Development is sympathetic with the existing historic values found within the historic heritage area through:</p> <ul style="list-style-type: none"> i. Being compatible with the design, material used and placement of buildings and structures within the area. ii. Mitigating the effects of the demolition or removal of existing buildings and structures from the site. 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. iv. Providing a site-specific Heritage Impact Assessment.
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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 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 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 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.</p>
	<p>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></p>
<p>Explanation</p>	
<p><i>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</i></p>	

lost or damaged through exposure to weather, earthworks, damage from tree roots and coverage of a site by buildings or impermeable surfaces. However, sub-surface features may still survive. The aim of the policies is to protect the physical integrity and features of the site.

Identification of sites before development occurs is particularly important. If the general location of sites can be signalled then developers and landowners are able to plan development that minimises or avoids disturbance. Known archaeological sites, and the extent of those sites, are identified by mapping.

An important concern/matter for tangata whenua/Mana Whenua is the need to protect sites from accidental or intentional interference. The District Plan will record and protect only those sites which iwai/Mana Whenua are comfortable to make known or are recorded by NZAA. The location of other sites is known only to Waikato iwi and local hapu/hapuu. The 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 notes regarding accidental discover ensures there is recognitions of the ongoing importance of these sites to Maaori.

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

19.3 Rules - Activity Status Table

19.3.1 Built Heritage (Buildings and Structures)

Volume 2, Appendix 8, Schedule 8A: Built Heritage (structures, buildings and associated sites)			
Activity	Class		
	A Ranked	B Ranked	Exceptions
			<ul style="list-style-type: none"> - <u>within the Major Facilities Zone — Waikato Hospital Campus and Wintec City Campus</u> - <u>Extent of Place</u>
a. Maintenance and repair <u>of buildings or structures where compliance with Rule 19.4.1 is achieved</u>	P		
b. <u>Maintenance and repair of buildings or structures where compliance with Rule 19.4.1 is achieved</u>	<u>RD</u>		
c. Internal alterations of buildings <u>except those specifically listed in Schedule 8A then relevant activity status apply (see Note 3)</u>	P		
d. Accessory buildings or new buildings within any scheduled site <u>or identified extent of place ranked A</u>	D	RD*	P – within Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus
e. <u>Accessory buildings or new buildings within any scheduled site ranked B</u>	<u>RD*</u>		

f. Accessory buildings or new buildings within the Major Facilities Zone — Waikato Hospital Campus and Wintee City Campus	P		
g. Alterations or additions (excluding maintenance and repair) to the exterior and interior if specifically listed in Schedule 8A of any structure or building ranked A	D	RD	<u>P – a building or structure is specifically excluded in Schedule 8A and is freestanding</u> <u>C – a building or structure is specifically excluded in Schedule 8A and is attached to a listed item</u>
h. Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked B	RD		
i. <u>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.</u>	<u>RD</u>	<u>C</u>	<u>P – if specifically excluded in Schedule 8A</u>
j. <u>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.</u>	<u>C</u>		
k. Demolition of any structure or building ranked A	NC	D	<u>P – a building or structure is specifically excluded in Schedule 8A and is freestanding</u> <u>C – a building or structure is specifically excluded in Schedule 8A and is attached to a listed item</u>
l. Demolition of any structure or building ranked B	D		
m. <u>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 specifically listed in Schedule 8A.</u>	RD*	C	<u>P – if specifically excluded in Schedule 8A</u>
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		

o. Erecting, constructing or extending any structure or fence on a site <u>or identified extent of place</u>	RD*	P – 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	
q. Signs (refer also to Chapter 25.10: City-wide – Signs)	RD*	Refer to Chapter 25.10: City-wide – Signs - within Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus
r. Signs within the Major Facilities Zone – Waikato Hospital Campus and Wintec City Campus	Refer to Chapter 25.10: City-wide – Signs	
s. Subdivision of an allotment containing a <u>building or structure listed in Schedule 8A</u> 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	
t. Change of use to an activity otherwise listed as non-complying in the underlying zone rules for any historic place identified in Schedule 8A	D	
u. Removal off site <u>or identified extent of place</u> of any structure or building ranked A	NC	D <u>P – a building or structure is specifically excluded in Schedule 8A and is freestanding</u> <u>C – a building or structure is specifically excluded in Schedule 8A and is attached to a listed item</u>
v. Relocation on existing site <u>or identified extent of place</u> of any structure or building ranked A	D	RD <u>P – a building or structure is specifically excluded in Schedule 8A and is freestanding</u> <u>C – a building or structure is specifically excluded in Schedule 8A and is attached to a listed item</u>
w. Removal off site of any structure or building ranked B	D	
x. Relocation on site of any structure or building ranked B	RD	
y. <u>Reconstruction and reinstatement of any structure or building ranked A</u>	<u>D</u>	<u>RD</u> <u>P – a building or structure is specifically excluded in Schedule 8A and is freestanding</u>

