

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

REBUTTAL STATEMENT OF EVIDENCE OF NICHOLAS MATTHEW CABLE

(ARCHAEOLOGY - ARCHAEOLOGICAL SITES)

Dated 6 October 2023

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INTRODUCTION

1. My full name is Nicholas Matthew Cable.
2. I have the qualifications and experience set out in paragraphs 2 - 3 of my statement of evidence dated 1 September 2023 (**statement of evidence**).
3. I repeat the confirmation given in my statement of evidence that I have read and agree to comply with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023).
4. I have read the evidence prepared on behalf of the submitters relevant to archaeological and cultural sites.
5. This statement of rebuttal evidence, provided on behalf of Hamilton City Council (**HCC**) as proponent of Plan Change 9 (**PC9**) responds to issues relating to archaeological sites raised in the evidence, namely:

Submitter Witness	On behalf of	Witnesses' Paragraphs responded to
Rachel Dimery	Cordyline Holdings Ltd	24 - 30
Carolyn McAlley	HNZPT	14 - 16, 30 - 32
Eleanor Sturrock	HNZPT	5.1, 5.4, 5.10, 6.1 – 6.4, 6.5
Sara Brown	WEL Networks Ltd	5.2 – 5.5
Matthew Cambell	WEL Networks Ltd	3.4 -3.5, 3.6, 3.9, 4.4, 4.8, 5.12, 5.13

RESPONSE TO EVIDENCE OF SUBMITTERS

Reply to statement of evidence of Rachel Dimery for Cordyline Holdings Ltd dated 22 September 2023

6. *Paragraphs 24-30:* I disagree with Ms Dimery's view that changes to A127 are within scope and refer to Annexure 2 of my statement of evidence. The scheduling and mapping of A127 were addressed in Plan Change 5 (**PC5**), and were not reconsidered in PC9, refer to paragraph 26 of my evidence. The only change was to the legal description and general description which

replaced 'Borrow pit' with 'Maaori horticulture'. The scheduling and mapping of A127 remained unaffected.

Reply to statement of evidence of Carolyn McAlley for HNZPT dated 22 September 2023

7. *Paragraphs 14-16:* I disagree and refer to the Operative District Plan (**ODP**) Volume 2, Section 1.2.2.7, which identifies the information requirements as only written advice, not a full archaeological assessment.
8. *Paragraphs 30-32:* I agree and confirm my position as stated in Annexure 1 of my statement of evidence.¹ Although outside the scope of this plan change, I agree that the introduction of heritage alert layers would be a proactive step towards identifying and protecting unrecorded archaeological sites.

Reply to statement of evidence of Eleanor Sturrock dated 22 September 2023

9. *Paragraph 5.1:* I agree and refer to paragraph 23 and 109 of Mr Ryan's rebuttal evidence. Evidence of the outcome of this consultation would also, in my opinion, be appropriate for meeting consent information requirements (refer to paragraph 7 above).
10. *Paragraph 5.4:* I agree and confirm and refer to paragraph 21 of my statement of evidence. The criteria chosen were broader than those used in the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**) in order to provide a robust analysis under other relevant planning instruments. This is particularly true for sites with cultural significance as it would be an unintended consequence of the decision to delay consideration of the Site of Significance to Maaori (**SASM**) work that the cultural sites already

¹ Response to submission 151.38 in Annexure 1 of Cable's Statement of Evidence dated 1 September 2023.

protected in the ODP would be removed due to a lack of archaeological value and lose this protection.

11. *Paragraph 5.10:* I disagree and refer to paragraph 7 above.
12. *Paragraphs 6.1 – 6.4:* I agree and refer to paragraphs 27 to 29 in my statement of evidence. I agree that, although outside the scope of PC9, additional work to identify unrecorded archaeological sites would be a proactive step towards identifying and protecting archaeological sites.
13. Further to this, in my statement of evidence I considered the inclusion of the 19th century aspects of the Frankton Railway Station (S14/498) to be an appropriate action to take as part of PC9 as this is the only archaeological site recorded in ArchSite within Hamilton City boundaries since notification of PC9.² I have recommended that the Frankton Railway Station is added to Schedule 8C. The planning map and Archaeological Site Inventory is appended to my rebuttal evidence as **Annexure 1**.
14. *Paragraph 6.5:* I agree and refer to paragraph 8 above.

