

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 9 to the Operative Hamilton
City District Plan

STATEMENT OF EVIDENCE OF PAUL STANLEY RYAN

(PLANNING – ARCHAEOLOGICAL SITES)

Dated 1 September 2023

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INTRODUCTION

1. My full name is Paul Stanley Ryan.
2. I hold the qualifications of Bachelor of Engineering (Agricultural) from the University of Canterbury and a Certificate in Maaori Studies and a Diploma in Applied Science from the University of Waikato.
3. I am a Full Member of the New Zealand Planning Institute (MNZPI), and a Chartered Member of Engineering New Zealand (CMEngNZ).
4. Since 10 April 2017, I have held the position of Principal Planner for the Hamilton City Council ("the Council") in the City Planning team. I began work for this team on 3rd September 2013 as an Intermediate Planner and was appointed a Senior Planner on 5 October 2015. Prior to this I held the position of Senior Planner in the City Waters Unit of the Council for eight months and, prior to that, the position of Principal Planner and Environmental Engineer for Opus International Consultants for 12 years.
5. I have had over 30 years' experience of planning in New Zealand under the Resource Management Act 1991 ("the Act"). During this time, I have undertaken policy analysis on behalf of many client organisations, and I have provided resource management input to major highway realignment projects in the Auckland, Waikato, and Bay of Plenty regions.
6. I prepared the s42A Report on Chapter 25.13 Three Waters as part of the last District Plan Review. I was involved in preparing Council's responses to Proposed Private Plan Change 2 (Te Awa Lakes) and Proposed Private Plan Change 7 (Rotokauri North).

PRE-HEARING MEETINGS

7. No formal pre-hearing meetings concerning submissions covered by this evidence have been undertaken pursuant to clause 8AA of the First Schedule of the Act.

8. However, an informal meeting with Heritage New Zealand Pouhere Taonga took place on 30 June 2023 to clarify some aspects of its submission.

ABBREVIATIONS AND ACRONYMS

9. Abbreviations and acronyms used in the evidence are listed in **Appendix A**.

MY ROLE IN PLAN CHANGE 9

10. While I was not involved in preparation of Plan Change 9 (PC9) I became familiar with the Archaeologic topic within PC9 in early 2023 and was tasked with preparing this evidence in mid-June 2023.

CODE OF CONDUCT

11. I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. I have complied with that Code when preparing my written statement of evidence, and I agree to comply with it when I give any oral evidence. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

SCOPE OF EVIDENCE

12. My evidence responds to planning matters raised in submissions relating to the Archaeologic topic within PC9. At the time of filing my evidence there were 22 remaining submission points for which I had not completed a comprehensive review and response. These will be addressed in my reply evidence after receiving evidence from submitters on these remaining points, or as supplementary evidence where no submitter provides evidence to support their submission point.
13. My evidence is structured as follows:

- a) Executive Summary.
- b) Overview of the components of PC9 related to archaeological and cultural sites.
- c) Reasons for the changes.
- d) Response to selected submissions.
- e) Conclusions.

SUMMARY OF EVIDENCE

14. Through PC9, Hamilton City Council (Council) seeks to:

- a) Better align the Hamilton City District Plan with the statutory requirements relating to archaeological and cultural sites set out in the:
 - i. Resource Management Act 1991,
 - ii. Heritage New Zealand Pouhere Taonga Act 2014, and
 - iii. Waikato-Tainui Raupatu (Waikato River) Settlement Act 2010, and
- b) Update the relevant schedules and the District Plan Planning Map to include all archaeological and cultural sites recorded on the New Zealand Archaeological Association's ArchSite database.

15. The relevant statutory requirements relate to:

- a) Protecting archaeological and cultural sites,

- b) Recognising and providing for mana whenua's and iwi's relationship with their ancestral landscape,
 - c) Managing the adverse effects of activities on archaeological and cultural sites,
 - d) Giving effect to the Waikato Regional Policy Statement, and
 - e) Considering iwi environmental management plans.
- 16. My evidence sets out how PC9 gives effect to the Waikato Regional Policy Statement and considers the following iwi environmental management plans:
 - a) Waikato-Tainui Environmental Plan,
 - b) Ngaati Hauaa Environmental Management Plan, and
 - c) Ngaati Tamainupoo Environmental Management Plan.
- 17. As well as aligning with statutory requirements, PC9 also implements parts of the following Council strategies:
 - a) *The Hamilton Heritage Plan*, and
 - b) *He Pou Manawa Ora: Pillars of Wellbeing*.
- 18. As the scheduling and mapping of archaeological and cultural sites in the Peacocke Structure Plan Area were addressed in Plan Change 5, these sites are outside the scope of PC9. However, any changes to the District Plan provisions relating to archaeological and cultural sites will apply city-wide, including to the Peacock Structure Plan Area.
- 19. PC9 includes new or amended provisions that recognise or provide for the following matters:

- a) The role archaeological and cultural sites play helping to tell the city's history and maintaining and enhancing residents' sense of identity and wellbeing.
- b) The need to protect sites and mana whenua's relationship with them.
- c) Mana whenua's role in managing sites and effects on them.
- d) The relevant statutory requirements.
- e) The protocols for dealing with the discovery of unrecorded archaeological and cultural sites.
- f) Managing effects of activities on sites.

20. PC9 also:

- a) Added 56 NZAA recorded archaeological sites and made other amendments to the schedules, and
- b) Changed the mapped extent of the archaeological sites to reflect the mapped extents in ArchSite.

21. Whereas the ODP lists Schedule 8C sites for information purposes only, PC9 makes the following significant changes to the Plan rules:

- a) It requires a controlled activity resource consent to be obtained for earthworks on Schedule 8C sites, and
- b) It makes Schedule 8C sites subject to the same subdivision rules as Schedule 8B sites.

22. When preparing this evidence, I identified the following issues that it would be helpful to discuss in expert conferencing, or for parties to address in

evidence.

Item	Issue	Parties	Relevant paragraphs in this evidence
a)	Definitions of Group 1, 2, and 3 archaeological and cultural sites	<ul style="list-style-type: none"> • Te Haa o Te Whenua o Kirikiriroa • Te Whakakitenga o Waikato • Wiremu Puke • Other submitters 	67 to 70
b)	Objective 19.2.6 f – Whether any type or specific lost sites do not warrant marking	<ul style="list-style-type: none"> • Te Haa o Te Whenua o Kirikiriroa • Te Whakakitenga o Waikato • Wiremu Puke 	100 to 105
c)	Rule 19.3.3 d – the activity status for earthworks on Schedule 8C sites	<ul style="list-style-type: none"> • Te Haa o Te Whenua o Kirikiriroa • Te Whakakitenga o Waikato • Wiremu Puke 	132 to 152
d)	Rule 19.3.3 – Permitted activity status for customary activities	<ul style="list-style-type: none"> • Te Whakakitenga o Waikato 	164 to 168
e)	Rule 19.4.2 a re compliance with the Accidental Discovery Protocol	<ul style="list-style-type: none"> • Te Haa o Te Whenua o Kirikiriroa • Te Whakakitenga o Waikato • Wiremu Puke 	176 to 179
f)	Amendments to the schedules of archaeological and cultural sites	<ul style="list-style-type: none"> • Te Haa o Te Whenua o Kirikiriroa • Te Whakakitenga o Waikato • Wiremu Puke 	233 to 236

23. Subject to the outcome of conferencing or evidence, in response to submissions, I recommend that PC9 be amended as set out in my evidence where indicated in the table at paragraph 246.

OVERVIEW OF PC9 ARCHAEOLOGICAL AND CULTURAL SITE PROVISIONS

24. PC9 includes new or amended provisions relating to archaeological and cultural sites (the Sites) that recognise and/or provide for the following matters:

- a) The role the Sites play helping to:
- i. Tell the story of Kirikiriroa's / Hamilton's human occupation, and

- ii. Maintain and enhance residents' sense of identity and wellbeing.
 - b) The importance of the Sites to mana whenua and the need to protect them and mana whenua's relationships with them.
 - c) Mana whenua's role in managing the Sites and effects on them.
 - d) Statutory requirements including those of the RMA, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act, the Heritage New Zealand Pouhere Taonga Act 2014 (the HNZPT Act), and the role of Heritage New Zealand Pouhere Taonga (HNZPT).
 - e) The discovery of unrecorded archaeological and cultural sites.
 - f) Managing effects of activities on the Sites' heritage values, including the effects of earthworks and signs.
25. **Appendix B** to this evidence summarises the changes PC9 makes to the Operative District Plan regarding archaeological and cultural sites and identifies which of the 6 matters listed in paragraph 24 each provision addresses.
26. Whereas under the ODP Schedule 8C sites were listed for information purposes only¹, PC9 introduces the following new controls for Schedule 8C sites:
- a) Any earthworks on Schedule 8C sites are a controlled activity².
 - b) In any zone, subdivision of an allotment within a Schedule 8C site has the same activity status as subdivision of an allotment within a

¹ See the note below Schedule 8C: Group 2 Archaeological and Cultural Sites in Appendix 8 of the ODP.

² Rule 19.5 a iii in PC9

Schedule 8B site.³

Amendments to schedules of the Sites

27. PC9, as notified, includes the following types of amendments to Schedules 8B and 8C in Appendix 8 of the District Plan:
 - a) Transfer of some sites between the schedules, viz., Site A1 from Schedule 8B to 8C, and Sites A101, A103, A115, A116, and A119 from Schedule 8C to 8B.
 - b) Correction of NZAA site numbers, e.g., for A16.
 - c) Changes to site names.
 - d) Changes to legal descriptions and the inclusion of street names.
 - e) Addition of 56 recorded NZAA sites to the schedules.

Mapping of archaeological and cultural sites

28. In PC9, all the mapped extents for existing and new sites reflect the mapped extents recorded in ArchSite.
29. In response to submissions on PC9, the project archaeologist, Mr Nicholas Cable, has reviewed the maps of archaeological and cultural sites notified with PC9 and recommended they be amended as, and for the reasons, set out in his evidence.⁴

Sites in the Peacocke Structure Plan Area

30. Archaeological and cultural sites in the Peacocke Structure Plan Area were identified as part of Plan Change 5 and their mapping and scheduling are outside the scope of PC9.

³ See Table 23.3a xi, Table 23.3b xi, and Table 23.3c xi in PC9.

⁴ See Mr Cable's Primary Evidence: Annexure 9 for the amended site maps and Annexure 2 for the reasons for the amendments.

31. However, the planning provisions, as modified by PC9, apply city-wide, including in the Peacocke Structure Plan Area.

REASONS FOR THE CHANGES

32. The new and altered provisions, schedules, and mapping related to archaeological and cultural sites were included in PC9 to better align the ODP with the requirements of the following:

- a) Resource Management Act 1991 (**RMA**)
- b) Heritage New Zealand Pouhere Taonga Act 2014
- c) Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

33. Before I discuss the relevant requirements of these Acts to which PC9 responds, I wish to draw attention to the limited scope of PC9.

The Scope of PC9

34. PC9 seeks to:

- a) Include in the relevant ODP schedule and on the ODP planning map all archaeological sites in Hamilton that were registered on the New Zealand Archaeological Association's ArchSite database as of 24 September 2021, except those within the Peacocke Structure Plan Area, which have been addressed in Plan Change 5.
- b) Refresh the ODP's provisions relating to all archaeological and cultural sites identified in the District Plan to better align with statutory requirements.

Sites and Areas of Significance to Maaori

35. Originally, Council had intended that PC9 would also address other cultural

sites, not yet listed in the ODP or on ArchSite, that are Sites and Areas of Significance to Maaori.

36. Between 2020 and 2022, Council and its consultants undertook extensive work and consultation with mana whenua. At the time of preparing PC9 for notification it was determined that this work would require further evaluation before it could be considered ready for incorporation into the ODP. Accordingly, it was decoupled from PC9 and remains a further workstream to be completed at a later date.

Review of PC9 against statutory requirements

37. The following sections of my evidence identify the statutory requirements to which PC9 responds.
38. This assessment focuses on what is included in PC9, not on what is missing from it.

RMA requirements

39. PC9 seeks to better align the ODP with the following sections of the RMA:
 - a) Section 5, the purpose of the Act, which is to promote sustainable management of natural and physical resources. This includes managing the use, development, and protection of natural and physical resources in a way that enables people and communities to provide for their social, economic, and cultural well-being.
 - b) Sections 6(e) and 6(f), which require, as matters of national importance, for the following to be recognised and provided for:
 - i. 6(e): the relationship of Maaori and their culture and traditions with their ancestral landscape.
 - ii. 6(f): the protection of historic heritage from inappropriate

subdivision, use, and development.

- c) Section 7(a), which requires particular regard to be given to kaitiakitanga.
- d) Section 74(2A), which requires a Council, when changing a District Plan, to take into account any Environment Plan prepared by an iwi authority.
- e) Sections 75(3)(a) and 75(3)(c), which require a District Plan to give effect to any national policy statement and any regional policy statement, respectively.

Waikato Regional Policy Statement

- 40. Significant resource management issues for the region, objectives, policies, and methods in the Waikato Regional Policy Statement relevant to PC9 relate to the following matters:
 - a) Relationships of tangata whenua with the environment⁵, taonga⁶, and their rohe⁷.
 - b) Protection of historic and cultural heritage⁸.
 - c) Managing the adverse effects of activities on archaeological and cultural sites⁹.
- 41. The following parts of PC9 give effect to the Waikato Regional Policy Statement provisions relating to these matters as follows, respectively:

⁵ *Waikato Regional Policy Statement* (2022), SRMR-15 and IM-O7

⁶ *Ibid*, HCV-P2

⁷ *Ibid*, HCV-M6

⁸ *Ibid*, HCV-O1, HCV-M8

⁹ *Ibid*, HCV-P3, HCV-M9

- a) The amendments to the District Plan related to “importance to mana whenua” and “mana whenua’s role”, which are identified in Appendix B to my evidence.
- b) The many amendments to the District Plan related to “managing effects”, which are identified in Appendix B to my evidence.
- c) The same as for b).

Heritage New Zealand Pouhere Taonga Act 2014

- 42. This act requires anyone who wishes to destroy or modify an archaeological site to first obtain an authority to do so from Heritage New Zealand Pouhere Taonga.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

- 43. This Act establishes Te Ture Whaimana o te Awa o Waikato (Te Ture Whaimana)¹⁰ as the primary direction-setting document for the Waikato River and activities within its catchment affecting the Waikato River.¹¹
- 44. Te Ture Whaimana is part of the Waikato Regional Policy Statement¹² and prevails over any inconsistent provision in a national policy statement¹³.
- 45. Therefore, s75(3)(c) of the RMA requires the District Plan to give effect to it.
- 46. Te Ture Whaimana establishes a vision and 13 objectives that will be pursued, and 12 strategies that will be followed, to achieve it.
- 47. Te Ture Whaimana objectives relevant to PC9 and archaeological and cultural sites include:

¹⁰ Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Schedule 2

¹¹ Ibid, s5(1(1)

¹² Ibid, s11(1)

¹³ Ibid, s12(1)(a)

- a) The restoration and protection of the relationships of Waikato-Tainui, Waikato River Iwi, and the Waikato Region's communities with the Waikato River, including their economic, social, cultural, and spiritual relationships¹⁴,
 - b) "The integrated, holistic, and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the Waikato River"¹⁵,
 - c) "The protection and enhancement of significant sites"¹⁶, and
 - d) "The application to the above of both maatauranga Maaori and the latest available scientific methods".
48. Te Ture Whaimana strategies relevant to PC9 and archaeological and cultural sites include:
- a) "Recognise and protect waahi tapu and sites of significance to Waikato-Tainui and other Waikato River iwi (where they do decide) to promote their cultural, spiritual, and historic relationship with the Waikato River"¹⁷, and
 - b) "Recognise and protect appropriate sites associated with the Waikato River that are significant to the Waikato regional community"¹⁸.

Iwi Environmental Management Plans

49. S74 (2A) of the RMA requires Council, when changing its district plan, to take into account any relevant planning document recognised by an iwi

¹⁴ Ibid, Schedule 2, 1(3) (b), (c), and (d)

¹⁵ Ibid, 1(3)(e)

¹⁶ Ibid, 1(3)(i)

¹⁷ Ibid, 2(f)

¹⁸ Ibid, 2(g)

authority and lodged with Council, to the extent that its content has a bearing on the resource management issues of the district.

50. The following sections of my evidence discuss how PC9 has taken into account the relevant parts of three relevant iwi environmental management plans relevant to archaeological and cultural sites in Hamilton.