			<u>C – a building or structure is specifically excluded in Schedule 8A and is attached to a listed item</u>
<u>z. Reconstruction and reinstatement of any structure or building ranked B</u>	<u>RD</u>		
<u>aa. Minor work on a site or identified extent of place of any structure or building identified in Schedule 8A that complies with Rule 19.4.2 (See note 24)</u>	<u>P</u>		

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.
3. Scheduled interiors - All other activities' status applies as though it is external work unless the building or structure is specifically excluded.

19.3.2**Historic Heritage Areas**

<u>Activity</u>	<u>Class</u>
<u>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)</u>	<u>RD</u>
<u>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)</u>	<u>P</u>
<u>c. Ancillary residential structure, excluding fences and/or walls provided in (h) and (i) below.</u>	<u>P</u>
<u>d. Demolition of existing curtilage wall</u>	<u>RD</u>
<u>e. Demolition of existing 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)</u>	<u>D</u>
<u>f. Demolition 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>
<u>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)</u>	<u>P</u>
<u>h. Fences and/or walls located forward of the front building line of the dwelling:</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</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 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>

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 proposed definition of weatherproofing.~~
 - ~~ii. Plumbing maintenance and electrical work.~~~~
- ~~c. Repairs shall be for the purpose of repair, patching, piecing in, splicing or consolidating repair of buildings and structures' in Volume 2, Appendix 1.1~~

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. 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

- 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)
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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 where internal works where interior specifically listed in schedule 8A.</u>	• <u>E — Historic Heritage and Special Character</u>
i. <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>	• E — Historic Heritage <u>and Special Character</u>
<u>iii. Controlled activities if specifically 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>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: Built Heritage (structures, buildings buildings and associated sites structures)	
i. Maintenance and repairs that does not comply with Rule 19.4.1	• E — Heritage Values and Special Character
ii. Accessory buildings or new buildings within any scheduled site ranked B*	• E — Heritage Values and Special Character
iii. Alterations or additions (excluding maintenance and repair) to the exterior of any structure or building ranked B	• E — Heritage Values and Special Character
iv. <u>Alterations necessary to any structure or building ranked A for the purpose of providing or improving fire safety, physical access and</u>	• <u>E — Heritage Values and Special Character</u>

<u>physical accessibility upgrades, and/or building services</u>	
v. Earthquake strengthening works to the external building façade <u>or to the interior where the strengthening will be externally visible</u> , of any structure or building ranked A* <u>or to interior for specifically listed interior in Schedule 8A.</u>	• E — Heritage Values and Special Character
iii. 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	
iv. Relocation on site of any structure or building ranked B	• E - Heritage Values and Special Character
v. <u>Reconstruction and reinstatement of any structure or building ranked B</u>	• <u>E - Heritage Values and Special Character</u>
v. Signs*	• E - Heritage Values and Special Character
Historical Heritage Areas	
ix. <u>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)</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>Demolition or removal 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>E — Heritage Values and Special Character</u>
xii. <u>Fence and/or walls located forward of the front building line of the dwelling and have a maximum height of 1.8m</u>	• <u>E — Heritage Values and Special Character</u>
xiii. <u>New buildings</u>	• <u>E — Heritage Values and Special Character</u>
xiv. <u>Relocated buildings on the 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>
Archaeological and Cultural Sites	
xvi. <u>Any earthworks on a site in Schedule 8B:Group 1 or Schedule 8C: Group 2</u>	• <u>E — Heritage Values and Special Character</u>
xvii. <u>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

Appendix 1.1 Definitions

Adaptative re-use (in relation to Volume 1, Chapter 19: Historic Heritage): Means modifying a building, structure and/or its setting or extent of place to suit it to a use that is compatible and consistent with the heritage values, and which has no or minor adverse effects on the authenticity and integrity and heritage values of the building, structure and/or setting or extent of place.

