



05/11/2021

File ref: LA010

Gisborne District Council

Dear Sir/Madam,

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO A NOTIFIED LAND USE CONSENT BY GDC-LIVEABLE COMMUNITIES AND NGATI ONEONE FOR THE ESTABLISHMENT OF A WHARE AND ASSOCIATED CARPARKING AND LANDSCAPING AT THE TITIRANGI SUMMIT.**

Gisborne District Council (GDC), in partnership with Ngati Oneone proposes to redevelop the summit of Titirangi with the installation of a whare on the Titirangi maunga, including the construction of the building, parking, servicing and site works. Overall the proposal is a non-complying activity. The applicant requested that the proposal is publically notified.

**TO: GISBORNE DISTRICT COUNCIL**

**FROM: HERITAGE NEW ZEALAND POUHERE TAONGA**

1. This is a submission to a notified land use consent for the establishment of a whare on the Titirangi maunga (Titirangi summit Stage 2 works), including the construction of the building with site works within a GDC waahi tapu and a heritage alert layer that includes recorded archaeological sites. The proposal is within a heritage reserve zone. The proposal also includes alterations to a scheduled heritage item.
2. HNZPT understands the proposal seeks, amongst other matters, consent for:
  - Erection of a building within a historic reserve (Rule DD5.6.1C(15)-Non-complying activity as land use activity not provided for,
  - Undertake works within a buffer area/wahi tapu (Rule C4.1.12(7)-Discretionary activity),
  - Undertake alterations to a scheduled heritage item (Rule C4.1.12(14)-Discretionary activity).

Overall the proposal is considered a non-complying activity.

An earlier non-notified consent, granted in 2019, authorised the larger scale earthworks and site preparation works, that were undertaken in 2019, as part of the preparation for the works proposed as part of this notified consent.



3. **HNZPT could not gain an advantage in trade competition through this submission.**

4. **HNZPT's submission is:**

HNZPT supports the proposal in principle, subject, in the event that the proposal is approved, to the decision containing conditions of consent to mitigate adverse effects on scheduled historic heritage and unrecorded archaeology.

5. **The reasons for Heritage New Zealand's position are as follows:**

Heritage New Zealand is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand is New Zealand's lead historic heritage agency. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeology.

The Resource Management Act requires that the protection of historic heritage should be *recognised and provided for* as a Matter of National Importance (Section 6(f)).

6. **Background**

a) HNZPT has reviewed the resource consent application in particular:

- Resource consent Application and Assessment of Environmental Effects by 4Sight Consulting, dated September 2021 (AEE) and the following appendices;
- Appendix C-Design Package,
- Appendix D-Landscape and Visual Assessment,
- Appendix E-Heritage Report,
- Appendix L-Archaeological Assessment, and
- Appendix N-Tairāwhiti Resource Management Plan Rules Assessment.

b) The historic heritage values are identified within the assessment of environmental effects and the various specialist reports. Specifically, they include:

- Heritage Alert layer,
- Waahi Tapu-GDC scheduled Waahi tapu WY 17-area mapped as the heritage reserve,
- Scheduled heritage item-Gun-P22-Category B,
- Recorded archaeological sites (in the vicinity of works only) and the Gun Emplacement.

7. **HNZPT Response**

(a) Archaeology

Historic heritage is a matter of national importance under Section 6(f) of the Resource Management Act 1991 (the RMA). The definition of historic heritage under Part 2 of the RMA includes archaeology. Under section 104(1) of the RMA, a territorial authority must consider Part 2 matters (which includes section 6(f)) when making a decision on an application. Therefore, effects on archaeological sites must be taken into account by council when assessing a consent application.

The Heritage New Zealand Pouhere Taonga Act 2014 provides protection for all archaeological sites, whether recorded or not. It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand. By careful project design, it is frequently possible to avoid any such modification. However, where avoidance of an archaeological site is not possible, an Archaeological Authority will be required. An Authority is also required if there is reasonable cause to suspect that an archaeological site may be modified or destroyed. All applications for Archaeological Authorities must be made to Heritage New Zealand.