Waikato-Tainui Environment Plan

51. Objectives, policies, and methods in the Waikato-Tainui Environment Plan relevant to PC9 relate to three key matters:

- a) Engagement with Waikato-Tainui.¹⁹
- b) Protocols for accidental discovery.²⁰
- c) Managing the adverse effects of activities to appropriately protect areas and sites of significance.²¹

52. PC9 takes these matters into account by, respectively:

- a) Requiring resource consent applicants who propose to undertake earthworks on archaeological or cultural sites to report in the application any measures that mana whenua recommend to avoid, remedy, or mitigate the activity's adverse environmental effects.²²
- b) Amending the Accidental Discovery Protocol²³ to clarify that, following an accidental discovery of archaeological material, the consent holder must engage with a mana whenua representative to

¹⁹ Waikato-Tainui Environmental Plan, 2013, Policy 16.3.5.1, Method (b)

²⁰ Ibid, Objective 16.3.4 and associated policies and methods.

²¹ Ibid, Objective 16.3.5 and associated policy and methods.

²² PC9, Appendix 1.2.1 h iii. At paragraph 204 I recommend amendments to Rule 19.4.2 b to strengthen these requirements.

²³ PC9, Appendix 8-2 iv

ensure cultural protocols are followed and decisions made are culturally appropriate.

- c) The many amendments to the District Plan related to “managing effects”, which are identified in **Appendix B** to my evidence.

53. I note that Waikato-Tainui is “generally supportive of” PC9.²⁴

Ngaati Hauaa Environmental Management Plan

54. Objectives, policies, and methods in the Ngaati Hauaa Environmental Management Plan relevant to PC9 relate to the following key matters:

- a) Protection of sites and areas of cultural significance²⁵
- b) Require accidental discovery protocols to be imposed as a condition of a resource consent²⁶
- c) Require use of Ngaati Hauaa cultural monitors to observe land disturbance activities, in areas with a high risk of waahi tapu and or taonga tuku iho discovery.
- d) Only consultation with Ngaati Hauaa can determine the cultural values or a site or area of significance to Ngaati Hauaa.²⁷

55. PC9 takes these matters into account by, respectively:

- a) The many amendments to the District Plan related to “managing effects”, which are identified in Appendix B to my evidence.
- b) Amending the Accidental Discovery Protocols as discussed in

²⁴ Te Whakakitenga o Waikato Incorporated’s submission, 2 September 2022, paragraph 20.

²⁵ Ngaati Hauaa Environmental Management Plan, 2018, p62, Objective 15.2 (1) and Method 15A.2

²⁶ Ibid, p62, Method 15A1

²⁷ Ibid, p63, Method 15A4

paragraph 52.b) above.

- c) Including assessment criteria about mana whenua involvement in monitoring earthworks²⁸.
- d) The many amendments to the District Plan relating to “Mana Whenua’s Role”, which are identified in **Appendix B** to my evidence.

Ngaati Tamainupoo Environmental Management Plan

56. Positional statements, directions, and other content in the Ngaati Tamainupoo Environmental Management Plan relevant to PC9 relate to three key matters:

- a) Engagement with Ngaati Tamainupoo kaumatua.²⁹
- b) Protocols for accidental discovery.³⁰
- c) Managing the adverse effects of activities to appropriately protect areas and sites of significance³¹.

57. PC9 takes these matters into account by, respectively:

- a) The many amendments to the District Plan relating to “Mana Whenua’s Role”, which are identified in Appendix B to my evidence.
- b) Amending the Accidental Discovery Protocols as discussed in paragraph 52.b) above.

²⁸ PC9, Appendix 1.3.2 E b i and Appendix 1.3.3 E1 o

²⁹ *Te Mata Herenga: Ngaati Tamainupoo Maatauranga and Taonga Management Plan 2021*, Positional Statements: 11 (p28), 80 (p61). Directions re: Taonga Tuku Iho p48, Research p49, and Waahi Tapu p62

³⁰ Ibid, Directions re Archaeological Discovery (p49)

³¹ Ibid, Positional Statements: s1.1 (p9), s3.2 (pp23-24), 17 (p31), 41 (p45), 43 (p48), 74, 75, and 77 (p.61).

- c) The many amendments to the District Plan related to “managing effects”, which are identified in **Appendix B** to my evidence.

Other drivers

58. In addition to the key drivers discussed above, the archaeological and cultural site elements of PC9 give effect, in part, to the following Council Strategies:

- a) The *Hamilton Heritage Plan*, and
- b) *He Pou Manawa Ora: Pillars of Wellbeing*.

The Hamilton Heritage Plan

59. This plan sets out Council’s approach to celebrating Hamilton’s heritage in all its forms, including archaeological sites and places or areas of significance to Maaori, and actions for Council to ensure the identification, protection, and use of heritage.³²

60. PC9 implements parts of the Hamilton Heritage Plan by:

- a) Updating the District Plans schedules of archaeological and cultural sites (Schedules 8B and 8C)³³ and provisions³⁴.
- b) Amending the Accidental Discovery Protocol (Appendix 8.2)³⁵.

He Pou Manawa Ora: Pillars of Wellbeing

61. This strategy seeks the following outcomes that are relevant to PC9:

- a) Maaori history and historical sites throughout the city are visible, protected and celebrated through storytelling as integral to the

³² *Hamilton Heritage Plan* (Hamilton City Council, 2016, p6).

³³ *Ibid*, p10, item 3; p11, second action

³⁴ *Ibid*, p11, item 4; p16

³⁵ *Ibid*, p10, item 4

identity of the city³⁶.

- b) Increased understanding of what wellbeing means to Maaori in Kirikiriroa/Hamilton.³⁷
 - c) Increased understanding and application of Maatauranga Maaori (Maaori knowledge) to inform infrastructure ...³⁸
62. The strategy states that Council will “Increase Maaori heritage sites listed and protected through the Council’s District Plan”.³⁹
63. PC9 implements, in part, He Pou Manawa Ora by:
- a) Increasing the number of Maaori heritage sites listed and protected through the District Plan.
 - b) Recognising in Policy 7.2.2d the role that recognising and managing heritage values plays in maintaining and enhancing the sense of identity and wellbeing of the city’s residents.
 - c) Providing for mana whenua’s role in managing archaeological and cultural sites and effects of activities on them.⁴⁰

OTHER PROPONENT EVIDENCE

64. Mr Cable provides specialist archaeological evidence in response to submissions on PC9.
65. Where indicate in my evidence, I rely on his specialist archaeological advice as a base for my recommendations.

³⁶ *He Pou Manawa Ora: Pillars of Wellbeing* (Hamilton City Council, 2021), p.15.

³⁷ *Ibid*, p19

³⁸ *Ibid*, p17

³⁹ *Ibid*, p15

⁴⁰ See the provisions identified in the “Mana Whenua’s Role” column of Appendix B to this evidence.

RESPONSE TO SELECTED SUBMISSIONS

66. This part of my evidence responds to submissions on PC9 archaeological and cultural sites related to planning matters. As indicated, there remain 22 submission points not yet fully addressed. These will be addressed in my reply evidence after review of the submitter evidence.

Definitions of Archaeological and Cultural Sites

67. Waikato-Tainui⁴¹ notes there is no explanation within the Plan for having 2 schedules of archaeological and cultural sites (Schedules 8B and 8C).
68. In response, Mr Cable has offered⁴² definitions for the Group 1 and Group 2 sites and for the new Group 3 sites that he recommends⁴³.
69. Based on his definitions, I recommend the following be added to Appendix 1.1.2 Definitions Used in the District Plan:

Group 1 Archaeological and Cultural Site: means an archaeological and cultural site that is listed in Schedule 8B in Appendix 8 of Volume 2. It has either visible surface archaeological remains, or generally high heritage values, or outstanding or high values when assessed against one or more of the site assessment criteria.

Group 2 Archaeological and Cultural Site: means an archaeological and cultural site that is listed in Schedule 8C in Appendix 8 of Volume 2. It has no visible surface archaeological features but is highly likely to contain subsurface archaeological remains or has some, but not high or outstanding, value when assessed against one or more of the site assessment criteria.

Group 3 Archaeological and Cultural Site: means an archaeological and cultural site that is listed in Schedule 8CA in Appendix 8 of Volume 2. It has low archaeological significance because previously recorded archaeological features have been destroyed by development or investigation, or it is a site with no or unclear archaeological context, such as an artefact findspot or a site recorded from hearsay.

70. It would be helpful if Waikato-Tainui, mana whenua submitters, and other submitters were to comment on these definitions at expert conferencing

⁴¹ Submission Point 349.15

⁴² The response to Submission Point 349.15 in Annexure 1 to Mr Cable's Primary Evidence

⁴³ See paragraph 233.a) of this evidence.

and/or in evidence.

Section 19.1 Purpose

71. To recognise the new Group 3 archaeological and cultural sites, I also recommend the following amendments to section 19.1 Purpose:

19.1 Purpose

....

Policy Framework of the Chapter

- ~~aw.~~ 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.
- ~~bx.~~ 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 8CA: Group 3 Archaeological and Cultural Sites.
 - v. Schedule 8D: Historic Heritage Areas.

Policy 19.2.1b

72. Kaainga Ora seeks⁴⁴ the following amendments, because the City's residents' sense of identity and wellbeing cannot be simultaneously maintained and enhanced:

19.2.1b

Historic heritage resources and heritage values shall be identified, recorded and recognised to ~~maintain and enhance~~ ensure the ongoing sense of identify and wellbeing of the City's residents and the historical legibility of the City.

73. HNZPT opposes the submission.
74. I accept Kaainga Ora's reason for amending the policy, but I recommend the following amendment instead, because it is a simpler way to remedy the issue the submitter has identified:

⁴⁴ Submission Point 428.41

19.2.1b

Historic heritage resources and heritage values shall be identified, recorded, and recognised to maintain ~~and or~~ enhance the sense of identify and wellbeing of the City's residents and the historical legibility of the City.

Policy 19.2.1d

75. Waikato-Tainui seek for this policy to be amended as follows:

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.

76. I recommend this submission point be accepted because it makes the policy more readable and clearer.

Policy 19.2.1e

77. Kaainga Ora seeks⁴⁵ the following amendments, supposedly to simplify the policy:

19.2.1e

Signs on buildings, structures and/or sites listed in Schedule 8A or 8B must:

- i. Be associated with lawful activities on the site;
- ii. Be consistent with, ~~and~~ maintain, and where appropriate, ~~or~~ enhance the historic heritage values;
- iii. Avoid, remedy or mitigate adverse effects on the heritage resource.

78. The amendment sought requires the signs to both maintain and enhance historic heritage values.

79. Elsewhere in its submission, Kaainga Ora argues that heritage values cannot be simultaneously maintained and enhanced, an argument which I accept.

80. The notified policy requires signs to “maintain ~~or~~ enhance the historic heritage values”. It leaves with the applicant the discretion as to whether, when erecting signage, to merely maintain the historic heritage values or

⁴⁵ Submission Point 428.42

to enhance them. There is no need for anyone to assess whether it is appropriate, through signage, to enhance the historic heritage values. The notified provision is simple and straightforward to implement.

81. Therefore, I recommend this submission point be rejected.

Policy 19.2.2a

82. Heritage New Zealand Pouhere Taonga⁴⁶ seek for the consistent use of the terms “will” or “shall” in Policies 19.2.2a and 19.2.2c.

83. In my opinion, the terms used in these policies should be inconsistent.

84. I recommend the use of “shall” in these policies because it conveys a stronger direction to act rather than “will”, which merely conveys an intention to carry out the action sometime in the future.

85. Accordingly, I recommend that Policy 19.2.2a be amended as follows:

Items of significant heritage value ~~will~~ shall be scheduled.

Policy 19.2.2b

86. Kaainga Ora notes⁴⁷:

... the use of the term ‘avoid’ in Policy 19.2.2b is contrary to the directive under *Environmental Defence Society Inc vs. New Zealand King Salmon Company Ltd* [2014] NZSC 38 (“King Salmon”) concerning the term “avoid”. As the policy uses avoid, there cannot be any exceptions to what is tantamount to a prohibited activity. Council should ensure the use of ‘avoid’ in this context is appropriate with the wider policy framework of the ODP and not-contrary to other enabling provisions for alterations/relocation of buildings.

87. The Adare Company Limited supports this submission because Policy 19.2.2b is inconsistent with Policy 19.2.6f and the explanation below 19.2.2b, which provide for the potential loss of heritage values.

88. To make Policy 19.2.2b consistent with the policy framework for

⁴⁶ Submission Point 151.12

⁴⁷ Submission Point 428.149

management of heritage items and to provide for the alteration of heritage items, I recommend that Policy 19.2.2b be amended as follows:

19.2.2b

Where ~~the~~ the loss of heritage values associated with scheduled items ~~shall cannot~~ be avoided, minimise the loss as far as practicable.

Policy 19.2.6a

89. Waikato-Tainui seek⁴⁸ for the words “are known to” to be deleted from Policy 19.2.6c. However, Policy 19.2.6c does not contain those words, but Policy 19.2.6a does. Therefore, I have interpreted this submission point as seeking to amend Policy 19.2.6a as follows:

Inappropriate subdivision, use and development shall be managed to avoid adverse effects on archaeological and cultural sites where they ~~are known to~~ exist, or are likely to exist.

90. Waikato-Tainui seek this amendment because, otherwise, the policy could be interpreted as applying only to sites that have been scheduled in Appendix 8 and not to sites and areas of significance to mana whenua that are not scheduled.
91. I agree and recommend the submission point be accepted to improve the plan’s clarity and certainty.
92. The Adare Company Limited seeks⁴⁹ the following amendment to Policy 19.2.6a:

Inappropriate subdivision, use and development shall be managed to avoid adverse effects on significant archaeological and cultural sites where they are known to exist, or are likely to exist.

93. The submitter argues as follows:

Objective 19.2.6 seeks to protect significant archaeological and cultural sites from modification, damage or destruction and Policy 19.2.6c sets out that the protection and management of archaeological and cultural sites shall be informed by their

⁴⁸ Submission Point 349.5

⁴⁹ Submission Point 423.1

significance. It follows that Policy 19.2.6a should be amended to refer to subdivision, use and development avoiding adverse effects on significant archaeological and cultural sites.

The way that the district plan distinguishes between the significance of archaeological and cultural sites is the Group 1 or Group 2 ranking that is applied to each site. The requested amendment to Policy 19.2.6a would better reflect that earthworks on sites in Schedule 8B (Group 1 Archaeological Sites) are a Restricted Discretionary Activity (Rule 19.3.3(b)) whereas earthworks on sites in Schedule 8C (Group 2 Archaeological Sites) are a Controlled Activity (Rule 19.3.3(d)). An important difference is that resource consents for earthworks involving Group 2 sites must be granted, therefore subdivision, use and development which directly affects these less significant sites is anticipated and provided for under the District Plan.

94. Cordyline Holdings Limited support⁵⁰ the amendment to Policy 19.2.6a because, in its opinion, it better recognises the distinction between Group 1 and Group 2 archaeological sites.
95. Waikato-Tainui oppose the amendment because, in its opinion, the word “significant” does not distinguish between Group 1 and Group 2 sites.
96. I do not accept the submitter’s argument that, because earthworks involving Group 2 sites must be granted, then the Plan must provide for subdivision, use and development of Group 2 sites.
97. On the contrary, PC9 introduces a new rule 19.3.3 e and amends Rules 23.3a xi, 23.3b xi, and 23.3c xi which have the effect of identifying that subdivision of an allotment within a Group 2 site within any zone has the same activity status as subdivision of a Group 1 site within that zone.
98. These new rules are appropriate because it is important, at the time of subdivision, to assess the effects of the subdivision on the site’s cultural and spiritual values and mana whenua’s relationships with the site. It is also the time to identify any measures to be incorporated into the subdivision to recognise and provide for those values and relationships and to avoid, remedy, or mitigate any adverse effects of the subdivision on them.

⁵⁰ Further Submission FS910

99. Therefore, I recommend that Submission Point 423.1 be rejected.

Policy 19.2.6f

100. Blue Wallace Surveyors Limited⁵¹ seeks to amend Policy 19.2.6f as follows:

Where features of significant archaeological and cultural sites are lost, consideration should be given to whether these features ~~must~~ should be recorded and recognised through on-site marking to ensure the historical legibility of Hamilton City.

101. The submitter opposes the blanket requirement for all features to be physically recorded and considers that the wording should be loosened to allow decisions about whether to record and recognise destroyed archaeological and cultural sites to be made on a case-by-case basis based on the site's significance.