Alterations and additions: Means any work to existing buildings or structures which involves the addition, change, removal or replacement of walls, windows or features which results in an external appearance different to its existing appearance, but excludes activities identified in the definition for 'Minor Works (in Business 1-7, Central City, Industrial, Ruakura Logistics and Ruakura Industrial Park Zones)'. It may result in increasing or decreasing floor space through change of the external walls.

Alterations (in relation to Chapter 19: Historic Heritage): Means any work, including network utility structures, to a building or structure that no not have the effect of increasing the gross floor area, footprint, mass or height of a building or structure. It excludes any defined maintenance and repair.

Additions (in relation to Chapter 19: Historic Heritage): Means any work to a building or structure that have the effect of increasing the gross floor area, footprint, mass or height of the building or structure.

Building services (in relation to Chapter 19: Historic Heritage): Means essential services required for the safe functioning of a building or structure and includes utilities such as lighting, heating, ventilation, plumbing, power supply, security and energy management systems.

Demolition or removal of buildings: Means dismantling, destruction and/or removal of part or all of any building.

Maintenance and repair of buildings and structures (in relation to Chapter 19: Historic Heritage): Means for maintenance, regular and on-going protective care of a building or structure to prevent deterioration and to retain its heritage value, including work for the purpose of weatherproofing, painting or (when the building or structure has previously been painted), rendering (painting and rendering are dependent on previous finish where the building or structure has previously been rendered) and maintaining plumbing and electrical work restoration; and

Means for the purpose of repair which includes patching, piecing to in, make splicing good decayed or consolidating damaged offabric anyusing original, identical, structure closely including similar, the or repair of like-for-like materials and replacement of minor components where these are beyond repair or are missing. The replacement should be of original or similar material, and that maintain a consistency in colour, texture, form, profile, strength and design aswith the original materials it replaces replaced.

Minor work (in relation to Volume 1, Chapter 19: Historic Heritage): Means the maintenance of existing site landscape features such as gardens, lawns, and planting beds; but excludes the development or re-development of the site which involves excavation, modification or disturbance of the ground.

Reconstruction (in relation to Volume 1, Chapter 19: Historic Heritage): Means to build again as closely as possible to a documented earlier form, using new materials.

Reinstatement: Means work carried out to restore the exterior of a building to a completed and integrated standard and appearance. This includes the reassembling of the building as a unified whole, the replacement of defective exterior materials with materials in keeping with the character of the building, and exterior repainting.

Relocated building: Means a building originally built off site which is repositioned on to a new site, or relocated within the original site, or the removal from the original site unless a building within a Special Character Zone or identified in Schedule 8A Heritage, but does not include new buildings or accessory buildings.

Restoration: Means returning the existing physical material of heritage resources to a known earlier state.

Setting (in relation to Volume 1, Chapter 19: Historic Heritage): Means where the Extent of Place is not mapped, it is the area around and/or adjacent to a building, structure, site, and/or area of heritage value that is integral to its function, meaning and relationships, which may extend beyond the legal boundaries of allotment, and that includes:

- the structures, accessory buildings, features, gardens, curtilage, airspace, accessways forming the spatial context of, or used in association with, the building, structure, site, and/or area;
- the landscape, streetscape, perspectives and views to the building, structure, site, and/or area from public places;
- the views from the building or structure, where those views are integral to the heritage value of the building or structure.

Surroundings (in relation to Volume 1, Chapter 19: Historic Heritage): The area of land surrounding a building, structure, site or area of heritage significance that is essential for retaining and interpreting the heritage significance of the building, structure, site or area. It includes curtilage and the setting or extent of place of the heritage resource.

Site: Means an area of land which is:

- a. Comprised in a single certificate of title or in respect of which a single certificate of title could be issued without further consent from the Council.
- b. Composed of two or more lots held together in one (or more) certificate(s) of title and where no single lot can be dealt with separately without the prior consent of the Council.
- c. An area of land which has been defined for the purpose of transferring it from one certificate of title to another.
- d. An area of land which is, or is to be, used or developed as one property whether or not that use or development covers the whole or a part(s) of one or more lots.
- e. Excludes Built Heritage sites in Appendix 8, Schedule 8A which include a mapped extent of place on the planning maps.