Reply to statement of evidence of Sara Brown dated 22 September 2023

15. *Paragraphs 5.2 – 5.5:* I disagree and confirm my position as stated in Annexure 1 of my statement of evidence.³ I consider the proposed rule is impracticable and unenforceable.
16. In my opinion, it is impossible for contractors to guarantee that excavations will be solely limited to existing areas of cut and fill where there are no surface markers to indicate the below ground extent of cut and fill. In my experience, all excavations begin with prospecting or “pot-holing” to relocate existing services and it is only once excavations commence that

² Response to submission 427.83 in Annexure 1 in Cable’s Statement of Evidence dated 1 September 2023.

³ Response to submissions 133.5 & 133.6; 458.5; 388.7, 458.5 and FS1672 & FS1674 of Annexure 1 in Cable’s Statement of Evidence dated 1 September 2023.

the exact location of services and any previous trench cut and fills can be confirmed. This exposes excavators to disturbing new ground along with already disturbed ground.

17. My experiences during the Christchurch Residential Rebuild programme with network connection agents and electrical contractors for Orion and MainPower was that no contractor would offer such a guarantee in order to alleviate the need for an authority when working on a known archaeological site. As a consequence, we sought authorities for earthworks including trenching along shared driveways, trenching to connection points within road reserve and hand digging for temporary residential connection and disconnections. I have undertaken similar monitoring work on trenching for mains pipelines and laterals within road corridors across the country and I am also aware of archaeological monitoring programmes associated with the rolling out of Chorus ultra-fast broadband fibre network across the South Island. All of these activities have led to the updating and recording of archaeological sites in ArchSite.
18. This position is consistent with the view of Heritage New Zealand Pouhere Taonga (**HNZPT**), refer to Further Submission FS1075.

Reply to statement of evidence of Dr Matthew Campbell for WEL Networks Ltd dated 22 September 2023

19. *Paragraphs 3.4 – 3.5:* I disagree and confirm that all sites were evaluated before being assigned in Group 1, 2 or 3. Refer to paragraphs 21-22 and paragraph 35 in my statement of evidence for an explanation of the assessment criteria and how rankings of significance were applied. I make the following further comments:
 - a) The NZAA Site Recording Scheme (**SRS**), identified as ArchSite in my statement of evidence, is the only national inventory of archaeological sites in New Zealand. It is acknowledged in the

HNZPTA as the source of information on “recorded” archaeological sites (HNZPTA s.2). The SRS is the basis for schedules of archaeological sites in District Plans throughout the country.

- b) The site assessment methodology is consistent with the approach I have used in assessing site significance in other heritage inventories for District Planning purposes. The application of such an assessment methodology is novel for archaeological site schedules in District Plan Reviews but is nonetheless consistent with the approach taken to assess archaeological values in archaeological assessments, refer to Section 2.9 of HNZPT’s *Guidelines for Writing Archaeological Assessments* and my statement of evidence.⁴
- c) Dr Campbell in paragraph 3.9 of his evidence agrees with my recommendation to use this assessment methodology as presented in paragraph 35 of my statement of evidence.

20. *Paragraph 3.6:* I disagree for the reasons below:

- a) The methodology used to assess sites is addressed in paragraph 19 above with the magnitude of rankings explained in paragraph 22 of my statement of evidence.
- b) The inclusion of all recorded NZAA archaeological sites into the ODP was determined to be the most appropriate method to address the matters raised in PC9, refer to Section 5 of the PC9 Section 32 Report.

21. *Paragraph 3.9:* I disagree and refer to Annexure 1 of my statement of evidence for responses to specific submitter issues.

⁴ Response to further submission FS1139 in Annexure 1 in Cable’s Statement of Evidence dated 1 September 2023.