102. Policy 19.2.6f is to recognise and mark significant archaeological and cultural sites. This suggests that less significant, or insignificant sites need not be recognised or marked.

103. However, it is not clear in PC9 which sites require on-site marking.

104. I recommend that this issue be included on the agenda for expert conferencing if Waikato-Tainui or mana whenua representatives were to participate in this.

105. Otherwise, it would be helpful if Waikato-Tainui or mana whenua submitters were to present evidence on this matter at the hearing.

Policy 19.2.6g

106. WEL Networks Limited (Submission Point 133.5) seeks to amend Policy 19.2.6g to enable maintenance of existing network utilities to be undertaken without requiring a consent.

⁵¹ Submission Point 347.6

107. Heritage New Zealand Pouhere Taonga opposes⁵² this submission point because it considers there is potential for archaeological damage at the time of maintaining existing utilities.

108. The ODP defines "Network utility" as follows:

Network utility: Means any activity or structure relating to:

- a) Distribution or transmission by pipeline of natural or manufactured gas petroleum or geothermal energy.
- b) Telecommunication or radiocommunication.
- c) Transformation, transmission, or distribution of electricity.
- d) The holding, transmission and distribution of water for supply.
- e) Stormwater drainage or sewerage reticulation systems.
- f) Beacons and natural hazard emergency warning devices.
- g) Meteorological services.
- h) Construction, operation and maintenance of power-generation schemes.
- i) A project or work described as a "network utility operation" by regulations made under the Resource Management Act 1991.

And includes the operation and maintenance of the network utility service. The definition of network utilities does not include roads or structures associated with the operation of roads such as signs, traffic signals or street lights. Amateur Radio is excluded from this definition; see Amateur Radio Configuration.

109. The definition of "network utility" is broad and includes any activity or structure related to each of the listed types of utilities. Maintenance of some types of network utilities, e.g., stormwater drainage or sewerage reticulation systems and activities and structures related to the transformation, transmission, or distribution of electricity, could involve earthworks that extend beyond those involved in establishing the existing utilities.

110. Mr Cable has confirmed⁵³ that such earthworks have the potential to damage the archaeological or cultural site on which the network utility is located.

111. Furthermore, mana whenua may have had no prior opportunity to express their views about any effects on their cultural values of establishing and

⁵² Further Submission FS1075

⁵³ Mr Cable's Primary Evidence, Annexure 1, the row relating to Submission Point 133.5.

operating the existing network utility on that site.

112. Enabling maintenance of network utilities without requiring engagement with mana whenua would not recognise and provide for the relationship of mana whenua and their culture and traditions with their ancestral landscape.

113. Therefore, I recommend that Submission Point 133.5 be rejected.

114. Heritage New Zealand Pouhere Taonga seeks⁵⁴ for Policy 19.2.6g to be amended to clarify that it does not enable all minor work on Schedule 8B and 8C sites, just a specific sub-set of minor work.

115. The ODP defines “minor works” and “earthworks” as follows:

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.

Earthworks: Means the disturbance of the land surface by moving, removing, placing or replacing soil or earth, by excavation, cutting or filling, but excludes cultivation of land and foundation piling.

116. Mr Cable has advised⁵⁵:

The impact of maintenance of gardens, lawns and planting beds on archaeological sites is expected to be non-intrusive or limited to the upper 100 mm of topsoil and as such of limited impact to subsurface archaeological remains.

117. Accordingly, to address Heritage New Zealand Pouhere Taonga’s concerns and improve the Plan’s clarity and certainty, I recommend that Policy 19.2.6g and the definition of “minor works” be amended as follows:

19.2.6g

~~Minor work, including t~~The maintenance of existing ~~site landscape features such as~~ gardens, lawns, and planting beds, is enabled, but earthworks on Schedule 8B: Group 1 and Schedule 8C: Group 2

⁵⁴ Submission Point 151.27

⁵⁵ Mr Cable’s Primary Evidence, Annexure 1, response to Submission Point 151.27

archaeological and cultural sites are managed ~~so as~~ to ensure adverse effects on the archaeological and cultural sites are avoided, remedied or mitigated.

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.

Proposed additional Policy 19.2.6h

118. WEL Networks Limited seeks⁵⁶ a new policy as follows:

19.2.6h

Where the avoidance of any adverse effects is not practicable, the opportunity to use alternative methods or designs such as above ground electricity reticulation, to minimise or avoid any adverse effects on the sites.

119. I recommend that this submission point be rejected for the following reasons:

- a) The adverse effects of above-ground utilities have not been anticipated and tested as part of the s32 analysis. For example, the suggested policy assumes that above ground electricity reticulation, e.g., will reduce or avoid adverse effects on an archaeological or cultural site. Mana whenua may determine that above ground electricity reticulation over or in the vicinity of a significant cultural site is culturally inappropriate. Therefore, it would be inappropriate to have a policy that sanctions this method.
- b) It is not necessary to have a policy to state that alternative methods or designs may be used to avoid or mitigate adverse effects of an activity on the environment. An applicant may apply whatever methods or designs that he or she wishes, if they are permitted by the ODP or consented.

⁵⁶ Submission Point 133.28

Explanation below Objective 19.2.6 and associated policies

120. Hamilton City Council seeks⁵⁷ for Rule 19.3.3 to be amended to clarify its intent in relation to “site” and “extent” to remove any confusion and improve plan administration.

121. In response, I recommend the following amendments to the Plan to improve its clarity, certainty, and administration:

- a) Amend the Explanation below Objective 19.2.6 and its associated policies as follows:

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 surface features of a site may be lost or damaged through exposure to weather, earthworks, damage from tree roots and coverage of a site by buildings or impermeable surfaces. However, sub-surface features may still survive. The aim of the policies is to protect the physical integrity and features of the site. Identification of sites, before development occurs, is particularly important. If the general location of sites can be signalled, then developers and landowners are able to plan development that minimises or avoids disturbance. ~~Known archaeological sites, and the extent of those sites, are identified by mapping.~~

Archaeological sites recorded on the New Zealand Archaeological Association's (NZAA's) Digital Archaeological Site File database (ArchSite) as of 24 September 2021 are included in either Schedule 8B, 8C, or 8CA of Appendix 8, and the location and extent of each site is shown on the District Plan Planning Map⁵⁸. Details of any archaeological or cultural sites added to ArchSite after 24 September 2021, including their location and extent, would need to be obtained from ArchSite. Refer to <https://nzaa-archsite.hub.arcgis.com/>

~~An important matter for Mana Whenua is the need to~~ protection of sites from accidental or intentional interference is important to Mana Whenua. The District Plan will record and protect only those sites which Mana Whenua are comfortable to make known or are recorded by NZAA. The location of some other sites is known only to Waikato iwi and local hapuu. ~~While not identified in the District Plan or a recorded archaeological site, it is important that awareness is had for there to be further, In addition, there may be other, yet to be discovered, archaeological and cultural sites to be present within the City's boundaries. Accordingly, the policies, rules, and notes regarding accidental discovery ensures there is recognitions of~~

⁵⁷ Submission Point 201.33

⁵⁸ [This footnote will not be included in the District Plan.] Now that the District Plan is web-based, it no longer has an Appendix 17 for Planning Maps; a single planning map, which is also web-based, covers the entire city.

recognise 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 site's existence is desirable through signs, planting, or some other method. Even where these sites no longer exist physically, they still hold cultural significance, ~~particularly~~ to Waikato iwi and local hapu.

- b) Insert the following advice note after Rule 19.3.3:

3. Refer to the explanation below Objective 19.2.6 for information regarding the mapping of archaeological or cultural sites.

Rule 19.3.3 a

122. The Wise Charitable Trust (the Trust) owns the property at 319 Grey Street, which is Site A180.

123. The Trust seeks⁵⁹ to amend Rule 19.3.3 to clarify that work on Schedule 8C sites is permitted if it does not include earthworks as follows:

- a) Minor work on all sites in Schedule 8B ~~or Schedule 8C~~ P
- ai) ~~Demolition, alterations and additions to an existing building in Schedule C that does not involve earthworks~~ P

124. Alternatively, the Trust seeks to delete the Archaeological Overlay from the entirety of 319 Grey Street, or such other amendments that will achieve the outcome sought.

125. Heritage New Zealand Pouhere Taonga opposes the submission in part⁶⁰. It supports including archaeological and cultural sites in the Plan but has expressed concern about the level of investigation undertaken prior to notification of PC9. It recognises that, while some sites may no longer contain archaeological values, they may still contain cultural values that need to be recognised and provided for.

126. Mr Cable has recommended⁶¹ that the boundary of Site A180 be adjusted to the cadastral boundary of 319 Grey Street to match the original land

⁵⁹ Submission Point 410.1

⁶⁰ Further Submission FS1103

⁶¹ Refer to the entry for Site A180 in Annexure 2 to Mr Cable's Primary Evidence.

holding for the former Royal Hotel.

127. Mr Cable has also confirmed⁶² that, in his opinion, there is potential for subsurface archaeological remains to be present on the site, and this warrants listing the site in Schedule 8C.
128. Because of this, I recommend that Site A180 be retained on Schedule 8C.
129. Mr Cable has recommended⁶³ that demolition, alterations, and additions to existing buildings or structures on Schedule 8B or 8C sites that do not involve earthworks be permitted, except where the buildings or structures were constructed prior to 1900, because these are, themselves, archaeological sites.
130. Based on Mr Cable's advice, I support identifying "demolition, alterations, and additions to an existing building or structure constructed after 1900 on a Schedule 8C site that does not involve earthworks" as a permitted activity.
131. I recommend retaining minor work on Schedule 8C sites as a permitted activity, because this will benefit the owners of many properties on Schedule 8C sites without risking damage to the remaining archaeological material on those sites.

Rule 19.3.3 d

132. Rule 19.3.3 d identifies earthworks on Schedule 8C sites as controlled activities.
133. Jamie and Kieran Lomas⁶⁴ note that the archaeological site in which their property at 27 Amokura Crescent, Flagstaff is located (A001/A105) is an extensively modified residential area. They are concerned that the plan provisions will restrict activities that can be undertaken and add costs to

⁶² Refer to the entry for Site A180 in Annexure 3 to Mr Cable's Primary Evidence.

⁶³ Refer to the entry for Submission Point 410.1 in Annexure 1 to Mr Cable's Primary Evidence.

⁶⁴ Submission Point 367.2

landowners wishing to undertake earthworks on their property, including for repairs and maintenance.

134. They oppose Rule 19.3.3 d in its entirety and seek for it to be deleted.

135. Alternatively, they seek for the following activities to be permitted:

- a) All earthworks required for repairs and maintenance, or
- b) A limited volume of earthworks undertaken for repairs and maintenance, and
- c) Building demolition and reconstruction on the existing building footprint.

136. Waikato-Tainui⁶⁵ opposes the Lomas' submission noting that, even though a site has been modified, the history of the site remains important.

137. A site's history is the spoken, written, or recalled record of what has happened on that site. Some people may argue that earthworks, themselves, do not affect the history of the site; they do not change the record of what has happened on the site in the past. Rather, new earthworks would add to the site's story.

138. It would be helpful if Waikato-Tainui or mana whenua representatives would provide evidence:

- a) Articulating whether and how earthworks on a cultural site could affect the cultural values associated with it; and
- b) Identifying any circumstances when earthworks on a cultural site would be acceptable.

⁶⁵ Further Submission FS951

139. Heritage New Zealand Pouhere Taonga⁶⁶ also opposes the Lomas' submission. It considers that, if archaeological and cultural assessment confirms archaeological or cultural values are present at this location, then it would be appropriate to have a rule framework to assess the impact of earthworks, as even a small quantity of earthworks could have adverse effects on those important values.
140. Mr Cable has recommended the extent of Sites A1 and A105 be amended,⁶⁷ but even if the Hearing Panel adopts this recommendation, most of the submitter's property at 27 Amokura Crescent, Flagstaff would remain within Site A105.
141. However, recognising that Site A105 is heavily disturbed and has low archaeological significance, Mr Cable has recommended that it be retained in the Plan for information purposes only.⁶⁸ If the Hearing Panel were to adopt this recommendation, then the submitters' property would no longer be subject to Rule 19.3.3 d.
142. However, the Panel's decision on this matter may also be influenced by any evidence submitted by mana whenua and Waikato-Tainui on any cultural values associated with this site.
143. Mr Cable has recommended the Lomas' alternative relief be rejected for reasons he sets out in relation to Submission 367.2 in Annexure 1 to his Primary Evidence.
144. Based on Mr Cable's recommendations, I also recommend the alternative relief the submitters seek⁶⁹ be rejected.
145. Waikato-Tainui considers⁷⁰ that:

⁶⁶ Further Submission FS1087

⁶⁷ Refer to Mr Cable's Primary Evidence re Sites A001/A105: Annexure 9 for maps and Annexure 2 for reasons for the changed mapping.

⁶⁸ Refer to the details for Sites A001/A105 in Annexure 3 to Mr Cable's Primary Evidence.

⁶⁹ See Paragraph 135.

⁷⁰ Submission Point 349.15

- a) Earthworks threaten all archaeological and cultural sites, and
- b) A controlled activity status for earthworks on Schedule 8C sites provides inadequate protection for such sites because a consent must be granted for the works irrespective of the magnitude or significance of their effects on cultural values.

146. Waikato-Tainui seeks for earthworks on sites listed in Schedule 8C to be a restricted discretionary activity.

147. Further submissions by Cordyline Holdings Limited⁷¹ and Adare Company Limited⁷² oppose Waikato-Tainui's submission for the following reasons:

- a) Cordyline Holdings Limited considers that a robust technical assessment has not confirmed the sites' significance and warranted their inclusion in Schedules 8B or 8C.
- b) Adare Company Limited considers:
 - i. The controlled activity status for earthworks on Schedule 8C sites recognises that these sites have a lower level of significance than Schedule 8B sites, and
 - ii. A controlled activity status for earthworks under the District Plan does not guarantee that the sites will be able to be modified or destroyed, because they are protected under the NZHPT Act, and any application under the HNZPT Act would require engagement with mana whenua.

148. Mr Cable has confirmed the sites' archaeological significance and warranted their inclusion in Appendix 8 schedules.⁷³

⁷¹ Further Submission FS908

⁷² Further Submission FS1046

⁷³ See Annexure 3 to Mr Cable's Primary Evidence.

149. Mr Cable has noted that many archaeological sites in Hamilton have been destroyed or modified without an authority from HNZPT⁷⁴.
150. Based on this observation, in my opinion, Council would be neglecting its heritage protection responsibilities under the RMA if it were to leave management of archaeological and cultural sites to HNZPT.
151. Scheduling and mapping archaeological and cultural sites within the Plan alerts landowners and developers to the sites' existence and triggers consideration of how any proposed activities on the site might affect archaeological values and the possible need to obtain an authority from Heritage New Zealand Pouhere Taonga.
152. It would be helpful if Waikato-Tainui or mana whenua were to present evidence to the hearing explaining why earthworks on Schedule 8C sites should be changed from Controlled Activity to a Restricted Discretionary Activity.

Sites to be recorded for information purposes only

153. Mr Cable has recommended that 21 sites be removed from Group 2 (Schedule 8C) and retained in the Plan for information purposes only.
154. This is for the following reasons:
- a) The site has been destroyed, or
 - b) Development has disturbed the site to the extent that it now has low archaeological significance, or
 - c) The site is an artefact find site with no clear archaeological context.
155. At paragraph 234 I have recommended that these 21 sites be included in a

⁷⁴ See the comments for Submission 388.7 in Annexure 1 to Mr Cable's Primary Evidence.

new schedule, Schedule 8CA, except those that mana whenua or Waikato-Tainui demonstrate through evidence should be retained in Schedule 8C.

156. As Mr Cable has recommended that these sites be included in the District Plan for information only, I recommend that Rule 19.3.3 be amended to make the following activities on Schedule 8CA sites permitted:

- a) Minor works.
- b) Any earthworks.

Proposed additional Rule 19.3.3 (f)

157. WEL Network Limited seeks⁷⁵ the following new permitted activity rule to give effect to Policy 19.2.6g, assuming the latter is modified as sought by WEL Network Limited⁷⁶, which is discussed above in paragraphs 106 through 113:

Rule 19.3.3(f)

For maintenance, repair or replacement (including associated earthworks) of existing established network utilities within a site identified in Volume 2 Appendix 8, Schedule 8B and 8C, all work shall be undertaken within the existing in-ground or on-ground dimensions of the infrastructure and any existing areas of cut and fill.