Allotments shown on a subdivision or survey plan for the purposes of effecting cross leases or company leases or issuing separate unit titles under the Unit Titles Act 2010, shall be deemed to comprise one site.

1.2.2.7 Historic Heritage – ~~Schedule~~ Built 8A Heritage and ~~8B~~ Archaeological and Cultural Sites (~~Historic Heritage~~)

Any activity requiring a resource consent relating to Schedule 8A or 8B sites (refer Volume 2, Appendix 8) shall include as part of the resource consent application:

- a. ~~Written advice~~ Advice from an appropriately qualified person or body concerning the effects of the proposed activity on the cultural and heritage values identified for the ~~site~~ heritage resource and outlining possible mitigation measures.
- b. In the case of the site having identified tangata whenua values, advice from relevant iwi and representatives of Mana Whenua.
- c. Where the site history indicates that there may be historical artefacts or other physical remains, advice from a suitably qualified and experienced archaeologist.
- d. Advice that the necessary authority to modify or damage an archaeological site has been obtained from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

Note

1. *An archaeological assessment, advice from Heritage New Zealand Pouhere Taonga, or ~~consultation~~ engagement with iwi and representatives of Mana Whenua will not be required where there is documentary evidence held by Council that this has previously been carried out for the site, and that the proposed new work is covered by that documentary evidence.*

Appendix 1.3 - Assessment Criteria

1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria

E	Heritage Values and Special Character	
	General	
E1	The extent to which the proposal, development, excavation, modification and disturbance, earthworks, and/or subdivision of a historic heritage site, historic heritage area or place places identified in Schedules 8A or 8B or 8C or 8D of Appendix 8:	
	a.	Is consistent and compatible with the identified heritage values, including scale, design, form, character, style, bulk, height, materials and colour, and retains, protects or enhances the heritage resources and values and historic context setting or extent of place.
	b.	Provides for design, layout or location of the activity, including associated building platforms, vehicle access and services on site in a manner that will minimise avoid, remedy or mitigate adverse effects on the historic heritage resources and values, including by minimising the disturbance of the site.
	c.	Provides for the on-going maintenance of the site to ensure that the site is preserved and that damage does not occur.
	d.	In Schedule 8A of Appendix 8 maintains visual linkages between the building or structure and the public places street.
	e.	Is compatible with the reasons for inclusion of the building, structure, site or area and its significance in Schedules 8A, 8B, 8C or 8D of Appendix 8.
	f.	Addresses cumulative effects on heritage values.
	g.	Considers the irreversibility of an effect (e.g. the loss of unique features)
	h.	Considers the opportunities for remediation and the costs and technical feasibility of remediation.
	i.	Considers the resilience of the heritage feature to change (e.g. the ability of the feature to assimilate change, or the vulnerability of the feature to change).
	j.	Adheres to the conservation principles of International Council on Monuments and Sites (ICOMOS) New Zealand Charter (2010) for the Conservation of Places of Cultural Heritage Value, where applicable.
	k.	Includes consultation with Heritage New Zealand Pouhere Taonga.
	l.	In the event of relocation incorporates planting, has adequately considered whether the relocation is necessary fencing and whether identification appropriate (e.g. measures are proposed signage) sufficient to ensure any site potential recognition adverse while effects maintaining and enhancing the heritage values are of avoided, the remedied site and mitigated setting.
	m.	Incorporates Has proposed an planting assessment of the site undertaken by a person qualified in archaeology, fencing which identifies the location of the archaeological sites and identification the (e.g. proposal signage) is sufficient in to accordance ensure with the recommendations of that assessment for the management of the archaeological site recognition.
	n.	Responds to matters raised in engagement with representatives of Mana Whenua.

