

Rule 2.5 Significant Archaeological, Historic and Cultural Sites Overlay

Rule Statement

A number of significant archaeological, historic and cultural sites have been identified in the city. Some of these are associated with early European settlement, however the majority of these sites are of significance to Waikato iwi and local hapu.

Sites have been ranked according to their scientific, historic, cultural and educational values and have been scheduled as Tangata Whenua Historical and Cultural Sites (Appendix 2.5-II) or Archaeological Sites Associated with European Settlement (Appendix 2.5-III). Each item has been assigned a ranking from Group 1 to Group 3. (Group 3 sites are noted for information only and are not protected under the plan). Sites are notated on the Planning Maps.

The ranking of each item indicates the degree of protection afforded to it. The higher the ranking, the greater the protection. The purpose of this rule is to control activities which will have an adverse effect on the heritage values of the scheduled sites. The rules associated with scheduled sites control any activity which involves excavation, modification or disturbance of the ground.

Expected Outcome

Scheduled tangata whenua historical and cultural sites and archaeological sites associated with European settlement identified throughout the city are protected against activities which have the potential to destroy, damage or modify them.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the zone in which the site is located, and all other rules in the plan.

The Significant Archaeological, Historic and Cultural Sites Overlay rules shall be complied with first, then the relevant zone or city-wide rules shall apply. Where different standards or activity status apply the relevant provisions in the overlay rule shall take precedence. The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status see [Rule 2.5.3](#) — Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 7.2 Sites of Archaeological, Historic and Cultural Significance.

ADVISORY NOTE — Historic Places Act 1993

Any disturbance of archaeological sites, regardless of their listing or otherwise in this District Plan, is not permitted under Section 10 of the Historic Places Act 1993. Consent of the New Zealand Historic Places Trust is required to modify or disturb an archaeological site under Section 11 of the Historic Places Act. For further information or to make an application, contact the nearest area office of the New Zealand Historic Places Trust.

An authority is required for 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.

2.5.1 Activities**a) Permitted Activities**

- Minor work on sites in Group 1 and Group 2 - Tangata Whenua Historical and Cultural Sites in Appendix 2.5-II and sites in Group 2 — Archaeological Sites Associated with European Settlement in Appendix 2.5-III
- Any activities or work associated with sites in Group 3 - Tangata Whenua Historical and Cultural Sites in Appendix 2.5-II and sites in Group 3 — Archaeological Sites Associated with European Settlement in Appendix 2.5-III

b) Controlled Activities

The following activities are Controlled Activities provided they comply with the standards in [Rule 2.5.2](#), and will be controlled in respect of the matters identified.

- Any activity which involves excavation, modification or disturbance of the ground of any site in Group 2 - Tangata Whenua Historical and Cultural Sites in Appendix 2.5-II
 - with respect to scale, design and location of the activity; and conservation/recognition of the site
- Any activity which involves excavation, modification or disturbance of the ground of any site in Group 2 - Archaeological Sites Associated with European Settlement in Appendix 2.5-III
 - with respect to scale, design and location of the activity; and conservation/recognition of the site.

c) Discretionary Activities

The following are discretionary activities:

- Any activity involving excavation, modification or disturbance of a site in Group 1 - Tangata Whenua Historical and Cultural Sites in Appendix 2.5-II
- Any activity involving excavation, modification or disturbance of a site in Group 1 - Archaeological Sites Associated with European Settlement in Appendix 2.5-III.

2.5.2 General Standards

The following general standards apply to all Controlled Activities.

a) Excavation, Modification or Disturbance of the Ground

- i) Prior to any activity being undertaken, written advice shall be obtained from an appropriately qualified person or body concerning the effects of the proposed activity on the cultural and heritage values identified for the site and outlining possible mitigation measures.

In the case of the site having identified Tangata Whenua values, the relevant Iwi shall be requested to provide advice.

Where the site history indicates that there may be historical artefacts or other physical remains, advice shall be obtained from a suitably qualified and experienced archaeologist.

- ii) Advice is also required that the necessary authority to modify or damage an archaeological site has been obtained from the New Zealand Historic Places Trust under the Historic Places Act 1993.
- iii) All advice obtained shall be provided to Council with any resource consent application.

b) Exceptions to the General Standards

- i) An archaeological assessment, advice from the New Zealand Historic Places Trust, or consultation with iwi will not be required under this rule where there is documentary evidence held by Council that this has previously been carried out for the site, and that the proposed new work is covered by that documentary evidence.
 - ii) This rule will not apply where a resource consent under this rule has been previously granted for the site.
- c) Excavation, Modification and Disturbance - means to dig into, or the removal of soil or other material from, the ground; or the movement of soil or other material on to or within the site which changes the existing profile of the landform; with the exception of those matters defined as Minor Work (in relation to the Significant Archaeological, Historic and Cultural Sites Overlay).