158. While the first part of the proposed rule refers to “established network utilities”, the second part refers to “infrastructure”.

159. “Infrastructure” is defined in the ODP and has a much wider meaning than “network utilities”. For example, it includes “*g) structures for transport on land by cycleways, rail, roads, walkways, or any other means*”.

160. This inconsistency of terminology within the rule would create difficulties for those interpreting and applying the rule.

161. Regardless of this inconsistency, as discussed in paragraph 111 above,

⁷⁵ Submission Point 133.6

⁷⁶ Submission Point 133.5

mana whenua may have had no prior opportunity to express their views about any effects on their cultural values of establishing and operating the existing network utility on that site.

162. Enabling maintenance of network utilities without requiring engagement with mana whenua would not recognise and provide for the relationship of mana whenua and their culture and traditions with their ancestral landscape.

163. Therefore, I recommend that Submission Point 133.6 be rejected.

Additional Rule 19.3.3 re customary activities

164. Waikato-Tainui seeks⁷⁷ for customary activities to be identified in Rule 19.3.3 as permitted activities.

165. “Customary activities” are defined in the ODP as follows:

Customary activities: As described in Schedule 3 of Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and includes cultural harvest as defined in Section 63(9) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

166. Schedule 3 of Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act is reproduced in **Appendix D** to this evidence.

167. I recommend that this submission point be rejected for the following reasons:

- a) It is not necessary. Under s57 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, members of Waikato-Tainui may carry out authorised customary activities on the Waikato River despite a rule in a district plan.
- b) Under s58 (7)(a) and s58 (8)(a) of that Act, it is the Waikato Raupatu River Trust that is authorised to determine who is allowed to carry

⁷⁷ Submission Point 349.6

out a particular authorised customary activity. It is not clear to me whether Te Whakakitenga o Waikato Incorporated is authorised to make determinations on behalf of the Waikato Raupatu River Trust.

- c) If Customary Activities were made permitted activities in the District Plan, this would open those activities up to everyone. It is not clear to me whether Te Whakakitenga o Waikato Incorporated has considered the implications of this in the light of the many provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 that relate to Authorised Customary Activities and their management.

168. It would be helpful if Waikato-Tainui were to address this matter at the expert conferencing and/or in evidence to the hearing.

Summary of recommended amendments to Rule 9.3.3

169. Accordingly, I recommend the following amendments:

19.3.3 Archaeological and Cultural Sites

Activity	Class
a. Minor work on all sites in Schedules 8B-or, <u>Schedule 8C, or 8CA</u>	P
b. Any earthworks on a site in Schedule 8B: subject to Rule 19.4.2b (see note 1)	RD
c. Signs on a site in Schedule 8B: Group 1 (refer also <u>to</u> Chapter 25.10: City-wide – Signs)	RD*
d. Any earthworks on a site in Schedule 8C: Group 2 (see note 1)	C
e. 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>f. Any earthworks on a site in Schedule 8CA</u>	<u>P</u>
<u>g. Demolition, alterations, and additions to an existing building or structure constructed after 1900 on a Schedule 8C site that does not involve earthworks</u>	<u>P</u>

Note 1 below Rule 19.3.3 and Rule 19.4.2 a

170. Note 1 below Rule 19.3.3 includes “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”.

171. Waikato-Tainui seeks⁷⁸ for this requirement to be included in 19.4 Rules - Specific Standards like the requirement included in 19.4.2(b), as notes are not a requirement, and including it in the specific standards ensures this provision is followed.
172. Further submissions by Cordyline Holdings Limited⁷⁹ and Adare Company Limited⁸⁰ oppose Waikato-Tainui's submission.
173. Cordyline Holdings Limited states that making an activity status dependent on a third-party approval would be ultra vires.
174. However, in my opinion, this comment is irrelevant because the advisory note does not have the effect of enabling third party approval to determine an activity status.
175. The Adare Company limited argues that:
- a) The reference to consultation with mana whenua in Note 1 is an explanation of obligations under the HNZPT Act.
 - b) It would be inappropriate to include it as a standard in Rule 19.4.
 - c) Requirements for engagement with mana whenua are more appropriately addressed in information requirements and assessment criteria.
176. Kaainga Ora seeks⁸¹ for Rule 19.4.2 a to be amended to clarify whether engagement with mana whenua will be necessary for all sites, including those that are not identified as having specific cultural values to mana whenua.

⁷⁸ Submission 349.16

⁷⁹ Further Submission FS908

⁸⁰ Further Submission FS1046

⁸¹ Submission Point 428.136

177. The determination regarding whether a specific archaeological site has cultural significance to mana whenua rests with mana whenua. Therefore, it will be necessary to engage with mana whenua to tell them of the discovery and to await their advice regarding whether the site is of interest to them.
178. Therefore, I would anticipate that no amendment to Rule 19.4.2 a is necessary in response to Kaainga Ora’s submission.
179. Nevertheless, I recommend that this matter be discussed at expert conferencing, if Waikato-Tainui and mana whenua submitters will participate in it, or otherwise addressed by these parties in evidence.
180. Kaainga Ora also seeks⁸² for the term “historic heritage area” to be deleted from Note 1 to Rule 19.3.3.
181. However, this term is not used in this provision. The term used is, “historic area.”
182. Therefore, I recommend that Submission 428.152 be rejected.
183. Kaainga Ora also seeks⁸³ for Note 1 under Rule 9.3.3 to be amended to clarify that the requirement to engage with mana whenua applies when an accidental discovery is made, or when undertaking works within an identified site of significance.
184. Waikato-Tainui supports⁸⁴ the Kaainga Ora’s submission to the extent that it adds a requirement to engage with mana whenua.
185. I hold the following opinions about Note 1 below Rule 19.3.3:
- a) It is in the wrong place in the Plan; it would be more appropriately located immediately below Rule 19.4.2.

⁸² Submission Point 428.152

⁸³ Submission Point 428.153

⁸⁴ Further Submission FS963

- b) The first sentence in Note 1 merely repeats Rule 19.4.2 a, so it could be deleted.
- c) The last sentence in Note 1 merely repeats the requirement of part iv of the Accidental Discovery Protocol set out in Appendix 8-2 of the District Plan (which PC9 amends), so it could also be deleted.

186. Therefore, I recommend the following amendments to PC9:

19.3.3 Archaeological and Cultural Sites

....

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 earthwork on any site any archaeological material, 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 destroy 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. Refer to the notes below Rule 19.4.2.~~
2. Refer to Rule 23.3 and other relevant provisions of Chapter 23 Subdivision.

....

19.4.2 Archaeological and Cultural Sites

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

- b.

Note

1. If archaeological material, koiwi or taonga, which pre-dates 1900, is uncovered on a site, then the site is an archaeological site in terms of the Heritage New Zealand Pouhere Taonga Act 2014.
2. 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.

3. The Heritage New Zealand Pouhere Taonga Act 2014 requires an authority to be obtained from Heritage New Zealand Pouhere Taonga before an archaeological site is modified or destroyed.

4. An authority is required for all such activity regardless of whether 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.

5. For further information, or to make an application, contact the nearest office of Heritage New Zealand Pouhere Taonga.

Note 3 below Rule 19.3.3

187. See paragraph 121.b)above.

Rule 19.4.2(b)

188. Waikato-Tainui⁸⁵ and Hamilton City Council⁸⁶ seek to amend Rule 19.4.2b so that the rule applies to Schedule 8C sites as well as Schedule 8B sites.

189. I recommend these submission points be accepted to satisfy the requirements for management of heritage sites discussed in paragraphs 32 through 63 and achieve a consistent approach to management of effects of activities on Schedule 8C sites⁸⁷.

190. Cordyline Holdings Limited⁸⁸ opposes the requirement to obtain resource consent for archaeological sites that have not had robust technical assessments to confirm significance and warrant inclusion on the schedules.

191. Mr Cable's evidence⁸⁹ addresses the archaeological significance of each site. He has confirmed that, in his opinion, the archaeological technical assessments of sites included in PC9 were robust. He has also advised that his recommendations for scheduling each site considered both the archaeological assessment and mana whenua's advice about the cultural

⁸⁵ Submission Point 349.7

⁸⁶ Submission Point 201.45

⁸⁷ The second reason is discussed further at paragraphs 213 through 215.

⁸⁸ Further Submission FS908

⁸⁹ Annexure 3 to Mr Cable's Primary Evidence

significance of the sites.

192. When PC9 was developed, I understand that mana whenua confirmed the listing of the sites in either Schedule 8B or 8C.

193. At paragraphs 104 and 105 above I have suggested that Waikato-Tainui and mana whenua submitters address at conferencing and/or in evidence whether any sites could be removed from Schedules 8B or 8C or moved to a new Schedule 8Ca for information purposes only.

194. If this were to occur, then this would confirm the cultural significance of the sites and whether their inclusion on the schedules is warranted.

195. The Adare Company Limited⁹⁰ also opposes including reference to Schedule 8C sites in Rule 19.4.2b – for the following reasons:

- a) It is unnecessary because Information Requirement 1.2[.1] (h) [iii] requires the assessment of environmental effects submitted with a resource consent application for earthworks on a Schedule 8C site to identify any measures proposed by mana whenua to avoid, remedy, or mitigate adverse effects of the proposal on the site; and
- b) It may cause conflict between Rule 19.4.2b and Information Requirement 1.2.1 (h) iii.

196. Kaainga Ora⁹¹ opposes the notified wording, because, in its opinion:

- a) It is expressed as an information requirement and therefore duplicates the requirement under 1.2[.1] (h) [iii].
- b) It is unclear whether the standard requires mana whenua engagement.

⁹⁰ Further Submission FS1046

⁹¹ Submission 428.55

197. Waikato-Tainui considers⁹² Rule 19.4.2b is appropriate and opposes Kaainga Ora's submission, whereas The Adare Company Limited supports it⁹³.
198. Susan and Shane Housley⁹⁴ seek to amend Rule 19.4.2b to clarify that any measures recommended by mana whenua to avoid, remedy, or mitigate adverse effects should relate directly to the proposal and the significance of any potential adverse effects.
199. Waikato-Tainui⁹⁵ opposes the Housleys' submission because Waikato-Tainui considers the rule is clear and the recommendations must relate to the specific proposal.
200. In my opinion, it would be appropriate to clarify the rule along the lines sought by Susan and Shane Housley by including in it a requirement that any avoidance, remedial, or mitigation measures must correspond with the scale and significance of the effects of the proposal. This would reflect the wording of Clause (3)(c) in Schedule 4 of the RMA - Information required in application for resource consent.
201. In my opinion, it is appropriate to include in PC9 a rule that requires identification of any measures to avoid, remedy, or mitigate the proposal's adverse effects on the site's cultural and spiritual values.
202. It is appropriate because it is good planning practice to include in a district plan rules to implement the policies.
203. In this case, the rule is to implement Policies 19.2.6a, 19.2.6c, 19.2.6e, 19.2.6f, and 19.2.6g.
204. Accordingly, I recommend that Rule 19.4.2 b be amended as follows:

⁹² Further Submission FS963

⁹³ Further Submission FS1059

⁹⁴ Submission Point 117.1

⁹⁵ Further Submission FS926

Applications for earthworks within a site listed in Schedules 8B or 8C: ~~Group 1 Archaeological and Cultural Sites~~, must provide report in the proposal's 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.~~

- i. An assessment of the proposed activity's effects on the site's cultural and spiritual values and Mana Whenua's relationships with the site, and
- ii. Any measures to be incorporated into the proposal to recognise and provide for the relationships of Mana Whenua with the site and to avoid, remedy, or mitigate any adverse effects of the proposal on those values and relationships. Such measures must correspond with the scale and significance of the effects the proposal may have on those values and relationships.

Clean version:

Applications for earthworks within a site listed in Schedules 8B or 8C must report in the proposal's assessment of environmental effects:

- i. An assessment of the proposed activity's effects on the site's cultural and spiritual values and Mana Whenua's relationships with the site, and
- ii. Any measures to be incorporated into the proposal to recognise and provide for the relationships of Mana Whenua with the site and to avoid, remedy, or mitigate any adverse effects of the proposal on those values and relationships. Such measures must correspond with the scale and significance of the effects the proposal may have on those values and relationships.

205. I recommend that reference to "spiritual values" be included in Rule 19.4.2b to be consistent with the following, which include this term:

- a) Appendix 1.3.2 Controlled Activities - Matters of Control 1.3.2 E b. ii, and
- b) Appendix 1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria E1 p.

206. The inclusion of reference to sites listed in Schedule 8C is recommended in response to Submission 201.45, which is addressed in paragraphs 213 through 216.

Rule 19.3.3 b, c, d, and e

207. Helen Nielsen⁹⁶ seeks significant changes to these rules to reduce the consenting obligations should the submitter's property be redeveloped.
208. Part of the submitter's property at 1877 River Road lies within Site A1.
209. Mr Cable has confirmed⁹⁷ that, despite the development that has occurred in the area, a Group 2 rating is warranted over the modified extent of site A1 that Mr Cable recommends⁹⁸ where, in his opinion, subsurface archaeological materials remain.
210. It is appropriate, therefore, for earthworks on Site A1, other than minor work, to be subject to a resource consent.
211. Rules 19.3.3 (b) to (e) are also necessary to recognise and provide for the relationship of mana whenua and their culture and traditions with their ancestral landscape, which is a matter of national importance⁹⁹.
212. Therefore, I recommend that Submission Point 126.8 be rejected.

Requiring consents for activities affecting Group 8C sites

213. Hamilton City Council seeks¹⁰⁰ amendments to PC9 to ensure that the need to obtain a resource consent for activities on Schedule 8C sites, as well as on Schedule 8B, sites is consistently expressed to ensure consistent plan administration.
214. In my opinion, except where explicitly expressed otherwise, e.g., for minor works¹⁰¹, activities that could affect the heritage values of Schedule 8C archaeological and cultural sites should be subject to at least a controlled

⁹⁶ Submission Point 126.8

⁹⁷ See the entry under "Post-Notification Assessment Review" for Site A001/A105 in Annexure 3 of Mr Cable's Primary Evidence.

⁹⁸ See the extent of Site A1 in Annex 9 to Mr Cable's Primary Evidence.

⁹⁹ s6e of the RMA

¹⁰⁰ Submission Point 201.45

¹⁰¹ See paragraphs 115 to 117 above.

activity consenting process.

215. This is to satisfy the requirements for management of heritage sites discussed in paragraphs 32 through 63 and to achieve a consistent approach to management of the effects of activities on Schedule 8C sites.

216. Therefore, I recommend the following amendments to provisions:

Policy 19.2.1e

Signs on buildings, structures and/or sites listed in Schedule 8A, ~~or 8B,~~
or 8C must:

- i. Be associated with lawful activities on the site;
- ii. Be consistent with and maintain or enhance the historic heritage values;
- iii. Avoid, remedy or mitigate adverse effects on the heritage resource.

Rule 19.4.2 b

217. Refer to paragraphs 199 through 206.

Chapter 25.10: City-wide Signs

Policy 25.10.2.1e

Signs on buildings and structures and within sites identified in Schedules 8A, ~~and 8B,~~ or 8C must not compromise the identified heritage values and the heritage resources.

25.10.5.11 Scheduled Historic Heritage Buildings and Sites listed in Schedule 8A, ~~and 8B,~~ or 8C of Volume 2, Appendix 8: Historic Heritage

- a. All signs shall be associated with the activity on the site.
- b. Signs on sites identified in Schedule 8A, ~~and 8B,~~ and 8C of Volume 2, Appendix 8: Historic Heritage shall comply with the following standards.

Maximum number of signs	Maximum sign area	Maximum dimension (height or width)	Maximum sign height (from ground level)
Two	Maximum total area per sign is 0.5m ²	1m	2m

Note

- 1. Signage should be consistent with the Heritage New Zealand guidelines for signage on Historic Heritage.

218. It would be inappropriate to add reference to Schedule 8C sites to every provision that cites Schedule 8B. For example, Rule 19.3.3 c identifies signs on a Schedule 8B site as a restricted discretionary activity. In my opinion, it would be inappropriate to make signs on a Schedule 8C site a restricted discretionary activity, when earthworks on a Schedule 8C site, which arguably could have a greater adverse effect on the site's heritage values, is just a controlled activity.
219. In my opinion, Council's submission does not provide the scope to identify signs on Schedule 8C sites as a controlled activity or to identify matters of control for such signs.

Other methods

220. Waikato-Tainui seeks¹⁰² for the following provision to be included in PC9:

Resource user or activity operator to work with Waikato-Tainui to ensure resource use, activity, or site specific methods are agreed to manage adverse effects so as to appropriately protect areas and sites of significance.