22. *Paragraph 4.4:* I disagree and refer to paragraph 7 above. Further relief from this expectation is recommended in paragraph 9.
23. *Paragraph 4.8:* I agree that “excavation in existing cuts will not damage archaeological sites” but do not consider that there is a guarantee that excavators will limit their disturbance to just these areas, refer to paragraph 16 above.
24. *Paragraph 5.12:* I disagree and confirm that sufficient assessment has been undertaken for District Planning purposes in consideration of the 2020 site assessments included in Appendix 10 of the PC9 Section 32 Report and Annexures 3 and 9 of my statement of evidence in order to reach a conclusion on the overall significance and hence grouping of individual sites. My interpretation of Dr Campbell’s evidence is presented below:
- a) Dr Campbell appears to have taken issue with the lack of ground investigations to support a determination of site significance. Following my methodology in paragraphs 5.1 to 5.9 of Dr Campbell’s evidence, he has reached the same conclusion as myself that site A001 (S14/165) does not warrant its current scheduling in Group 1 of the ODP as it does not possess high or outstanding values.
 - b) The ground investigations undertaken by Dr Campbell in his test case are, in my opinion, insufficient to reach a determination that “no evidence of this [pre-European Maaori gardens] remains” (paragraph 5.4 of Dr Campbell’s evidence).
 - c) Soil augering of the type used by Dr Campbell would only detect the presence or absence of modified garden soils. It would not detect the presence of archaeological features such as the discrete patches of mixed soil and the pockmarked surface found by Mr Gumbley at 1876A River Road,⁵ both interpreted as indicative of cultivations. Mr

⁵ Gumbley, W. 2022. 1876A River Road, Hamilton: Report on archaeological investigations.” W. Gumbley Archaeologists Ltd, Hamilton.

Gumbley's findings were based on extensive exploratory trenching on the property, similar to the method employed by Simmons at the Riverton Estate.⁶

- d) The reasons for undertaking exploratory trenching were the same model assumptions that I followed in the site assessment for A001 and A105:⁷
 - i. The property was located in close proximity to a borrow pit.
 - ii. Soil maps showed anthropogenic soils in this location.
 - iii. The property was located in a larger lot subdivision unlike the adjacent medium density subdivision.
 - iv. Previous archaeological investigations had found evidence of archaeological material on the same landform.
- e) I agree that this form of exploratory investigation is significantly more robust than the methodology employed for PC9, however the work required to undertake such investigations on a property-by-property basis would be costly and time consuming and, in my opinion, far in excess of the timeframe and requirements of my evidence.
- f) There is, as far as I can tell, no mention of the word "poor" in Gumbley's report. The assessment of site condition in paragraph 5.9 of Dr Campbell's evidence is his opinion.

25. *Paragraph 5.13:* I disagree and refer to paragraph 9 above. I note that Dr Campbell says "very probable" rather than asserting that any archaeology

⁶ Simmons, A. 2008. "Archaeological Monitoring of Earthworks at Riverton Estate." Prepared for Yuan Cheng International Investments Ltd. Simmons & Associates Ltd, Hamilton.

⁷ Response to submissions 126.2, 156.1, 308.1, 308.4; and 367.1 in Annexure 1 of Nicholas Cable's Statement of Evidence dated 1 September 2023.

has been destroyed. Section 57(1) of the HNZPTA relates to the powers of HNZPT and is not relevant here. However, the following is relevant:

- a) Section 42(1) of the HNZPTA states that “unless an authority is granted...in respect of an archaeological site, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site.”
- b) Section 94(b) of the HNZPTA states that it is a defence to a prosecution for intentional site damage if the “action or event could not reasonably have been foreseen or been provided against by the defendant.”
- c) The mapped extent for A105 falls within the model of assumptions for the Waikato Horticultural Complex⁸, particularly in relation to the proximity of borrow pits, and I consider that this provides sufficient foresight for people working in the road corridor to consider the risk of damaging archaeological sites, which I believe is consistent with the intent of PC9 in relation to archaeological sites.

Nicholas Matthew Cable

6 October 2023

⁸ Paragraph 3(g) of Nicholas Cable’s Statement of Evidence dated 1 September 2023.

ANNEXURE 1



Frankton Railway Station and Yards (1877-1906) (S14/498)



Figure 1. Original location of Frankton Railway Station and Yards viewed looking SE from Massey Hall Overbridge (P. Ryan 03/10/2023).

NZAA ArchSite No: S14/498

Significance: Group 2

Location: Railway reserve and former railway land encompassing the current railway station and bordered by the Massey Hall Overbridge to the NW, High Street to the NE, Waterloo Street to the SW and the residential subdivisions along Queens Ave to the SE. Area represents the extent of the pre-1900 extent of the railway station and yards.