2.5.3 Failure to Meet Standards

Activities which do not comply with the performance standards in [Rule 2.5.2](#) are **Discretionary Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

2.5.4 Performance Outcome – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

a) Scale and Design of the Activity

The design, layout or location of the activity, including associated building platforms, vehicle access and services on site, should be located in order to minimise disturbance of any site.

b) Conservation and Recognition of the Site

- i) Plans for on-going maintenance of the site should be developed so that the site is preserved and that damage does not occur.
- ii) Planting, fencing and identification (eg. signage) of any site should be developed to ensure the site is recognised.

2.5.5 Assessment Criteria – Discretionary Activities

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

a) General Criteria

- i) The extent to which any activity adversely affects the historical, cultural or spiritual significance of any site which is significant to Waikato Iwi and local hapu.
- ii) The necessity of any modification and any alternative methods and locations available to the applicant for carrying out the work or activities, including any recommendations from consultation with tangata whenua and the Historic Places Trust.
- iii) The extent to which activities on or in the vicinity of a scheduled site adversely affect the physical structure and integrity of any site by the removal, addition, excavation, or compaction of any soil, rock or other material.
- iv) The extent to which vegetation planted on or in the vicinity of the archaeological site is likely to cause damage or detract from the site's features.
- v) The extent to which more than minor adverse effects can be adequately remedied or mitigated on-site.
- vi) The need to address the impact of sites on the ability of the applicant to utilise the property.

Appendix 2.5–I Assessment of Significant Archaeological, Historic & Cultural Sites

Rankings of Significance

Ranking for significant archaeological, historic and cultural sites in Hamilton City has been established as follows:

Tangata Whenua Historical and Cultural Sites

Group 1: Outstanding Sites of Archaeological, Historic and Cultural Value

Group 2: Significant Sites of Archaeological, Historic and Cultural Value

Group 3: Noteworthy Sites of Archaeological, Historic and Cultural Value

Archaeological sites associated with European Settlement

Group 1: Outstanding Sites of Archaeological, Historic and Cultural Value

Group 2: Significant Sites of Archaeological, Historic and Cultural Value

Group 3: Noteworthy Sites of Archaeological, Historic and Cultural Value

The ranking of significant archaeological, historic and cultural sites has been based on the archaeological categories (see below) as well as an assessment of the integrity of the site, its rarity and its condition.

Rankings	Description of Sites
Group 1 Sites	Sites with some surface features preserved. Sites worth preservation at all costs. a — currently in a good state of preservation b - historically and scientifically important c - traditionally important d — suitably located for permanent preservation
Group 2 Sites	Sites where all surface evidence has been destroyed but subsurface evidence may still be present.
Group 3 Sites	Sites of minor importance (mostly findspots). Locations of sites now almost entirely destroyed.

Appendix 2.5–II Tangata Whenua Historical and Cultural Sites Schedule

Group 1 Sites - Outstanding Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A19	Pa/pits (Okepo Pa)	Pukete Rd	Lot 1 DPS 55931	Group 1 (a & d)	2
A38	Miropiko Pa	339, 343, 345 River Rd	Lots 1 & 2 DP 31703 Lot 215 DP 449	Group 1 (a & d)	11
A46	Kairokiroki Pa	217 Peacockes Rd (Glenview Club)	Lot 1 DPS 12490	Group 1	16
A59	Pa (Te Kourahi Pa)	Cobham Dve	Lot 514 DPS 9477	Group 1	15
A77	Pa	Malcolm St	Lot 1 DPS 16456 Lot 48 DPS 13635	Group 1 (a & d)	16
A165a	Borrow pits	River Rd	Lot 13 DPS 85254	Group 1	2
A176	Borrow pits	337 Peacockes Rd	Lot 1 DPS 46395	Group 1	16
A201	Borrow pits	R1 Arterial route (west of Hukanui Rd)	Road Reserve adjacent to Lots 10, 14, 15,18, 19, 26 DPS 20417 & Lots 31, 40 & 41 DPS 2100	Group 1	7
A208	Borrow pits	789 River Rd	Lot 33 DPS 6071	Group 1 (a, b & d)	7
A209	Borrow pits	60-70 St Andrews Tce	Lot 31 & Lot 32 DP 10964	Group 1	6/7
A220	Te Totara (Papakainga)	Featherstone Park, River Road	Lot 2 DPS 62544	Group 1	2
A47	Pa	103 Peacockes Road	Lot 1 DPS 90309	Group 1	16

Group 2 Sites - Significant Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A3	Fortified Pa (Tupari Pa)	27 Pollock Dve & 677 River Rd	Lot 8 DPS 10486 Lots 2 & 3 DPS 28101 Lots 1 & 10 DPS 9657	Group 2	7
A23	Findspot	16 Chartwell Cres	Lot 15 DPS 7313	Group 2	7
A25a	Pa (Owhango Pa)	1261 River Rd	Lot 3 DPS 9044 Lot 15 DPS 71459 Lot 2 DPS 9044 Lot 33 DPS 65265 Lot 25 DPS 64834	Group 2	6
A27	Pa (site of battle — Kukutaruhe)	Donny Ave and Conway Dve	Lots 4 & 5 DPS 16087 Lot 24 DPS 16087 Lots 6 & 7 DPS 16087	Group 2	7
A28	Pa (Te Inanga Pa)	1A, 3, 5, 7 Wymer Tce	Lots 1, 2, 3 & 4 DPS 5738	Group 2	7
A34	Te Rapa Pa	Cobham Dve	Lot 86 DP 17643	Group 2	11/15
A37	Pa (Waitewhiriwhiri)	Victoria St	Allotment 286 Pukete	Group 2	11