221. This provision was included under the heading "19.8 Other Methods" in the draft version of PC9 shared with Waikato-Tainui as part of the RMA Schedule 1, Clause 4A consultation.
222. However, this provision related to sites and areas of significance to Maaori and was removed from PC9 when that work was decoupled from PC9.
223. I recommend that the relief that Waikato-Tainui seeks be considered as part of the future project to investigate how best to recognise and provide for Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga in Hamilton. This project is discussed above at paragraph 36.

¹⁰² Submission Point 349.8

Fonterra's submission

224. Fonterra's submission 135 acknowledges the presence of 3 archaeological and cultural sites on its Te Rapa Dairy Manufacturing Site - A32, A33, and A144.
225. Whereas the submission states the 3 sites are Group 2 sites, PC9 lists 2 sites as Group 1 sites in Schedule 8B (viz., A32 and A33), and only one site is listed as a Group 2 site in Schedule 8C (i.e., A144).
226. Fonterra's submission seeks the deletion of Information Requirement 1.2.2.8 Historic Heritage Areas, because it requires a Heritage Impact Assessment to be provided as part of any resource consent application for works in a "historic heritage area".
227. Fonterra considers this requirement is unnecessary as this information is already required to be supplied to Heritage New Zealand Pouhere Taonga when relevant authorisations to modify or destroy an archaeological site are sought under the Heritage New Zealand Pouhere Taonga Act 2014.
228. I suspect that Fonterra has mistakenly perceived that its Te Rapa Dairy Manufacturing Site has an Historic Heritage Area upon it.
229. PC9 defines¹⁰³ Historic Heritage Areas as follows:
- Means an identified area with historic heritage value which are representative of their development period, and are consistent in their physical and visual qualities, including street pattern, lot layout and density, natural environment, housing typologies and street frontage treatments.
230. PC9 lists Historic Heritage Areas in Schedule 8D and their locations are shown on the District Plan Planning Map.
231. Archaeological and cultural sites are distinct from Historic Heritage Areas and have distinct, bespoke provisions in PC9 to manage the effects of

¹⁰³ Appendix 1.1.2

activities upon them.

232. As PC9 has identified no Historic Heritage Area on Fonterra's Te Rapa Dairy Manufacturing site and therefore the site and activities on it are not subject to Information Requirement 1.2.2.8, I recommend that this part of Fonterra's submission be rejected.

Appendix 8 – Schedules 8B, 8C, 8CA

233. Mr Cable, has recommended¹⁰⁴ the following in relation to the schedules of archaeological and cultural sites included in Appendix 8:

- a) Removal of the following 21 sites from Group 2 (Schedule 8C) but their retention in the Plan for information purposes only: A105, A106, A110, A112, A113, A118, A144, A154, A157, A158, A159, A160, A161, A162, A163, A164, A167, A170, A173, A174, and A181.
- b) That the following sites be deleted from Schedule 8B and inserted in Schedule 8C: A1 and A175.
- c) That the following sites, which were notified in both Schedules 8B and 8C, be retained in Schedule 8B and deleted from Schedule 8C: A108 and A109.
- d) That mana whenua confirm whether Site A153 should be considered a paa or included in the Plan for information purposes only.

234. Based on Mr Cable's recommendations, I recommend that:

- a) An additional Schedule, 8CA, be established in Appendix 8 of the Plan for Group 3 archaeological and cultural sites that are included for information purposes only.
- b) That this Schedule 8CA be populated with the sites that Mr Cable

¹⁰⁴ Mr Cable's Primary Evidence

recommends should be scheduled in this way¹⁰⁵ unless mana whenua recommend via conferencing or evidence that any such site be retained in Schedule 8C because of their cultural values.

235. I also recommend that Mr Cable's recommendations at paragraphs 233.b), 233.c), and 233.d) be accepted.

236. Updated schedules that reflect these recommendations are included in Appendix D to this evidence.

The mapped extent of archaeological and cultural sites

237. Mr Cable has recommended amendments to the mapped extent of some archaeological and cultural sites¹⁰⁶.

238. Therefore, I recommend that those amendments be made to the District Plan's Planning Map.

National Planning Standards

239. Mr Peter Skilton seeks¹⁰⁷ for Chapter 19 to be rewritten to be more user friendly and better aligned with National Planning Standards.

240. However, as implementing the National Planning Standards is outside the scope of PC9, I recommend that this submission point be rejected.

Submission by Cordyline Holdings Limited

241. Cordyline Holdings Limited oppose all amendments relating to archaeological sites because, in its opinion:

- a) Limited fieldwork was undertaken to check the current condition of recorded archaeological sites.

¹⁰⁵ See paragraph 233.a)

¹⁰⁶ Paragraph 31 of and Annexure 9 to Mr Cable's Primary Evidence

¹⁰⁷ Submission Point 418.3

- b) The provisions duplicate Subpart 2 – Archaeological Sites of the HNZPT Act.
- c) The amendments seek to protect some sites that have been destroyed or highly modified.
- d) Areas that do not have attributes of sufficient significance should not be identified or protected.

242. This submitter seeks for all amendments in PC9 relating to archaeological sites to be deleted and the provisions of the ODP relating to these sites be retained.

243. I recommend that Submission Point 458.7 be rejected for the following reasons respectively:

- a) Mr Cable has checked the current condition or recorded archaeological sites that are within the scope of his evidence.
- b) Despite the provisions in the HNZPT Act, Council has functions and obligations under the RMA relating to management of archaeological and cultural sites that have informed PC9.¹⁰⁸
- c) Even if a site is destroyed or modified, it may still have significant cultural values that need to be recognised and provided for.
- d) Mr Cable has identified Group 3 archaeological and cultural sites which he has recommended be retained in the Plan for information purposes only.

Remaining submissions to address

244. As indicated, as at the time of filing this evidence the following submission

¹⁰⁸ Refer to: s5, s6(e), s6(f), s7(a), s8, s31(1)(a), s72, s74(1)(a) and (b), s74(2A), and s75(3)(c).

points remain to be addressed:

Submitter	On behalf of	Sub Pt No.
Raymond Noel Mudford		98.1
Raymond Noel Mudford		98.4
Raymond Noel Mudford		98.5
Ngati Wairere - Wiremu Puke		169.8
Ngati Wairere - Wiremu Puke		169.9
Ngati Wairere - Wiremu Puke		169.13
Ngati Wairere - Wiremu Puke		169.14
Ngati Wairere - Wiremu Puke		169.15
Gordon and Rita Chesterman		182.6
Waikato-Tainui (Te Whakakitenga o Waikato Incorporated) - Alana Mako		349.23
Property Council New Zealand - Logan Rainey	Brian Squiar	388.1
Steven Perdia		392.1
Steven Perdia		392.2
Manga Waitawhiriwhiri Kaitiaki - Te Kopa King		399.1
4Sight Consulting Limited - Mark Laurensen	Z Energy	422.17
4Sight Consulting Limited - Mark Laurensen	Z Energy	422.18
4Sight Consulting Limited - Mark Laurensen	Z Energy	422.19
4Sight Consulting Limited - Mark Laurensen	Z Energy	422.20
Te Haa o te Whenua O Kirikiriroa - Sonny Karena and Rawiri Bidois		426.1
Te Haa o te Whenua O Kirikiriroa - Sonny Karena and Rawiri Bidois		426.2
Waikato Heritage Group - Laura Kellaway	Waikato Heritage Group	427.88
Campbell Brown Planning Ltd - Michael Campbell	Kainga Ora	428.6

245. These submission points will be the subject of evidence presented on behalf of each submitter and accordingly will be addressed in my reply

evidence. For submission points which do not attract evidence I will address them in supplementary evidence accompanying my reply evidence.

CONCLUSION

246. Subject to feedback from parties regarding the matters listed in paragraph 22 and any further amendments arising from my analysis of the remaining submission points, I recommend that the provisions of PC9 listed in the following table be amended as set out in this evidence.

Provision of PC9 this evidence recommends be amended	The paragraph or appendix of this evidence that sets out the amendments
19.1 Purpose Policy Framework of the Chapter	71
Policy 19.2.1b	74
Policy 19.2.1e	216
Policy 19.2.2a	85
Policy 19.2.2b	88
Policy 19.2.6a	89
Policy 19.2.6g	117
The explanation below Objective 19.2.6 and its associated policies	121.a)
Rule 9.3.3	169
Advice Notes 1 and 2 after Rule 19.3.3	186
New Advice Note 3 after Rule 19.3.3	121.b)
Rule 19.4.2 a	186
New Advice Notes after Rule 19.4.2 b	186
Rule 19.4.2 b	204
Policy 25.10.2.1e	216
25.10.5.11	216
25.10.5.11 b	216
Appendix 1.1.2 Definitions Used in the District Plan	
• Group 1 Archaeological and Cultural Site	69
• Group 2 Archaeological and Cultural	69

Provision of PC9 this evidence recommends be amended	The paragraph or appendix of this evidence that sets out the amendments
Site	
• Group 3 Archaeological and Cultural Site	69
• Minor work (in relation to Volume 1, Chapter 19: Historic Heritage)	117
Appendix 8 – Schedule 8B	Appendix D
Appendix 8 – Schedule 8C	Appendix D
Appendix 8 – Schedule 8CA	Appendix D

247. I recommend that the District Plan Planning Map be amended in accordance with the changes to the extents of archaeological and cultural sites shown in Annexure 9 to Mr Cable's evidence.

Paul Stanley Ryan

1 September 2023

APPENDIX A

ABBREVIATIONS AND ACRONYMS

HNZPT	Heritage New Zealand Pouhere Taonga
HNZPT Act	Heritage New Zealand Pouhere Taonga Act 2014
ODP	Operative District Plan, i.e., the Operative Hamilton City District Plan
PC9	Proposed Plan Change 9 to the Operative Hamilton City District Plan
RMA	Resource Management Act 1991
The Plan	The Operative Hamilton City District Plan
The Sites	The archaeological and cultural sites

APPENDIX B

Summary of the changes PC9 makes to the Operative Hamilton City District Plan on matters related to archaeological and cultural sites

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua’s Role	Statutory Requirements	Site Discovery	Managing Effects
Chapter 7 Central City Zone							
7.2 Objectives and Policies: Central City Zone All Central City							
7.2.2d	The amendments include in the policy “heritage values are recognised and managed” and changes the purpose of doing this from “contributing to local amenity values and anchoring investment” to “maintain and enhance the sense of identity and wellbeing of the City’s residents and the historical legibility of the Central City”.	✓					
19 Historic Heritage							
19.1 Purpose							
a.	Includes reference to sites being relevant to the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.		✓				
b.	<ul style="list-style-type: none">Includes reference to the RMA and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement		✓		✓		

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
	Act 2010 as key statutes relevant to management of archaeological and cultural sites.						
	<ul style="list-style-type: none"> Notes the historical and cultural importance of archaeological and cultural sites, even for those sites that have been destroyed or modified. 		✓				
c.	New text acknowledges that: <ul style="list-style-type: none"> Only mana whenua can identify their relationship with their ancestral landscape and the landscape's values. 			✓			
	<ul style="list-style-type: none"> The area of cultural significance may extend beyond the identified extent of an archaeological site. 		✓				
d.	New text acknowledges that mana whenua have: <ul style="list-style-type: none"> Historical kaitiaki rights and authority over their taonga and sites of significance. 			✓			
	<ul style="list-style-type: none"> Witnessed the desecration of some sites and areas of significance because they have not been involved in decision-making regarding development. 			✓			
	<ul style="list-style-type: none"> Experienced diminished relationships with sites and areas of significance because access to them have been denied or restricted. 			✓			

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua’s Role	Statutory Requirements	Site Discovery	Managing Effects
Archaeological and Cultural Sites							
o.	New text notes that archaeological and cultural sites have historic and cultural heritage significance.	✓					
p.	New text acknowledges: <ul style="list-style-type: none">• The HNZPT Act is the primary legislation for the management of archaeological sites and protects all archaeological sites.• The definition of “archaeological sites”.• The role of the District Plan to:<ul style="list-style-type: none">○ Protect historic heritage from inappropriate subdivision, use, and development.○ Help make landowners and developers aware that the HNZPT Act protects archaeological sites.				✓		
q.	Minor wording changes						
r.	New text recognises that, although sites may be extensively modified, subsurface archaeological features and artefacts may remain.	✓					
s.	Amendments recognise that: <ul style="list-style-type: none">• Inappropriate subdivision and use, as well as inappropriate development, can destroy or		✓				

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
	compromise the relationship that Maaori have with their ancestral landscape.						
	<ul style="list-style-type: none"> Regard must be had to kaitiakitanga (s7a of the RMA). 			✓			
	<ul style="list-style-type: none"> Mana whenua consider that most archaeological sites are part of wider sites of significance to Maaori. 		✓				
t.	This new provision states the requirements of sections 6e, 6f, and 7a of the RMA.				✓		
u.	This new provision identifies the following as issues PC9 addresses: <ul style="list-style-type: none"> Enabling the exercise of kaitiakitanga in relation to cultural sites. 			✓			
	<ul style="list-style-type: none"> Effects on mauri, mana, tapu, hononga, taonga, tikanga, kawa and cultural and customary activities. 						✓
v.	This new provision recognises: <ul style="list-style-type: none"> The potential for unrecorded archaeological sites to be found. 					✓	
	<ul style="list-style-type: none"> The HNZPT Act requirement that an Authority must be obtained from HNZPT before any 				✓		

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
	archaeological site is modified or destroyed.						
Policy Framework of the Chapter							
a.	This new provision states the policy framework addresses the protection of archaeological and cultural sites.		✓				
b.	Identifies that: <ul style="list-style-type: none"> Schedule 8B lists Group 1 archaeological and cultural sites. Schedule 8C lists Group 2 archaeological and cultural sites. 		✓				
Objectives and Policies: Historic Heritage							
19.2.1	This amended objective is to identify historic heritage that contributes to an understanding and appreciation of the city's history and culture, and to protect significant heritage resources.	✓	✓				
19.2.1a	Minor wording change.						
19.2.1b	States that a reason for identifying, recording, and recognising heritage resources is to maintain and enhance city resident's sense of identity and wellbeing.	✓					
19.2.1d	This new policy is to recognise and provide for the spiritual, cultural, or historic significance of the land and river and mana whenua's relationship with them.		✓				

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
19.2.1e	This new policy is about controlling signs on archaeological and cultural sites listed in Schedule 8B.						✓
Explanation	New text states that protection of the city's most significant heritage resources recognises their mana and wairua, and identification provides certainty for property owners and developers.		✓				
Objective 19.2.2 and related policies	Minor wording changes.						
Explanation	New text explains that: <ul style="list-style-type: none"> Works within an archaeological or cultural site must recognise the site's significance and maintain its heritage values. 						✓
	<ul style="list-style-type: none"> Archaeological and cultural sites listed in Appendix 8 Schedules have been assessed against criteria also set out in Appendix 8. 				✓		
Archaeological and Cultural Sites							
19.2.6	The amendment to the objective is to protect significant archaeological and cultural sites from		✓				

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
	modification.						
19.2.6a	Minor wording changes.						
19.2.6b	This new policy is to identify the extent of archaeological and cultural sites to reduce the risk of them being damaged.						✓
19.2.6e	The amendments clarify that the policy is to recognise and provide for mana whenua's relationships with archaeological and cultural sites.				✓		
19.2.6f	The amendments clarify that lost features of significant archaeological and cultural sites <u>must</u> be recorded and recognised with on-site markings.						✓
19.2.6g	This new policy enables gardening but manages earthworks on Group 1 and 2 archaeological and cultural sites.						✓
Explanation	The amendments explain that: <ul style="list-style-type: none"> The extent of known archaeological sites will be mapped. 						✓
	<ul style="list-style-type: none"> Policies and notes are included regarding the accidental discovery of unrecorded archaeological and cultural sites in the city. 					✓	

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua’s Role	Statutory Requirements	Site Discovery	Managing Effects
19.3 Rules – Activity Status Table							
19.3.3 Archaeological and Cultural Sites							
a.	Minor works on all Schedule 8B or 8C sites are permitted activities. [This is the same as in the ODP, but the provision has been renumbered.]						✓
b.	Any earthworks on a Schedule 8B site is, subject to Rule 19.4.2b, a restricted discretionary activity.						✓
c.	Signs on a Schedule 8B site is a restricted discretionary activity.						✓
d.	Any earthworks on a Schedule 8C site is a controlled activity.						✓
e.	For subdivision of a Schedule 8B or 8C site, the reader is referred to Chapter 23 Subdivision.						✓
Note 1.	This refers to:					✓	
	<ul style="list-style-type: none">The accidental discovery protocol in Appendix 8-2.The requirement under the HNZPT Act to obtain the consent of HNZPT to any proposal to disturb or modify an archaeological site.				✓		
	<ul style="list-style-type: none">A need for the consent holder or proponent to engage with a mana whenua representative and to ensure cultural protocols are followed and that decisions made are culturally appropriate.			✓			