NZTM Map Grid Coordinates: E1799480 / N5814965

Heritage Status: Recorded **District Plan Zoning:**
archaeological site (S14/498)

Site Type: Transport / Communication **Features:** railway lines (no other visible remains)

Physical Description: Site record form identifies both 19th and 20th century elements of the railway yards based on documentary research. The 19th century elements include the main trunk railway line, the first Frankton railway station site (1877-1909), railway station yards with 19th century buildings and a crossing point across the lines between Waterloo and High Street.

A 1903 plan for proposed additions to sidings shows the layout of the railway yards at this time (Figure 2). The yards comprise of some five lines on the NIMT side and four lines on the ECMT side of the railway station platform. An unmarked building is shown near the Whatawhata Road Crossing (the present location of the Massey Hall Overbridge) and this is believed to be the station master's house. The central railway station platform contains the railway station, a single storey timber rectangular building with pitched roof verandah on both sides, located on the same alignment as present day Commerce Street (Figure 5). SE of this is another smaller rectangular building and three other small buildings. These are likely to be the station buildings shown in an 1880s photograph of the location, bearing the plaque "FRANKTON JNC" (see Figures 3 and 4). These buildings are small narrow rectangular huts with pitched roofs. Similar

**Archaeological Site
Inventory Number:**
182

Heritage Type:

- ☐ Wāhi Tapu
- ☒ Landscape
- ☐ Building
- ☐ Group of Buildings
- ☐ Structure
- ☐ Monument
- ☐ Historic Place
- ☒ Archaeological Site

Date Period:

Colonial (1840-1900)

Significance:

- ☒ Archaeological
- ☐ Architectural
- ☒ Historic
- ☐ Scientific
- ☐ Technological
- ☐ Cultural



small huts are also shown along the SW side of the NIMT tracks in the 1880s photo. The 1903 plan also shows a weighbridge on the NIMT tracks near the railway station as well as the larger good shed, showing both its original location along the NIMT tracks slightly further NW of the railway station and its post-1903 relocated site on the NE side of the ECMT lines, E of the railway station (Figures 5 and 6). A stockyard is also shown further to the east. The south-eastern end of the yard comprises of the engine shed, a prominent wide gabled building directly along the line of the station platform in the space between the NIMT and ECMT lines near the present railway station site. Further to the SE were a series of six railway workers cottages that are a mixture of hipped roof and box cottage gabled villas with front verandah (Figure 7). These cottages predate the later railway cottage industry that Frankton became known for and survived in to the 1950s before development of the engine service depot buildings and turntable overtook this area (see Figure 8).

None of the buildings depicted in the 1903 plans survive, with all either demolished or removed during the ongoing development of the railway yards. The railway station platform itself was removed as new lines were added and the ECMT lines decommissioned. No physical remains of pre-1900 buildings or structures are still visible other than the alignments of some of the remaining rail lines. There is some potential for subsurface remains of the station platform, goods shed (albeit relocated) and ECMT rail formation on the private land between the current rail reserve and High Street. This land is currently vacant with the exception of two recent town houses and either asphalt sealed, or grass covered (Figures 12 to 13). There is also some potential for remains of the workers cottages, or associated residential activity, in the grassed area SE of the present railway station (Figures 9 to 11), although this area has been greatly disturbed as a result of development of the service depot buildings and their subsequent removal and replacement by grass reserve and carparking.

Other known names: Hamilton Railway Station (1877-1879), Hamilton Junction Railway Station (1879-1884)

Site History: The site was recorded in ArchSite in October 2021 based on information provided by heritage consultant Laura Kellaway.

In 1872, work began on the construction of the North Island Main Trunk (NIMT) railway line southward from Auckland, with the first section to Mercer opened in 1875. The railway reached the township of Hamilton towards the end of 1877 and a site for the railway station was chosen controversially on farmland owned by the Jolly family south-west of the township (*Waikato Times* 20/02/1877:3). The line continued to Te Awamutu by 1880 but then all work halted until negotiations could be completed for access to the King Country. The section between Te Awamutu and Marton took some 25 years to complete and the rail connection between Auckland and Wellington was finally completed on 6 November 1908.

