

3.0 PLANNING LEGISLATION AND DOCUMENTS

3.1 Reserves Act 1977

The majority of Titirangi reserve is classified as 'Recreation Reserve' under the Reserves Act 1977. The purpose of Recreation Reserves is:

"For the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and outdoor recreational activities, including recreational tracks in the countryside."

The Reserves Act further states under s.17(2) that every Recreation Reserve shall be so administered, that:

- "(a) The public shall have freedom of entry and access to the reserve...*
- (b) Where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve: ...*
- (c) Those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved:*
- (d) To the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained."*

3.2 The Open Space Strategy for Gisborne City and Wainui 2002-2022

Although not a legislative requirement the Open Space Strategy for Gisborne City approved by Council sets out to protect and enhance our most valued open spaces and provides a 20-year vision of what we want them to look like and how we want them to be used both now and in the future. One of the main themes of the OSS is the need for a network of linkages creating circuits in and around the City. This connects the beach, harbour, city, rivers and Titirangi Reserve.

The existing City walkway is proposed to continue to the Inner Harbour then connect to Titirangi. Other features such as historic and cultural sites, murals and sculptures are to be included within these linkages where possible. Emphasis is placed on the diversity of choices along tracks offering more opportunity in respect to destinations and levels of ability resulting in the enhanced appreciation by differing abilities.

The Open Space Strategy identifies the need for a management plan for Titirangi and recommends the following actions:

- Establishing and promoting native planting;
- Developing walkways as an educational resource;
- Maintaining views from lookouts;
- Considering incorporating themes of the CBD upgrade with seating, paving and interpretive panels, especially at Lookout areas;
- Supporting and promoting the use of a management group of 'Friends of Titirangi';
- Continuing to remove exotics;
- Implementation of noxious plant spray and eradication programme;
- Developing a walkway from Titirangi Drive to the end of Kaiti Beach Road;
- Work with Ngati Oneone to provide information on Titirangi that could be used to develop storyboards and interpretive panels, sculptures/artworks, and use Maori names where appropriate.

3.3 The Historic Places Act 1993

The Historic Places Act 1993 over-rides all other planning legislation for archaeological sites. Any physical works on an archaeological site first requires consent under Section 11 of the Historic Places Act 1993.

Under the Historic Places Act 1993 (section 2) 'archaeological site' means any place in New Zealand that:

(a) Either-

- (i) Was associated with human activity that occurred before 1900; or
 - (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900;
- and

(b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

Any physical works on Titirangi also requires resource consent approval under Gisborne District Combined Regional and District Plan. A heritage overlay (Wahi tapu – see 3.4.2) covers the whole area of Titirangi under the District Plan.

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3.4 Gisborne District Combined Regional Land and District Plan

▶ Heritage Reserve Zone

Titirangi Reserve is zoned as a Heritage Reserve in the Gisborne District Combined Regional Land and District Plan (the Plan). The purpose of the Heritage Reserve zone, according to the Plan, is primarily to retain open space and natural vegetation with limited development. The zone includes commonly identified land of cultural/spiritual significance to Tangata Whenua and sites of historical/archaeological importance. The Heritage Reserve Zone enables passive and outdoor recreation, habitat conservation, including new landscaping, maintenance and enhancement works.

The Heritage Reserve zone enables the community to provide for its recreation, cultural and scenic needs in such a way that does not create adverse effects, especially in relation to the historical values of Titirangi. The objectives and policies in Titirangi Management Plan reflect the purpose of the reserve under the District Plan (heritage reserve) and the Reserves Act 1977 (parts classified as recreation reserve).

Several District Plan overlays apply to Titirangi. These are briefly summarised as follows:

▶ Wahi Tapu/Archaeological Sites

Titirangi is identified in the Wahi Tapu and archaeological sites Schedules and these are mapped on the planning maps as sites or overlays. Wahi Tapu are places and areas identified by tangata whenua as being of cultural or spiritual significance and registered, as such by Historic Places Trust⁸.