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
	<ul style="list-style-type: none"> Relevant provisions in chapter 23 Subdivision. 						✓
19.4 Rules – Specific Standards							
19.4.2 Archaeological and Cultural Sites							
b.	Applications for earthworks on a Schedule 8B site must include an assessment of environmental effects and identify any measures recommended by mana whenua representative to avoid, remedy, or mitigate adverse effects.			✓			✓
19.5 Controlled Activities: Matters of Control							
	Matters of Discretion and Assessment Criterion E – Heritage Values and Special Character apply to:						
a. iii.	Any earthworks on a Schedule 8C site.						✓
19.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria							
Archaeological and Cultural Sites							
	Matters of Discretion and Assessment Criterion E – Heritage Values and Special Character apply to:						
xvi.	<ul style="list-style-type: none"> Any earthworks on Schedule 8B or 8C sites. 						✓
xvii.	<ul style="list-style-type: none"> Signs on a Schedule 8B site. 						✓

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua’s Role	Statutory Requirements	Site Discovery	Managing Effects
Chapter 23 Subdivision							
23.3 Rules – Activity Status Table							
Table 23.3a xi	Within the listed zones, the activity status, which under the ODP applies only to subdivision of an allotment within Schedule 8B sites, is extended to subdivision of an allotment within Schedule 8C sites.						✓
Table 23.3b xi							✓
Table 23.3c xi							✓
Chapter 25 City-Wide							
25.2 Earthworks and Vegetation Removal							
25.2.3 Rules – Activity Status Table							
g. i.	For earthworks on Schedule 8B and 8C sites the activity status and rule in Chapter 19 apply.						✓
Note 2.	This refers to: <ul style="list-style-type: none">A need for the consent holder or proponent to engage with a mana whenua representative and to ensure cultural protocols are followed and that decisions made are culturally appropriate.			✓			
	<ul style="list-style-type: none">Contacting Council or HNZPT for mana whenua contact details.			✓			

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua’s Role	Statutory Requirements	Site Discovery	Managing Effects
Chapter 25.10 Signs							
25.10.2 Objectives and Policies							
25.10.2.1e	Signs on Schedule 8B sites must not compromise the identified heritage values and resources.						✓
25.10.3 Rules Activity Status Table							
f.	A reference to Rule 25.10.5.11 is inserted. However, this rule is in the ODP.						✓
Appendix 1.1 Definitions and Terms							
Appendix 1.1.2 Definitions Used in the District Plan							
	PC9 inserts definitions for the following terms that are potentially relevant to archaeological and cultural sites. However, the terms shaded grey are not actually used in PC9 in relation to the management of archaeological or cultural sites. ¹⁰⁹						
	• Awa						
	• Kaitiakitanga						
	• Kainga						
	• Maara kai						
	• Maatauranga Maaori						

¹⁰⁹ These terms may have been included to support provisions relating to sites and areas of significance to Maaori which were not included in PC9 for notification.

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
	• Mana Whenua		✓	✓			
	• Paa		✓				
	• Puna						
	• Roto						
	• Takiwaa						
	• Te Awa Tupuna						
	• Tikanga		✓				
	• Urupaa		✓				
Appendix 1.2 Information Requirements							
1.2.1 All Applications							
h. Assessment of environmental effects							
iii.	Includes a requirement for applications for earthworks on Schedule 8B or 8C sites to identify any measures included in the proposal that were proposed by mana whenua.			✓			
1.2.2 Additional Information Requirements							
1.2.2.1 General							
a. i.	Amendments recognise that engagement should be with mana whenua rather than Waikato iwi and local hapuu.			✓			

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
Note 3	Amendments advise that engagement with mana whenua representatives can help identify appropriate customary processes where special tangata whenua values are identified.			✓			
1.2.2.7 Historic Heritage – Built Heritage and Archaeological and Cultural Sites							
a.	Minor wording changes						
b.	Amendments recognise the role mana whenua representatives have providing advice regarding sites having identified tangata whenua values.			✓			
Note 1.	Amendment makes it clear that advice from mana whenua is not required if such advice has been obtained and documented previously and is relevant to the proposed work.			✓			
Appendix 1.3 Assessment Criteria							
1.3.2 Controlled Activities – Matters of Control							
E. Historic Heritage							
b.	Management of effects on, and risks to, the values of the archaeological and cultural site identified in Schedule 8C, Volume 2, Appendix 8, including:						
i.	Provision for mana whenua representation on site for monitoring earthworks			✓			

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
ii.	The location, layout, design, and method of carrying out the proposal and their effects on the cultural and spiritual values of the site.		✓				✓
iii.	Demonstration of the archaeological authority process under the HNZPT Act.				✓		
1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria							
E	Heritage Values and Special Character						
	General						
E1	Includes reference to Schedule 8B and 8C sites. Includes assessment of the extent to which the proposal:						
E1 a.	<ul style="list-style-type: none"> Will retain, protect, or enhance heritage resources and values 						✓
E1 b.	<ul style="list-style-type: none"> Will avoid, remedy, or mitigate adverse effects on the historic heritage resources and values 						✓
E1 e.	<ul style="list-style-type: none"> Is compatible with the reason for including the site or area in Schedule 8B or 8C and the site's significance 		✓				
E1 m.	<ul style="list-style-type: none"> Is in accordance with the recommendations included in an archaeological assessment 						✓

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
E1 n.	<ul style="list-style-type: none"> Responds to matters raised in engagement with mana whenua representatives 			✓			
E1 o.	<ul style="list-style-type: none"> Makes provision for mana whenua involvement in monitoring earthworks or other activities where mana whenua have requested this 			✓			
E1 p.	<ul style="list-style-type: none"> Avoids, remedies, or mitigates adverse effects on the cultural and spiritual values to Maaori Considers maatauranga Maaori and tikanga 		✓				✓
E1 q.	<ul style="list-style-type: none"> Tells the story of the city through indigenous planting, signage, art works, and place and street names 	✓					
E1 r.	<ul style="list-style-type: none"> Is consistent with the relevant objectives and policies of Chapter 19 				✓		
E2	Includes assessment of the extent to which the proposal would adversely affect the heritage values of Schedule 8B and 8C sites						✓
E8	Includes assessment of the extent to which proposed signage on a Schedule 8B site:						
E8 a.	<ul style="list-style-type: none"> Is associated with permitted or consented activities on the site 						✓

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
E8 b.	<ul style="list-style-type: none"> Is consistent with and maintains or enhances the site's heritage values 						✓
E8 e.	<ul style="list-style-type: none"> Is not visually prominent and is appropriate in size and location to the heritage features 						✓
E8 h.	<ul style="list-style-type: none"> Ensures any illumination of signs avoids or minimises adverse effects on heritage values 						✓
Appendix 8 Historic Heritage							
8.2 Accidental Discovery Protocol (ADP): Archaeological Sites, Archaeological Areas, Historic Areas, or Waahi Tapu							
iv.	<p>The amendments:</p> <ul style="list-style-type: none"> Clarify that, following an accidental discovery of archaeological material, the consent holder must engage with a mana whenua representative to ensure cultural protocols are followed and decisions made are culturally appropriate. 			✓		✓	
	<ul style="list-style-type: none"> Advise about where to obtain mana whenua representative contact details. 			✓			
Schedule 8B: Group 1 Archaeological and Cultural Sites							
	<p>The amendments to the schedule:</p> <ul style="list-style-type: none"> Delete 1 site. Add 20 sites. 		✓				

Provision	Summary of change	Matters the provision addresses					
		The Role of Sites	Importance to mana whenua	Mana whenua's Role	Statutory Requirements	Site Discovery	Managing Effects
	<ul style="list-style-type: none"> Clarify site names, NZAA site numbers, and legal descriptions. Includes a street name to aid location of most sites. 						
Schedule 8C: Group 2 Archaeological and Cultural Sites							
	The amendments to the schedule: <ul style="list-style-type: none"> Delete 4 sites. Add 42 sites. Clarify site names and legal descriptions. Includes a street name to aid location of some sites. 		✓				
District Plan Maps							
	PC9 has altered the mapped extent of some sites		✓				✓

APPENDIX C

AUTHORISED CUSTOMARY ACTIVITIES

The following has been reproduced from Schedule 3 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010:

Schedule 3

Authorised customary activities

- 1 Waka or kohikohia
The launching and use of waka and support craft and the erection and use of associated temporary structures (including barges and temporary jetties) on the Waikato River for ceremonial, customary, recreational, competition, and sporting purposes, including—
 - (a) waka taua (ceremonial canoes) at significant tribal events, including—
 - (i) the annual Ngaaruawaahia Regatta; and
 - (ii) the annual Koroneihana (celebration of the coronation day of the Kaahui Ariki); and
 - (b) waka ama, waka haurua and waka kopapa (racing canoes) and waka tete (river canoes) at tribal events, including—
 - (i) the annual Ngaaruawaahia Regatta; and
 - (ii) the biennial Tainui Games; and
 - (iii) other Tribal Regatta and Waikato-Tainui Marae Games.
- 2 Tangohia ngaa momo takawai
The collection of river stones, shingle, and sand from the Waikato River for the purposes of customary practices, including—
 - (a) the building of a tuahu (altars); and
 - (b) carvings; and
 - (c) the preparation of hangi.
- 3 Waioranga
The use of the Waikato River for customary practices relating to the physical health and wellbeing of persons including bathing and cleansing.
- 4 Wairua
The use of the Waikato River for customary practices relating to spiritual and cultural health and wellbeing of persons and the tribe including baptisms and other traditional ceremonies.

APPENDIX D

**Recommended amendments to schedules of archaeological and cultural sites
in Appendix 8 of the District Plan**

Schedule 8B: Group 1 Archaeological and Cultural Sites

Schedule 8C: Group 2 Archaeological and Cultural Sites

Schedule 8CA: Group 3 Archaeological and Cultural Sites

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

Appendix 8: Heritage

Schedule 8B: Group 1 Archaeological and Cultural Sites

Note

Reference needs to be made to assessment reports prepared for individual Archaeological and Cultural sites to determine their archaeological and cultural significance (NZAA Site Records)

Site Number (NZAA Number*)	Name	Legal Description/ <u>Street Name</u>	Map Number	<u>Approximate Location</u>
A1 (S14/165)	Te Awa o Katapaki — Borrow Pits	Lot 18 DPS 85254, Pt Lot 13 DPS 85254	8B	
A2 (S14/204, S14/336)	Lime Kiln, Taunga Waka and Te Puru O Hinemoa Cement/Lime Works	Sec 2 SO 61140; <u>(London Street)</u> <u>Lot 7 DPS 87404</u>	37B	<u>London Street, Hamilton Central</u>
A3 (S14/189)	Te Totara <u>Papakainga</u>	Lot 2 DPS 62544, <u>Lots 33-34 DP 388537 (Featherstone Park, River Road) Lot 3 DPS 62544</u>	16B	<u>Joseph Lovett Lane, Flagstaff</u>
A5 (S14/59)	Te Kourahi <u>Pa Paa</u>	Pt Lot 514 DPS 9477 <u>(Cobham Drive)</u>	55B	<u>Cobham Drive, Bader</u>
A6 (S14/201)	Mangaiti — Borrow Pits	Road Reserve <u>(Wairere Drive)</u> <u>LINZ Parcel ID: 4590773, 4602714, 4604242</u>	18B	<u>Wairere Drive, Queenwood</u>
A7 (S14/38)	Miropiko <u>Pa Paa</u>	Lot 1 DP 31703, Lot 2 DP 31703, Pt Allot 215 Kirikiriroa PSH <u>(River Road)</u>	37B	<u>River Road, Claudelands</u>
A8 (S14/77)	<u>Un-named — Pa Paa</u>	Lot 1 DPS 16456, Lot 48 DPS 13635 <u>(Milcom Street)</u>	57B	<u>Malcolm Street, Riverlea</u>
A9 (S14/208)	Kukutaruhe <u>(Maaori horticulture)</u>	Lot 33 DPS 6071 <u>(Days Park, River Road)</u>	27B	<u>Days Park, Chartwell</u>
A10 (S14/111)	<u>Umu (Oven) Maaori horticulture</u>	Pt Allot 4 Pukete PSH, Allot 4A Pukete PSH, Lots 1-4 DPS 8646 <u>Lot 2 DPS 8141; Lot 1 DPS 8141; Lot 5 DPS 8646</u>	7B	<u>Pukete Road, Pukete</u>
A11	Koromatua — Urupa (burial grounds)	<u>Pt Allot 371 Tuhikaramea PSH (Tuhikaramea Road)</u> <u>Lot 103 DP 543637; Lot 7 DP 543637; Lot 5 DP 543637</u>	60B	<u>Tuhikaramea Road, Temple View</u>

A12 (S14/25, S14/28)	Te Owahango PaPaa	Lot 3 DPS 9044, Lot 24 DPS 64834, Lot 15 DPS 71459, Pt Lot 2 DPS 9044, Lot 25 DPS 64834, Lot 33 DPS 65265, Lot 6 DPS 71459 (Riverelm) Lot 12 DPS 64834	17B	River Elm, Flagstaff
A13 (S14/27)	Kukutaruhe PaPaa	Lot 24 DPS 16087, Lot 4 DPS 16087, Lot 5 DPS 16087, Lot 6 DPS 16087 (Cornway Place)	27B	Conway Place, Chartwell
A14 (S14/28)	Te Inanga PaPaa	Lot 4 DPS 5738, Lot 3 DPS 5738, Lot 2 DPS 5738, Lot 1 DPS 5738 (Wymer Terrace)	27B	Wymer Terrace, Chartwell
A15 (S14/3)	Tupari PaPaa	Lot 3 DPS 28101, Pt Lot 2 DPS 28101, Lot 10 DPS 9657, Lot 1 DPS 88068, Pt Lot 1 DPS 9657, Lot 8 DPS 10486 (River Road, Pollock Drive)	27B	River Road, Chartwell
A16 (S14/34, S14/64)	Te Rapa PaPaa	Sec 2 SO 337569 Secs 2, 6 SO 311998, Pt Allot 24, Pt Allot 25 Te Rapa, Sec 1 SO 337569 (Cobham Drive) Part Allot 24 Te Rapa PSH; Section 5 SO 311998; Section 4 SO 311998; Section 6 SO 311998; Section 1 SO 337569; Section 2 SO 337569; Section 1 SO 373442; Part Allot 24 Te Rapa PSH; Part Lot 86 DP 17643; Section 2 SO 373442; Part Allot 25 Te Rapa PSH	45B, 55B	Cobham Drive, Waikato Hospital
A17 (S14/37)	Waitawhiriwhiri Urupa	Allot 286 Pukete PSH (Milne Park, Victoria Street)	36B	Victoria Street, Beerescourt
A18 (S14/39)	Kirikiroa Pa	Lot 1 DPS 65343, Lot 1 DPS 87404, Lot 4 DP 344056, Lot 2 DPS 87404, Lot 3 DP 31762, Lot 6 DPS 87404, Lot 3 DPS 87404, Lot 1 DPS 81452, Lot 2 DP 344056, Pt Lot 11 DP 11019, Lot 5 DPS 5279, Lot 3 DPS 65343, Pt Lot 12 DP 11019, Lot 1 DP 344056, Pt Lot 11 DP 11019, Lot 7 DPS 87404 , Lot 1 DP 312723, Pt Lot 12 DP 11019, Lot 3 DP 10335, Lot 2 DPS 81452, Pt Lot 2 DP 10335, Lot 1 DPS 27882, Lot 4 DP 10335 (Bryce Street, London Street) Lot 4 DP 31762; Lot 3 DP 344056	37B, 45B	London Street, Hamilton Central
A19 (S14/41)	Opoia Paa	Lot 3 DP 14636, Lot 2 DP 14636, Lot 1 DP 14636, Allots 471, 465, 466 and 472 Kirikiroa PSH, Lot 3	37B, 45B	Claudelands Bridge, Claudelands