A short branch line was opened from the railway station to a new Hamilton Station in Hamilton West by 1879, with the former Hamilton Railway Station renamed 'Hamilton Junction'. The Waikato River was then bridged in 1884 for extending the line to the Thames area, reaching Morrinsville in September 1884, Te Aroha in 1886, Paeroa in 1895 and Thames itself in 1898. Kirikiriroa Station was added in Hamilton East, at what is now Claudelands. 1884 also marks the renaming of the railway station from Hamilton Junction to Frankton Junction. The Frankton-Thames Line was renamed as the East Coast Main Trunk (ECMT) line in 1928. A branch line was opened to Cambridge in 1884, leaving the ECMT at Ruakura. Another branch line connected to Rotorua in 1894. In December 1897, a line was surveyed from Paeroa through the Karangahake Gorge to Waihi and onto Katikati, requiring construction of the Karangahake Tunnel. The Paeroa to Waihi section was opened in 1905.

By the start of the 20th century, Frankton had become an important junction point,



providing connections across the Waikato Region and back to Auckland. However, by the mid-20th century, Frankton Junction had become the busiest centre on the New Zealand Railways system outside of the four main cities of Auckland, Wellington, Christchurch and Dunedin. A new marshalling yard had to be developed in 1903 to handle the volume of freight traffic and a locomotive service centre, coal depot and sophisticated signalling system were added. The station itself was isolated on an island between main lines and sidings, reached via a long footbridge on Whatawhata Road. A new station was constructed further north in 1909 at the Whatawhata Road crossing to cope with traffic to Wellington on the NIMT. The goods shed was relocated to the east side of the tracks in 1903 (see Figures 5 and 6).

New marshalling yards and an engine service depot were constructed at Te Rapa in 1970, marking the end of Frankton as a major railway centre. The second railway station was closed in 1968 and a new station with a side platform was opened in 1975. The 1909 railway station was demolished and the “south” signal box was relocated to Minogue Park.

Although a significant 20th century location, the importance of Frankton Junction in the late 19th century is somewhat more subdued. The costs and time required for long distance travel were prohibitively expensive, although travel across the immediate district was popular. First and foremost, the coming of the railway signalled government investment in the locality and greatly improved communication with Auckland.

ASSESSMENT CRITERIA

Associative Value: The 19th century aspects of this site are of regional importance. The site is associated with the late 19th century development of transportation links with Auckland and the surrounding district; origins of the development of the township of Frankton and the commercial and industrial development of Hamilton City.

Style/Design/Type: The site represents railway station sites before the introduction of standardised building programmes such as those of Government Architect George Troup. Railway cottages on the site also pre-date the standardised railway cottage design of the 1920s. However there are no surviving remnants of these buildings and only potential for subsurface remains.

Rarity: Low rarity value, as railway station sites are a common type of historic archaeological site.

Contextual Value: The 19th century aspects of this site have regional importance in its association with the development of the NIMT and ECMT railway lines and the opening up of the Waikato region for social and economic travel by locals. The site also has local significance in association with the development of the railway line through Hamilton City and its connection to Hamilton East.

Condition: The condition of 19th century aspects of the site is poor. All surface features appeared to be destroyed as a result of ongoing railway development. Some potential for subsurface archaeological remains in less developed parts of the site.

Integrity: The integrity of 19th century aspects of the site is poor as the area has been extensively disturbed and no surface evidence remains other than the alignment of some of the rail lines. The land use remains the same, however, and there is a continuity of railway stations in this location.



Setting: The site is mostly located within railway reserve, representing a continuity of use. Part of the site encompassing some of the former ECMT formation and potentially some of the railway platform lies in private ownership although it has not yet been fully developed.

Information Potential: There is potential to document subsurface structural remains of the railway station buildings and the cottages at the southern end of the site. There may also be potential rubbish pits or other evidence of residential activity found in association with the cottage sites. This information is of local significance.

Importance to Community: The site was once an important focal point and landmark for the local community at Frankton, but this connection was largely lost with the relocation of rail services to Te Rapa. The present railway station is little more than a basic service centre for rail passengers.

Amenity Value: The present station site, carpark and surrounding grass reserve are public amenities and there is some limited on-site interpretation to commemorate the railway station site and railway cottages, although nothing specifically highlighting the history of this location. The rail corridor is not accessible to the public as it is still a working rail corridor.