Where a wahi tapu is also an archaeological site, the provisions relating to archaeological sites under the District Plan also apply.

Wahi tapu policies in the District Plan set parameters that Council should consider when an application has the potential to impact on wahi tapu areas. It is preferred, in order to implement the objectives that alternative locations of the activity be explored, as well as the nature, extent and form of the activity and effects it could have on spiritual and cultural values. The process of avoiding wahi tapu is reliant on the consultation process between the parties. Wahi tapu might not be related to physical archaeological remains. Where there are remains the provisions relating to archaeological sites should also apply to wahi tapu. Archaeological sites are physical resources⁹. The resource needs to be sustainably managed to ensure that adverse effects are avoided, remedied or mitigated.

⁸ Gisborne District Combined Regional Land and District Plan, 3.14.5 Regulation

⁹ Gisborne District Combined Regional Land and District Plan, 3.8 Policies (Wahi Tapu and Waahi Tapu Areas Schedule (Overlay 3))

The Wahi Tapu and Wahi Tapu Areas Schedule in the District Plan include Pa, pits, terraces and middens sites on Titirangi. All proposed earthworks require Resource Consent and Authority to modify from New Zealand Historic Places Trust.

▶ **Post European Contact Schedule**

Items included in the Post European contact Schedule have been identified by the community and tangata whenua as being of significance in respect of the post-European contact period. Prior to any demolition, modification or addition to items included in the Post-European Contact Schedule Resource Consent is required. The Schedule identifies two sites on Titirangi:

- (P.3) Cottage Site, which is registered as an archaeological site; and
- (P.22) Gun Emplacement, which has a category B classification under the Historic Places Act, but not covered as an archaeological site.

▶ **Coastal Environment Overlay**

This overlay essentially covers the hill area south of Titirangi Drive towards the sea. Maintenance of lawfully established roads and tracks and some vegetation is permitted.

▶ **Site Caution**

The Site Caution Overlay covers the entire hill and highlights that there are significant potential hazards because of land instability.

▶ **Ridgeline**

The ridgeline overlay means that resource consent is required to erect structures on the ridgeline to assess their dominance on the landscape.

▶ **Land Overlays 1, 2 and 3**

These overlays broadly reflect the land resources varying susceptibility to erosion. The reserve is mostly covered by Land overlay 2, and a resource consent application is required in some instances prior to land disturbance or removal of soil which allow for various thresholds of environmental effects for particular activities.

▶ **Coastal Hazard Zones**

A detailed assessment, which outlined the extent of coastal hazards, forecast shoreline positions and provided the basis to determine the relative degree of risk by applying four coastal hazard zones. Titirangi falls partly into Coastal Hazard zones identified as Moderate Risk Area and Safety Buffer area. Resource consent is required in some instances for earthworks.

► Designation 129

The Telecom Repeater Station near the top of the hill, which is not part of the reserve, is designated for ‘telecommunication, radio communication and ancillary purposes’.

3.5 Regional Coastal Environment Plan Protective Natural Area TP8

The Department of Conservation’s Turanga Ecological District Survey Report for the Protected Natural Areas Programme identifies part of Titirangi as an area of ecological significance affording Protective Natural Area status (see map below).



The southwest area of the reserve comprising approximately 38.2 hectares is listed a Protective Natural Area 8 (PNA)¹⁰. It comprises two main parts, being the steep erosion-prone, seaward slopes (to the west of Titirangi Drive) and the gentler landward slopes (east of Titirangi Drive). There are small pockets of primary flaxland, secondary scrub, exotic and native plantations. Most of the native vegetation is on the seaward hill slopes in the southeast part. Here five-finger, karo, and tutu scrub not found elsewhere in the whole district is well developed on the colluvial toeslopes and extends up onto the lower hill slopes.

¹⁰ Department of Conservation, 1991. Turanga Ecological District – Survey report for the Protected Natural Areas Programme.