		DP 18921, Part Lot 1 DP 65; Lot 1 DP 18921		
A20 (S14/44)	Te PaPaa O Ruamutu	Lot 33 DPS 9899, Lot 34 DPS 9899, Lot 1 DPS 34675, Lot 32 DPS 9899, Lot 26 DPS 9899, Lot 23 DPS 9899, Lot 44 DPS 9899, Lot 27 DPS 9899, Lot 24 DPS 9899, Lot 35 DPS 9899, Lot 28 DPS 9899, Lot 25 DPS 9899, Lot 29 DPS 9899, Lot 1 DPS 76159 (Balfour Crescent) Lot 45 DPS 9899; Lot 2 DPS 76159; Lot 2 DP 383815	58B	Balfour Crescent, Riverlea
A21 (S14/60)	Te Parapara PaPaa	Pt Allot 252A Kirikiriroa PSH (Hamilton Gardens)	56B	Hamilton Gardens, Hamilton East
A22 (S14/63)	Waitawhiriwhiri PaPaa	Lot 1 DPS 63511, Pt Lot 6 DP 14611, Pt Lot 7 DP 14611 (Kotahi Drive) Part Lot 7 DP 14611; Part Lot 6 DP 14611	36B	Victoria Street, Beerscourt
A23 (S14/90)	Whatanoa PaPaa	Allot 457 TN OF Hamilton West, Allotment 201-203, 212, 408 TN OF Hamilton West (Richmond Street) Allot 458 TN OF Hamilton West	36B	Richmond Street, Whitiara
A24 (S14/97)	Te Raratuna O Tutumua Pa/UrupaPaa/Urupaa	Allot 4A Pukete PSH (Te Raratuna Road)	7B	Pukete Road, Pukete
A25 (S14/30, S14/19)	Pukete PaPaa	Sec 2 SO 59857, Lot 1 DPS 55931, Sec 1 SO 58300, Sec 1 SO 59857 , Lot 4 DP 411000 (Te Raratuna Road)	16B	Pukete Road, Pukete
A26 (S14/66)	Te Nihinihi PaPaa	Pt Sec 23 Hamilton East TN BELT, Allot 446 TN OF Hamilton East , Lot 3 DPS 21107, Lot 1 DPS 21107 (Dillicar Park, Sillary Street); Lot 2 DPS 21107, LINZ Parcel 4579641	56B	Sillary Street, Hamilton East
A27 (S14/79)	Mangaonua PaPaa	Lot 2 DPS 68608, Lot 17 DPS 988	58B	Riverlea Road, Riverlea
A28	Te Moutere o Koipikau PaPaa	Graham Island Allot 449 TN OF Hamilton East	55B	Graham Island, Hamilton East
A29 (S14/284)	Middens/Umu	Allotment 106 Parish of Horotiu and Section 2 SO Plan 486608 (Waterview Drive) Lot 200 DP 563693	1B, 2B	Te Awa River Ride, Horotiu

A31 (S14/112)	<u>Paa</u>	<u>Lots 1-2 DPS 57602, PT Lot 1 DPS 11080 (Hutchinson Road)</u> <u>Lot 2 DPS 57602; Lot 2 DP 551065, Lot 200 DP 563693, Area O DP 563693, Lot 101 DP 591339, LINZ Parcel 4574775</u>	<u>1B, 2B</u>	<u>Hutchinson Road, Horotiu</u>
A32 (S14/17)	<u>Paa</u>	<u>Lot 3 DPS 11080, Pt Lot 3 DPS 5134 (Hutchinson Road)</u> <u>Lot 3 DP 551065; Lot 1 DP 551065;</u>	<u>2B</u>	<u>Te Rapa Road, Horotiu</u>
A33 (S14/18)	<u>Mangaharakeke Paa</u>	<u>Pt Lot 3 DPS 5134 (Fonterra Dairy Factory, Te Rapa Road)</u>	<u>2B</u>	<u>Te Rapa Dairy Manufacturing Site, Horotiu</u>
A101 (S14/209)	<u>Matakanohi — Borrow Pits</u>	<u>Pt Allot 32 Pukete PSH, Pt Lot 3 Allot 31 Pukete PSH (St Andrew's Golf Course, St Andrew's Terrace)</u> <u>DP 10964; Lot 2 DPS 42226</u>	<u>17B, 18B, 26B, 27B</u>	<u>St Andrews Golf Course, St Andrews</u>
A103 (S14/45)	<u>Narrows Military Redoubt</u>	<u>Allot 483 Kirikiriroa PSH (Howell Avenue, Cobham Drive)</u>	<u>56B, 57B</u>	<u>Peacocke Bridge, Hamilton East</u>
A107 (S14/48)	<u>Paa</u>	<u>Lot 3 DPS 29232</u>	<u>48B</u>	<u>Cotebrooke Lane, Hillcrest</u>
A108 (S14/57)	<u>Hamilton West Redoubt — Pukerangiora</u>	<u>Pt Allot 59A TN OF Hamilton West</u>	<u>45B</u>	<u>St Peter's Cathedral, Hamilton Central</u>
A109 (S14/95)	<u>Galloway Redoubt</u>	<u>Allot 412 TN OF Hamilton East</u>	<u>46B</u>	<u>Galloway Street, Hamilton East</u>
A115 (S14/289)	<u>Waipahi Paa</u>	<u>Road Reserve (Armagh Street), Lot 6 DP 1258, Lot 1 DPS 22233, Lot 2 DPS 22233, Pt Lot 3 DPS 22233, Lot 4 DPS 22233, Pt Lot 5 DPS 22233 Lot 1 DP 473450, Lot 2 DP 473450, Lot 3 DP 473450, Lot 54 DP 11312, Lot 55 DP 11312</u> <u>Lot 53 DP 11312; Lot 11 DP 79</u>	<u>46B</u>	<u>Armagh Street, Hamilton East</u>
A116 (S14/482)	<u>The Hamilton Punt</u>	<u>Pt Lot 2 DPS 257, Lot 1 DPS 12771, Allot 498 TN of Hamilton West, Lot 1 DPS 257 Allot 414 — 430 TN of Hamilton West (Grantham Street)</u> <u>LINZ Parcel ID: 4607215</u>	<u>45B</u>	<u>Grantham Street, Hamilton Central</u>

A119 (S14/72)	Te Tara-ahi Paa (Moules Redoubt)	Lot 1 DP 35065, Lot 1 DP 21732 (Anzac Parade)	45B	Anzac Parade, Hamilton East
A152 (S14/49)	Paa	Lot 1 DP 9272, Lot 2 DPS 44260 (SH 26)	49B	Morrinsville Road, Newstead
A155 (S14/76)	Paa	Lots 1-21 DP 24686, Lots 36, 38, 41-42 DPS 5778, Lots 106 DP 528003, Lot 2 DPS 89648; (Manor Place, Norrie Street) Lot 3 DPS 24686; Lot 4 DPS 24686; Lot 5 DPS 24686; Lot 6 DPS 24686; Lot 7 DPS 24686; Lot 8 DPS 24686; Lot 9 DPS 24686; Lot 10 DPS 24686; Lot 12 DPS 24686; Lot 13 DPS 24686; Lot 14 DPS 24686; Lot 15 DPS 24686; Lot 16 DPS 24686; Lot 17 DPS 24686; Lot 18 DPS 24686; Lot 19 DPS 24686	56B	Manor Place, Bader
A156 (S14/78)	Paa	Lot 1 DP 433681 (Chesterman Road) Lot 4 DPS 11403; Lot 2 DP 433681	58B	Hudson Street, Riverlea
A166 (S14/185)	Maaori Horticulture	Road Reserve, Lots 1-2 DPS 90423, Lot 246 DPS 73062, Lot 129 DPS 61646, Lot 108 DPS 61646 (Wairere Drive) Lot 2 DPS 90423	18B	Wairere Drive, Harrowfield
A168 (S14/214)	Hamilton West Cemetery	Section 512 Town of Hamilton West, Allotment 213-215 Town of Hamilton West (Willoughby Street)	36B	Willoughby Street, Whitiara
A169 (S14/220)	Union Bridge (Former)	River Reserve Part Lot 7 DP 1233 LINZ Parcel: 4607668	45B	Victoria Bridge, Hamilton Central
A175 (S14/470)	Maaori horticulture	Pt Section 30 Hamilton East Town Belt (Hungerford Crescent)	57B	
A176 (S14/325)	Maaori horticulture	Lot 1, 2, Pt Lot 8, 9 DPS 4785, Lots 102 DP 306257, Lot 2, Pt Lot 6, 8 DPS 988, Lot 1 DPS 92007, Pt Lot 2 DPS 40890, Lots 2-4 DPS 42403 (Riverlea Road) Part Lot 1 DP 306257; Lot 7 DPS 988; Section 3 SO 348279; Part Lot 6 DPS 988; Section 4 SO 348279; Lot 2 DP 306257	58B	Riverlea Road, Riverlea

A177 (S14/332)	Hamilton East Cemetery	Pt Allotment 252 Kirikiriroa PSH, Allotment 483 Kirikiriroa PSH (Hungerford Crescent)	57B	Hungerford Crescent, Hamilton East
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**The NZAA number refers to the New Zealand Archaeological Association reference number for the site.*

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

Appendix 8: Heritage

Schedule 8C: Group 2 Archaeological and Cultural Sites

Site Number (NZAA Number*)	Name	Legal Description	Map Number	Approximate Location
A101 (S14/209)	Matakanohi — Borrow Pits	Pt Allot 32 Pukete PSH, Pt Lot 3 Allot 31 Pukete PSH		17B, 18B, 26B, 27B
A103 (S14/45)	Narrows Military Redoubt	Allot 483 Kirikiriroa PSH		56B, 57B
A104 (S14/102)	Ridler's Flour Mill	Lot 2 DPS 7832 and Lot 1 DPS 12535 (SH 3)	55B	Ohaupo Road, Melville
A1 & A105 (S14/165)	Te Awa o Katapaki — Borrow Pits	Lot 9-13 DPS 71460; Lot 1-3, 6-8 DPS 73470; Lots 1-8 DPS 70775; Pt Lot 1, Pt Lot 2 DPS 78039; Pt Lot 9, Lot 10-12, Pt Lot 13, 16-18 DPS 85254; Lot 7, Pt Lot 8, Pt Lot 9, Pt Lot 21 DPS 86166; Pt Lot 8 DPS 86166, 11-14, 23-27, 44, 48, 50-51 DP 368150; Lots 1-6 DP 368331; Lots 1-5 DP 369929; Lots 1-3 DP 372432; Lot 17 DPS 85254-25, Pt 28, 132 DP 375864; Lots 1-6, 8 DP 378325; Lots 1-2 DP 378677; Lot 1-35, 37 DP 388537; Lots 1-6 DP 383630; Lots 1-2 DP 385729; Lots 1-9, 13-26, 33 DP 392844; Lots 201-203 DP 395616; Lots 3-25 DP 396159; Lot 9 DPS 85254-2 DP 408360; Lots 1-2 DP 430627; Lot 1-17, 20-33 DP 445214; Lot 1, 2 DP 479955; Lots 1-2 DP 487183; Lots 1-4 DP 527063 (River Road, Riverside Lane, Hensley Crescent, Hampshire Court, Te Huia Drive, Amokura Crescent, Bree Place, The Rocks, Durham Heights) Lot 1 DP 479955; Section 3 SO 413255; Lot 1 DP 487183; Lot 2 DP 479955; Lot 21 DPS 86166; Lot 18 DPS 85254; Lot 17 DPS 85254; Lot 3 DPS 78039; Lot 11 DPS 71460; Lot 2 DP 532526; Lot 6 DPS 73470; Lot 7 DPS 73470; Lot 2 DPS 73470; Lot 8 DPS 73470; Lot 5 DPS 70775;	8B	River Road, Flagstaff

		Lot 3 DPS 73470; Lot 10 DPS 85254; Lot 7 DPS 70775; Lot 1 DPS 73470; Lot 7 DP 368331; Lot 1 DP 532526; Lot 5 DP 378677; Section 3 SO 404776; Lot 27 DP 396159; Part Lot 8 DPS 86166; Lot 2 DP 408360; Lot 4 DPS 70775; Section 3 SO 61167; Lot 10 DPS 71460; Lot 2 DPS 70775; Lot 1 DPS 70775; Lot 6 DPS 70775; Lot 3 DPS 70775; Lot 7 DPS 86166; Lot 128 DP 395616; Section 1 SO 404776; Section 2 SO 404776; Section 6 SO 404776; Section 4 SO 413255; Section 1 SO 326807; Lot 9 DPS 71460; Lot 2 DP 550104; Lot 9 DPS 70775; Lot 7 DP 383630; Lot 7 DP 378325; Lot 6 DP 369929; Lot 5 DP 372432; Lot 13 DPS 71460; Lot 1 DP 550104; Part Lot 16 DPS 85254; Section 1 SO 413255; Lot 1 DP 582906; Part Lot 2 DPS 78039; Lot 9 DP 582906; Lot 6 DP 582906; Lot 4 DP 582906; Lot 8 DP 582906; Lot 5 DP 582906; Lot 3 DP 582906; Lot 7 DP 582906; Lot 2 DP 582906; Section 2 SO 413255; Lot 12 DPS 85254; Lot 2 DP 589627; Lot 1 DP 589627		
A106 (S14/23)	Waahi Taonga/ Artefact Find	Lot 16 DPS 7313 (Chartwell Crescent)	27B	
A107 (S14/48)	PaPaa	Lot 3 DPS 29232 (Colebrooke Lane, SH 26)	48B	
A108 (S14/57)	Hamilton West Military Redoubt — Pukerangiora	Pt Allot 59A TN OF Hamilton West (Victoria Street)	45B	
A109 (S14/95)	Narrows Redoubt — Military Redoubt	Allot 412 TN OF Hamilton East	46B	
A110 (S14/116)	Rotokaeo — Waahi Taonga/ Artefact Find	Lot 2 DPS 6986, Lot 3 DPS 6253 (Dalglish Avenue)	35B	
A111 (S14/161)	Kairokiroki — Waahi Taonga/ Artefact Find	Lot 2 DPS 12490	56B, 57B	
A112 (S14/4)	Waiwherowhero — Borrow Pits	Lot 32 DPS 73457, Lot 29 DPS 73457, Lot 31 DPS 73457, Lot 30 DPS 73457, Lot 16 DPS 58002, Lot 28 DPS 73457, Lot 17 DPS 58002, Lot 1 DPS 73457, Lot 18 DPS 58002, Lot 142 DPS 58002, Lot 37 DPS 11797, Lot 38 DPS 11797, Lot 12 DPS 58002, Lot 67 DPS 79722, Lot 3 DPS 88119, Lot 2 DPS 88119, Lot 4 DPS 88119, Lot 87 DPS 76047, Lot 11	26B	

		DPS 58002, Lot 85 DPS 76047, Lot 86 DPS 76047, Lot 88 DPS 76047, Lot 89 DPS 76047, Lot 13 DPS 58002, Lot 90 DPS 76047, Lot 94 DPS 76047, Lot 95 DPS 76047, Lot 93 DPS 76047, Lot 91 DPS 76047, Lot 92 DPS 76047, Lot 14 DPS 58002, Lot 96 DPS 76047, Lot 15 DPS 58002, Lot 32 DPS 73457, Lot 29 DPS 73457, Lot 31 DPS 73457, Lot 30 DPS 73457, Lot 16 DPS 58002, Lot 28 DPS 73457, Lot 36 DPS 11797, Lot 6 DPS 58002, Lot 7 DPS 58002 (Sandwich Road, Mangakoea Place, Bryant Road, Waiwherowhero Drive)	
A113 (S14/40)	Putikitiki — Oven	Lot 2 DP 17455 (Beale Street)	45B
A114	Te Wehenga — Urupa	Road Reserve (Grey Street) LINZ Parcel: 4583657	45B Grey Street, Hamilton East
A115	Waipahihi Pa	Road Reserve (Armagh Street), Lot 6 DP 1258, Lot 1 DPS 22233, Lot 2 DPS 22233, Pt Lot 3 DPS 22233, Lot 4 DPS 22233, Pt Lot 5 DPS 22233, Pt Lot 12 DP79, Lot 1 DP 473450, Lot 2 DP 473450, Lot 3 DP 473450, Lot 54 DP 11312, Lot 55 DP 11312	46B
A116	The Hamilton Punt/borrow pits	Pt Lot 2 DPS 257, Lot 1 DPS 12771, Allot 498 TN of Hamilton West, Lot 1 DPS 257 Allot 414 — 430 TN of Hamilton West	45B
A117	Mangakookoea PaPaa	Lot 2 DPS 17549, Lot 1 DP 375694, Lot 2 DPS 89533, Lot 2 DP 323260, Lot 1 DPS 83830, Lot 2 DPS 83830, Lot 2 DPS 53641 (Awatere Avenue)	36B Awatere Avenue, Beerscourt
A118 (S14/86)	Pukete — Waahi Taonga/Artefact Find	Lot 3 DPS 22187	46B
A119 (S14/72)	Te Tara-ahi Pa (later Moules Redoubt)	Lot 1 DP 35065, Lot 1 DP 21732	45B
A120	Matakanohi PaPaa	Lot 20 DPS 379, Lot 4 DPS 74739, Lot 2 DPS 76908; Lot 3 DPS 82663	27B Ann Street, Saint Andrews
A121	Urupa (unnamed)	Sec 2 SO 60256, Pt Allot 397, 398, 399 TN of Hamilton East (Cook Street, Wellington Street) LINZ Parcels 7379371 and 4345882	45B Cook Street, Hamilton East
A122	Te Toka O Arurei Urupa	Lot 2 DP 404902 (Claudelands Road)	45B Claudelands Bridge.