Summary of Significance: The District Plan schedule is based on the extent of 19th century features on the site of the original railway station and yards only (see Figure 14). This aspect of the railway site is of limited significance, with local and regional associations. The site does not have any high or outstanding heritage values although it is acknowledged that the 20th century history of the location is of far greater importance but this falls outside of the archaeological site framework under consideration.

The 19th century railway site is recorded in ArchSite as an archaeological site but there are no visible physical remains of the 19th century buildings and structures, other than the alignment of some of the remaining rail tracks. There is some potential for subsurface archaeological remains in less disturbed areas of the site outside of the active rail corridor, particularly in the private land along High Street and in the grass reserve SE of the present railway station. Any archaeological remains in other parts of the site are otherwise assumed to have been destroyed by railway activities.

Reference Sources:

Group Value: The site can be associated with other 20th century built heritage sites linked to the railway industry in Frankton. The site also has links to the nearby Railway Hotel (S14/491).

Research Potential: The 19th century aspects of the site have limited research potential, given the absence of surviving building remains which might inform architectural research themes. There is limited opportunity to research social information of the past lifeways of railway workers through investigation of the cottage sites.

Cultural Associations: The site has cultural importance for local railway workers and the Frankton community.

Aesthetic Appeal: The site is of limited aesthetic appeal as there is little to associate the present location with pre-1900 use of the site.



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Associated Pictures:

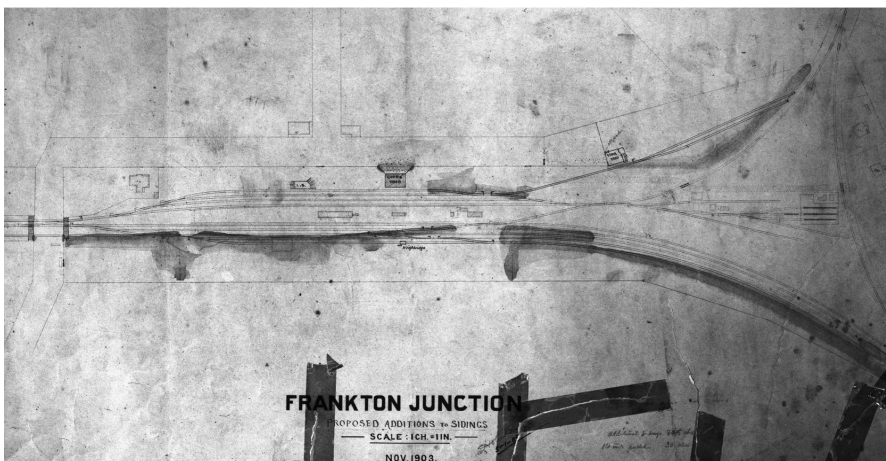


Figure 2. 1903 plan of Frankton Railway Station (Source: Hamilton City Libraries Heritage Collection - HCL_05415).



Figure 3. Photograph of Frankton Junction Railway Station looking SE in the 1880s (Source: Hamilton City Libraries Heritage Collection - HCL_02362).



Figure 4. Photograph of Frankton Junction Railway Station in the 1900s looking SE in the same position as the 1880s photograph (Source: Hamilton City Libraries Heritage Collection - HCL_07047).



Figure 5. Photograph of Frankton Junction Railway Station in c.1900 looking SE, prior to relocation of the Goods Shed (on the right) (Source: Hamilton City Libraries Heritage Collection - HCL_02271).