	o.	Makes provision for Mana Whenua representation on site for monitoring of earthworks or other aspects of the activity, where such representation has been sought by Mana Whenua in the engagement by the applicant and/or in the cultural impact assessment prepared for the proposal through engagement with representatives of Mana Whenua.
	p.	Ensures that the location, layout, design and method of carrying out the proposed works / proposal avoids, remedies or mitigates adverse effects on the cultural and spiritual values of the site to Maaori and considers the role and application of matauranga maaori and tikanga.
	q.	Includes methods to ensure that the historical legibility of the City is enhanced, including by methods such as native species used in landscaping, signage, art works, and place and street names.
	r.	<u>Is consistent with the relevant objectives and policies of Chapter 19: Historic Heritage.</u>
E2		The extent to which the heritage values of any buildings, sites, areas or places identified in Schedules 8A, 8B, 8C or 8D of Appendix 8 would be adversely affected by the proposal.
E3		The extent to which the proposal including modification, maintenance and repair, reuse, alterations, renovation or additions or restoration to the building or structure:
	a.	Contributes to conserving positively and to wherever possible, enhances the character of the surrounding area authenticity and maintains the relationship integrity of the building or structure with and its setting.
	b.	Will maintain and enhance the environmental, social, or cultural effects benefits of the heritage resources and heritage values for the wider community.
	c.	Considers Minimises the extent to which the primary façade of a scheduled building is proposed to be altered, and whether the main determinants of the style and character, and the heritage significance, of the building are maintained or restored.
	d.	Ensures new alterations buildings or respect additions are consistent with the design, scale and materials of any the original façade or otherwise maintains or enhances the heritage values of the façade.
	e.	Ensures the adverse effects of the addition of an awning, on the heritage values of an identified building or structure in Schedule 8A, are avoided, remedied or mitigated.
	f.	<u>Is consistent with Policy 19.2.3j</u>
E4		The extent to which it is practicable to provide earthquake strengthening, fire safety upgrades, physical access and physical accessibility upgrades, building services improvements and/ or noise insulation to the required standard without compromising the heritage significance and fabric of the building, including avoiding or minimising the extent to which the changes resulting from this work is externally visible. Or internally visible where the interior is specially listed in Schedule 8A.
E5		The extent to which the reconstruction addition or reinstatement of an awning would likely detract from the original character of an identified heritage building in or Schedule 8A and 8B of Appendix 8-structure:
	a.	<u>Is essential to the function, integrity, intangible value, or understanding of the building or structure.</u>
	b.	<u>Is consistent with physical and documentary evidence about the original construction and does not require conjecture.</u>
	c.	<u>Will ensure the heritage value of the building or structure will be preserved.</u>

	d.	<u>Avoids reconstructed elements constituting the majority of a building or structure.</u>
	e.	<u>Is based on respect for the existing fabric and the identification and analysis of all available evidence so that the cultural heritage value is recovered or revealed.</u>
E6	<u>The extent to which demolition, or removal or relocation of an identified heritage building or structure in Schedule 8A of Appendix 8:</u>	
	a.—	Is consistent with Policy 19.2.3a.
	b.—	<u>Meets the Heritage New Zealand Pouhere Taonga, Investigation and Recording of Buildings and Standing Structures, Archaeological Guidelines Series No.1, November 2018 or any update to that guideline.</u>
	c.—	Is consistent with 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.
E7	<u>The extent to which the relocation of an identified heritage building or structure in Schedule 8A of Appendix 8:</u>	
	a.—	Is consistent with Policy 19.2.3b and Policy 19.2.3c
	b.—	Meets the Heritage New Zealand Pouhere Taonga, Investigation and Recording of Buildings and Standing Structures, Archaeological Guidelines Series No.1, November 2018 or any update to that guideline.
	c.	Is consistent with 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.
E8	<u>The extent to which proposed signage on an identified building, site or surroundings identified in Schedule 8A or 8B of Appendix 8:</u>	
	a.	<u>Is associated with permitted or consented activities on the site.</u>
	b.	<u>Is consistent with and maintains or enhances the historic heritage values of the building, site, setting and surroundings.</u>
	c.	<u>Acknowledges and respects the character of the façade of the building.</u>
	d.	<u>Is consistent with the historically documented traditional location, style, colours and size of signs.</u>
	e.	<u>Is not visually prominent and is appropriate in size and location to the heritage features, including not requiring the removal of decorative features or detailing.</u>
	f.	<u>Avoids irreversible damage to the original fabric of the building or structure, including by ensuring appropriate methods of attachment.</u>
	g.	<u>Avoids visual cluttering effects.</u>
	h.	<u>Ensures that any illumination of signs avoids or minimises adverse effects on the historic heritage values, including by ensuring that signs are illuminated by external lighting or any illumination is static and high-intensity signs are avoided.</u>