				Hamilton Central.
A123	Hua O Te Atua Urupa	Riverbank Reserve (adjacent to Marlborough (Sapper Moore-Jones Place) Lot 1 DPS 32477	45B	Sapper Moore-Jones Place, Hamilton Central
A142 (S14/113)	Pits	Pt Lot 1 DPS 11080 (Hutchinson Road) Lot 2 DP 551065	2B	Hutchinson Road, Horotiu
A144 (S14/203) and (S14/114)	Maaori horticulture and Waahi Taonga/Artefact Find	Pt Lot 3 DPS 5134 (Fonterra Dairy Factory, Te Rapa Road)	2B	
A153 (S14/52)	Paa	Lots 1-3, 7, 8, 12-13, 15 DPS 91932 (Chlemsford Place, Southsea Crescent) Lot 1 DP 519438; Lot 2 DP 519438; Lot 3 DP 519438	48B	Nevada Road, Silverdale
A154 (S14/71)	Waahi Taonga/Artefact Find	Lot 2 DP 339280 (Clarkin Road)	27B	
A157 (S14/485)	Maaori horticulture	Pt 3 2, 3 DPS 8875	16B	
A158 (S14/89)	Waahi Taonga/Artefact Find	Lot 11 DPS 44248 (Te Rapa Road)	15B	
A159 (S14/91)	Paa	Pt Allotment 252 Kirikiriroa PSH, Allotment 483 Kirikiriroa PSH	57B	
A160 (S14/92)	Agricultural Ditch	Road Reserve (Wairere Drive)	29B	
A161 (S14/93)	Waahi Taonga/Artefact Find	Road Reserve	58B	
A162 (S14/130)	Swarbrick's Landing	Pt Lot 1 DP 10371 (River Road)	27B	
A163 (S14/335)	Sod Fence	Sec 9 & 10 SO 483544 (Nevada Road)	48B	
A164 (S14/334)	Historic Drain	Lot 1 DPS 38501, DPS 14931	29B	
A165 (S14/334)	St Mary's Monastery and School (former)	Lot 2 DP 316850 (Clyde Street)	46B	Clyde Street, Hamilton East
A167 (S14/191)	Site of the Knox Street Drill Hall (former)	Section 1 SO 61293 (Knox Street)	45B	

A170 (S14/473)	<u>Historic dwelling (Former)</u>	<u>Lots 4-8 DP 19882, Lot 1 DPS 9292</u> (Victoria Street)	<u>37B</u>	
A171 (S14/254)	<u>Landing Place</u>	<u>Allotment 4A Pukete PSH</u>	<u>7B</u>	<u>Pukete Road, Pukete</u>
A172 (S14/258)	<u>Maaori horticulture</u>	<u>Road Reserve, Lot 1, Pt Lot 2 DPS 257, Lots 1-2 DP 447697, Allotments 420, 421, 424, 498 Town of Hamilton West, Lot 1 DPS 12771 (Grantham Street); Lot 1 DPS 257; Allot 422 TN OF Hamilton West; Part Allot 423 TN OF Hamilton West; Part Allot 499 TN OF Hamilton West</u>	<u>45B</u>	<u>Grantham Street, Hamilton Central</u>
A173 (S14/259)	<u>Historic Dwelling (Former)</u>	<u>Road Reserve, Lot 1, Pt Lot 2 DPS 257, Lots 1-2 DP 447697, Allotments 420, 421, 424, 498 Town of Hamilton West, Lot 1 DPS 12771 (Grantham Street)</u>	<u>45B</u>	
A174 (S14/481)	<u>Historic Dwelling (Former)</u>	<u>Section 4 SO 473519 (Cobham Drive)</u>	<u>57B</u>	
A175 (S14/470)	<u>Maaori horticulture</u>	<u>Part Section 30 Hamilton East TN BELT; Part Section 29 Hamilton East TN BELT</u>	<u>57B</u>	<u>Hungerford Crescent, Hamilton East</u>
A178 (S14/333)	<u>Maaori horticulture</u>	<u>Pt Allotment 252A Kirikiriroa PSH, Pt Section 23-24 Hamilton East Town Belt (Hamilton Gardens)</u>	<u>56B</u>	<u>Hamilton Gardens, Hamilton East</u>
A179 (S14/491)	<u>Railway Hotel (former)</u>	<u>Part of Allot 1 Te Rapa Parish (High Street)</u>	<u>45B</u>	<u>Corner of High and Commerce Streets, Frankton</u>
A180 (S14/492)	<u>Royal Hotel (former)</u>	<u>Allot 74 TN of Hamilton East (Cook Street and Grey Street)</u>	<u>46B</u>	<u>Cook Street, Hamilton East</u>
A181 (S14/496)	<u>Maaori horticulture</u>	<u>Lots 1-2 DPS 86312, Pt Lot 8 DP 1233 (Grey Street, Clyde Street)</u>	<u>45B</u>	

*The NZAA number refers to the New Zealand Archaeological Association reference number for the site.

Sites in Group 2 are included in the plan for information purposes only.

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

Appendix 8: Heritage

Schedule 8CA: Group 3 Archaeological and Cultural Sites

<u>Site Number</u> <u>(NZAA Number*)</u>	<u>Name</u>	<u>Legal Description</u>	<u>Map</u> <u>Number</u>	<u>Approximate</u> <u>Location</u>
A105 (S14/165)	Te Awa o Katapaki / Borrow Pits	Lot 1 DP 388537; Lot 14 DP 388537; Lot 12 DP 388537; Lot 2 DP 388537; Lot 3 DP 388537; Lot 4 DP 388537; Lot 5 DP 388537; Lot 6 DP 388537; Lot 7 DP 388537; Lot 8 DP 388537; Lot 9 DP 388537; Lot 10 DP 388537; Lot 11 DP 388537; Lot 13 DP 388537; Lot 15 DP 388537; Lot 16 DP 388537; Lot 17 DP 388537; Lot 18 DP 388537; Lot 19 DP 388537; Lot 20 DP 388537; Lot 21 DP 388537; Lot 22 DP 388537; Lot 23 DP 388537; Lot 24 DP 388537; Lot 25 DP 388537; Lot 27 DP 388537; Lot 28 DP 388537; Lot 29 DP 388537; Lot 30 DP 388537; Lot 31 DP 388537; Lot 37 DP 388537; Lot 32 DP 388537; Lot 1 DP 383630; Lot 2 DP 383630; Lot 3 DP 383630; Lot 4 DP 383630; Lot 5 DP 383630; Lot 6 DP 383630; Lot 1 DP 369929; Lot 2 DP 369929; Lot 3 DP 369929; Lot 4 DP 369929; Lot 5 DP 369929; Lot 4 DP 368331; Lot 5 DP 368331; Lot 6 DP 368331; Lot 1 DP 372432; Lot 2 DP 372432; Lot 3 DP 372432; Lot 18 DP 375864; Lot 19 DP 375864; Lot 20 DP 375864; Lot 22 DP 375864; Lot 23 DP 375864; Lot 24 DP 375864; Lot 132 DP 375864; Lot 141 DP 375864; Lot 6 DP 378325; Lot 2 DP 378325; Lot 1 DP 378677; Lot 2 DP 378677; Lot 203 DP 395616; Lot 25 DP 395616; Lot 26 DP 395616; Lot 27 DP 395616; Lot 30 DP 395616; Lot 31 DP 395616; Lot 32 DP 395616; Lot 33 DP 395616; Lot 34 DP 395616; Lot 101 DP 395616; Lot 35 DP 395616; Lot 111 DP 395616; Lot 110 DP 395616; Lot 112 DP 395616; Lot 109 DP 395616; Lot 22 DP 392844; Lot 16 DP 392844; Lot 17 DP 392844; Lot 18 DP 392844; Lot 19 DP 392844; Lot 5 DP 392844; Lot 6 DP 392844; Lot 7 DP 392844; Lot 8 DP 392844; Lot 9 DP 392844; Lot 20 DP 392844; Lot 21 DP 392844; Lot 1 DP 392844; Lot 2 DP 392844; Lot 3 DP 392844; Lot 13 DP 392844; Lot 14 DP 392844; Lot 15 DP 392844; Lot 23 DP		River Road, Flagstaff

		392844; Lot 24 DP 392844; Lot 25 DP 392844; Lot 26 DP 392844; Lot 3 DP 396159; Lot 5 DP 396159; Lot 6 DP 396159; Lot 7 DP 396159; Lot 11 DP 396159; Lot 12 DP 396159; Lot 13 DP 396159; Lot 14 DP 396159; Lot 15 DP 396159; Lot 16 DP 396159; Lot 17 DP 396159; Lot 18 DP 396159; Lot 20 DP 396159; Lot 22 DP 396159; Lot 23 DP 396159; Lot 24 DP 396159; Lot 25 DP 396159; Lot 26 DP 396159; Lot 1 DP 430627; Lot 1 DP 445159; Lot 20 DP 445159; Lot 21 DP 445159; Lot 22 DP 445159; Lot 23 DP 445159; Lot 25 DP 445159; Lot 38 DP 445159; Lot 32 DP 445214; Lot 3 DP 445214; Lot 4 DP 445214; Lot 5 DP 445214; Lot 6 DP 445214; Lot 7 DP 445214; Lot 8 DP 445214; Lot 9 DP 445214; Lot 11 DP 445214; Lot 12 DP 445214; Lot 13 DP 445214; Lot 14 DP 445214; Lot 15 DP 445214; Lot 16 DP 445214; Lot 17 DP 445214; Lot 18 DP 445214; Lot 26 DP 445214; Lot 27 DP 445214; Lot 28 DP 445214; Lot 29 DP 445214; Lot 30 DP 445214; Lot 31 DP 445214; Lot 33 DP 445214; Lot 50 DP 445214; Lot 19 DP 396159; Lot 1 DP 368331; Lot 3 DP 368331; Lot 2 DP 368331; Lot 21 DP 375864; Lot 1 DP 378325; Lot 3 DP 378325; Lot 5 DP 378325; Lot 8 DP 378325; Lot 4 DP 378325; Lot 1 DP 385729; Lot 26 DP 388537; Lot 201 DP 395616; Lot 202 DP 395616; Lot 4 DP 392844; Lot 8 DP 396159; Lot 9 DP 396159; Lot 10 DP 396159; Lot 21 DP 396159; Lot 2 DP 430627; Lot 24 DP 445159; Lot 10 DP 445214; Lot 19 DP 445214; Lot 2 DP 445214; Lot 36 DP 388537; Lot 2 DP 385729; Lot 32 DP 392844; Lot 33 DP 392844; Lot 3 DP 527063; Lot 1 DP 527063; Lot 4 DP 527063; Lot 2 DP 527063		
A106 (S14/23)	Waahi Taonga/Artefact Find	Lot 16 DPS 7313	27B	Chartwell Crescent, Chartwell
A110 (S14/116)	Rotokaeo — Waahi Taonga/Artefact Find	Lot 2 DPS 6986	35B	Dalglish Avenue, Forest Lake
A112 (S14/4)	Waiwherowhero / Borrow Pits	Lot 11 DPS 58002; Lot 28 DPS 73457; Lot 31 DPS 73457; Lot 93 DPS 76047; Lot 14 DPS 58002; Lot 27 DPS 11797; Lot 68 DPS 79722; Lot 40 DPS 11797; Lot 35 DPS 11797; Lot 39 DPS 11797; Lot 18 DPS 58002; Lot 17 DPS 58002; Lot 41 DPS 11797; Lot 12 DPS 58002; Lot 142 DPS 58002; Lot 6 DPS 58002; Lot 34 DPS 11797; Lot 89 DPS 76047; Lot 30 DPS 73457; Lot 91	26B	Corner of Sandwich and Bryant Roads, St Andrews

		DPS 76047; Lot 95 DPS 76047; Lot 29 DPS 73457; Lot 90 DPS 76047; Lot 88 DPS 76047; Lot 33 DPS 11797; Lot 87 DPS 76047; Lot 13 DPS 58002; Lot 15 DPS 58002; Lot 1 DPS 88119; Lot 85 DPS 76047; Lot 92 DPS 76047; Lot 96 DPS 76047; Lot 7 DPS 58002; Lot 38 DPS 11797; Lot 43 DPS 9102; Lot 5 DPS 58002; Lot 32 DPS 73457; Lot 1 DPS 73457; Lot 86 DPS 76047; Lot 2 DPS 88119; Lot 3 DPS 88119; Lot 67 DPS 79722; Lot 94 DPS 76047; Lot 37 DPS 11797; Lot 36 DPS 11797; Lot 16 DPS 58002; LINZ Parcel 4570026.		
A113 (S14/40)	Putikitiki — Oven	Lot 1 DP 465238	45B	Corner of Beale and Puutikitiki Streets, Hamilton East
A118 (S14/86)	Pukete – Waahi Taonga / Artefact find	Lot 3 DPS 22187		Tanekaha Place, Pukete
A144 (S14/203)	Maaori horticulture	Part Lot 3 DPS 5134	2B	Te Rapa Dairy Manufacturing Site, Horotiu
A154 (S14/71)	Waahi Taonga/Artefact Find	Lot 2 DP 339280	27B	Clarkin Road, Fairfield
A157 (S14/485)	Maaori horticulture	Part Lot 2 DPS 8875; Lot 3 DPS 8875	16B	Linda Jones Retirement Village, Flagstaff
A158 (S14/89)	Waahi Taonga/Artefact Find	Lot 11 DPS 44248	15B	Te Rapa Road, Te Rapa
A159 (S14/91)	Paa	Allot 483 Kirikiriroa PSH	57B	Peacocke Bridge, Hamilton East
A160 (S14/92)	Agricultural Ditch	Road Reserve (Wairere Drive) LINZ Parcel ID: 4602980; 4604989	29B	Pardoa Boulevard/ Wairere Drive, Roundabout, Chartwell
A161 (S14/93)	Waahi Taonga/Artefact Find	Road Reserve (Mullane Street) LINZ Parcel ID: 4585193	58B	Mullane Street, Hillcrest
A162 (S14/130)	Swarbrick's Landing	Part Lot 1 DP 10371	27B	River Road, Chartwell
A163 (S14/335)	Sod Fence	LINZ Parcel 6586864	48B	Nevada Road, Silverdale

A164 (S14/334)	Historic Drain	Part Allot 204 Kirikiroa PSH; Lot 1 DP 420837; Lot 3 DP 420837	29B	Raymond Park, Fairview Downs
A167 (S14/191)	Site of the Knox Street Drill Hall (former)	Section 1 SO 61293; Lot 1 DPS 88182	45B	Knox Street, Hamilton Central
A170 (S14/473)	Historic dwelling (Former)	Lot 5 DP 19882; Lot 8 DP 19882; Lot 6 DP 19882; Lot 4 DP 19882; Lot 7 DP 19882; Lot 1 DPS 9292	37B	Victoria on the River, Hamilton Central
A173 (S14/259)	Historic Dwelling (Former)	Allot 420 TN OF Hamilton West; Allot 424 TN OF Hamilton West; Lot 2 DP 447697; Lot 1 DP 447697	45B	Grantham Street, Hamilton Central
A174 (S14/481)	Historic Dwelling (Former)	Section 4 SO 473519	57B	Wairere Drive/ Cobham Drive Interchange, Hamilton East
A181 (S14/496)	Maaori horticulture	Lot 2 DPS 86312; Lot 1 DP 577258	45B	Corner of Grey and Clyde Streets, Hamilton East

*[*The NZAA number refers to the New Zealand Archaeological Association reference number for the site.](#)*

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