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A39	Kirikiroa Pa	Victoria St, 2, 4, 6 Bryce St, 3, 13 London St	Lot 1 DPS 736 Lot 1 DP 13133 Lot 1 DPS 65343 Lot 6 DP 13884 Lot 2 DPS 5279 Lots 1, 3, 4 & 5 DPS 5279 Lot 2 DPS 65343 Lots 2, 3 & 4 DP 10335 Lot 1 DPS 27882 Lot 3 DP 31762 Lots 10, 11 & 12 DP 11019	Group 2	11a
A41	Opoia Pa	179 River Rd, Jesmond Park	Lots 1, 2 & 3 DP 14636 Lot 3 DP 18921 Claudelands Road road reserve adjacent to Lot 1 DP 14636 & Lot 3 DP 18921	Group 2	11a
A44	Pa	10, 12, 14, 16, 29, 31, 33, 35, 37, 39, 41,43,45,47 Balfour Cres	Lot 1 DPS 34675 Lots 1 & 2 DPS 76159 Lots 3, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35 & 44 DPS 9899	Group 2	16
A48	Pa	4 Cotebrook Lane	Lot 3 DPS 29232	Group 2	12
A60	Pa (Te Parapara Pa)	Hamilton Gardens	Allotment 225A Kirikiriroa	Group 2	16
A63	Pa (Puru Pa)	12, 14, 16 Kotahi Ave	Lots 6 & 7 DP 14611 Lot 1 DPS 63511	Group 2	11
A64	Pa/burial	Stubbs Rd and Nukuhau Stream	Allotment 87 Te Rapa	Group 2	16/17
A90	Whatanoa Pa	Willoughby St	Allotment 457 Town of Hamilton West	Group 2	11
A97	Pa/urupa	Pukete Rd	Allotment 4A Pukete	Group 2	1
A111	Oven	Between Pukete Road and the Waikato River	Allotment 4 Pukete	Group 2	1

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A165b	Borrow pits	River Rd	Lot 8 and Lot 9 DPS 85254	Group 2	2
A210	Urupa (burial grounds)	465 and 509 Tuhikaramea Road	Lot 1 DPS 88403 and Pt Allot 371 Tuhikaramea Parish	Group 2	14a

Group 3 sites - Noteworthy Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A4	Borrow Pits	7, 9, 11, 13, 15, 17, 19, 21,23,25, 27, 29 Mangakoea Pl, 67, 69, 71, 73, 75, 77 Sandwich Rd, 133, 137, 139, 141, 143, 150, 152, 154 Bryant Rd	Lots 36, 37, 38 DPS 11797 Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 DPS 58002 Lots 28, 29, 30, 31, 32 DPS 73457 Lots 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95 & 96 DPS 76047 Lot 67 DPS 79722 Lot 1 DPS 73457 Lots 17 &18 DPS 58002	Group 3	6
A25b	Pa (Owhango Pa)	11 River Elm	Lot 6 DPS 71459	Group 3	6
A30	Pa	Pukete Rd	Lot 1 DPS 55931	Group 3	2
A40	Oven	Beale St	Lot 2 DP 17455	Group 3	11a
A66	Pa?	1 MacFarlane St & 1, 1A Sillary St	Lots 1 & 3 DPS 21107 Lot 2 DPS 3770 Allotment 23 Town of Hamilton East	Group 3	15
A79	Pa/borrow pits	Riverlea Rd	Lot 2 DPS 68608	Group 3	17
A86	Findspot	15 Tanekaha Pl	Lot 3 DPS 22187	Group 3	6
A116	Findspot	43 Dalglish Ave	Lot 2 DPS 6986	Group 3	6
A161	Findspot	Peacockes Rd	Lot 2 DPS 12490	Group 3	16

Appendix 2.5–III Sites Associated with European Settlement Schedule

Group 1 Sites - Outstanding Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A45	Narrows Military Redoubt	Cobham Dve and Waikato River	Allotment 483 Kirikiriroa	Group 1	16
A206	Lime kiln	London St & Waikato River	Hamilton Parade road reserve adjacent to Lot 2 DPS 65343	Group 1	11a

Group 2 Sites - Significant Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A57	Hamilton West Military Redoubt	51 Victoria St	Allotment 59A Town of Hamilton West	Group 2	11a
A95	Military redoubt	Between Galloway and Fox Sts	Allotment 412 Town of Hamilton East	Group 2	12
A102	Flour mill	147 Ohaupo Rd,	Lot 2 DPS 7832	Group 2	15

Group 3 Sites - Noteworthy Sites of Archaeological, Historic and Cultural Value

Site no.	Type and name of site	Street Address	Legal Description	Ranking	Planning Map No.
A72	Moule's Redoubt	22, 24, 26 Bridge St	Lots 1 & 2 DP 35065 Lot 1 DPS 21732	Group 3	11/11a