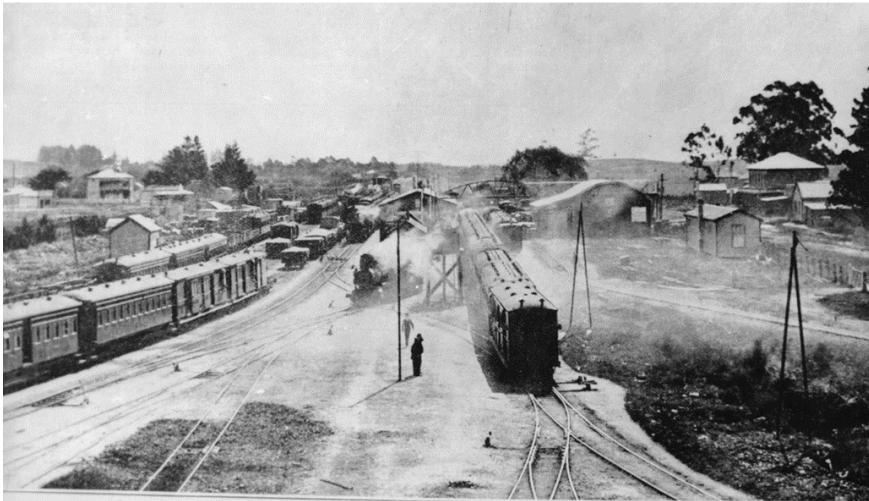


Figure 6. Photograph of Frankton Junction Railway Station in c.1900 looking NW, after relocation of the Goods Shed (on the right) (Source: Hamilton City Libraries Heritage Collection - HCL_02344).

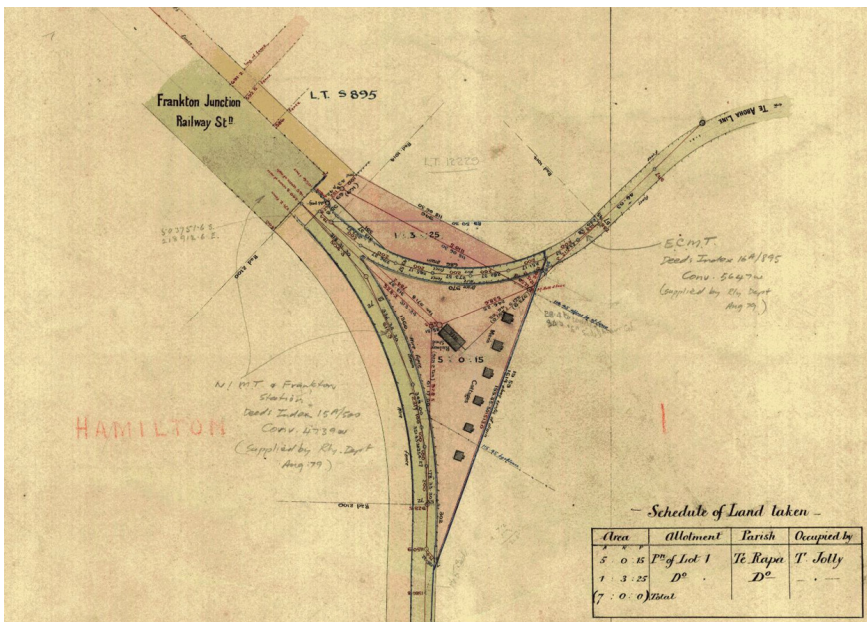


Figure 7. Portion of SO 4242 (1886) showing land taken for the Engine Shed and railway works cottages SE of the railway station (Source: LINZ Archives, accessed via Grip.co.nz).



Figure 8. 1943 aerial photograph (SN266-830-37) of the railway yards showing the remaining cottages next to the engine service depot and turntable (Source: Retrolens).



Figure 9. Current aerial image of the present railway station, car park and grassed reserve (Source: Grip.co.nz).



Figure 10. View NW of grass area where cottages were located, looking towards the present railway station (P. Ryan 03/10/2023).



Figure 11. View south of grass area where cottages were located, looking towards Queens Park Terrace (P. Ryan 03/10/2023).



Figure 12. View NW of rail corridor viewed from the present station platform, overlooking the site of the former railway station buildings (P. Ryan 03/10/2023).



Figure 13. View east from the overbridge, looking over the former location of the station master's house and ECMT rail lines (since removed and grassed over) (P. Ryan 03/10/2023). The former railway station buildings would have been located along the asphalt strip between the grass area and line to the furthest right.



Figure 14. Overlay on modern aerial of the extent of the pre-1900 railway station site with approximate location of building footprints as shown in historic survey plans.

Date of Survey: 04/10/2023

Prepared by: N. Cable

Plan Change 9: Extent of Archaeological and Cultural Sites



Site Number: A182

KEY

- As shown in the Operative District Plan
- As recommended in this evidence
- As notified in Plan Change 9