HNZPT has reviewed the archaeological advice<sup>1</sup> in Appendix L to the AEE and concurs with its author that *"The likelihood of encountering intact archaeological features during the proposed project work is low"*<sup>2</sup>. Therefore, HNZPT considers that the proposed works can proceed under an Accidental Discovery Protocol as recommended in the archaeological advice. HNZPT seeks that this requirement is reflected as a condition of consent should the proposal be approved.

(b) Built heritage

The heritage scheduled gun emplacement is the existing visible remnant *"of the battery complex that was erected on Titirangi in 1942-43 to defend the Port of Gisborne from enemy attack."*<sup>3</sup>

The application proposes the retention of the scheduled heritage item and to continue its adaptive reuse as a lookout point albeit with alterations. HNZPT is supportive of the retention and reuse of the scheduled heritage item. However, HNZPT does have some concerns related to the exact nature of the proposed alterations. Unusually the resource consent application does not specify the exact changes proposed for the scheduled heritage item or their exact nature other than to describe them as alterations for interpretation and safety measures. The changes appear to also include a change proposed in the CEPTED Assessment, that is Appendix 1 of Appendix C-Design package, that indicates for item 9 - *"Closing gun emplacement off to prevent people from hiding,"* however no detail is provided. This lack of detail makes it difficult to understand the possible nature of effects of the proposal on the scheduled heritage item and is also potentially at odds with a suggestion by the heritage consultant of reusing the ground level part of the gun emplacement.

HNZPT has reviewed the heritage report<sup>4</sup> at Appendix E to the AEE and concurs with its author that any alterations made to the scheduled heritage item should be approved by an experienced heritage practitioner. As the relevant information is not available at the time of writing, HNZPT considers that the following should occur:

- the specific nature of the proposed alterations should be requested as part of the conditions of consent, and
- the proposed alterations to be subject to the review and approval of an experienced heritage practitioner as part of conditions of consent, and

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<sup>1</sup> Archaeological Advice-Te Panuku Tu Project (Stage 2), Titirangi Recreation Reserve, Gisborne, dated 9th August 2021, by Lynda Walters, Insitu Heritage Limited.

<sup>2</sup> Archaeological Advice-Te Panuku Tu Project (Stage 2), Titirangi Recreation Reserve, Gisborne, dated 9th August 2021, by Lynda Walters, Insitu Heritage Limited, page 3.

<sup>3</sup> Assessment of Environmental Effects-Heritage, Gisborne Battery Gun Emplacement, Titirangi, dated 26 August 2021, by Michael Kelly Heritage Consultant, page 1.

<sup>4</sup> Assessment of Environmental Effects-Heritage, Gisborne Battery Gun Emplacement, Titirangi, dated 26 August 2021, by Michael Kelly Heritage Consultant.

- the general nature and extent of the proposed alterations should be constrained as specified by certain conditions of consent as discussed below.

The first two bullet points above generally reflect the first recommendation<sup>5</sup> in the heritage report and the recommended heritage conditions of consent in the AEE<sup>6</sup>. With regard the nature of the proposed balustrade for the gun emplacement HNZPT concurs with the recommendations that the balustrade be glazed. A glazed balustrade will not detract from the heritage values of the gun emplacement. Care will have to be taken with its installation.

However HNZPT does not concur with the part of the heritage report recommendation that interpretation should be placed on the glazed balustrade, assuming that the glazing is to be at one end only to replace the current mesh fence. HNZPT considers that the interpretation should be placed on the solid interior sides of the lookout platform, as shown most clearly in the drawings entitled Proposed Gun Emplacement Improvements, page 41, Appendix C-Design Package.

HNZPT notes that the third recommendation of the heritage report appears to be in conflict with the suggestions for the gun emplacement in the CEPTED Assessment. Further clarification needs to be provided around this aspect and subject to the review of an experienced heritage practitioner.

With regard the mitigation of adverse effects on the scheduled heritage item, HNZPT considers that an additional condition is required regarding the placement of interpretation relating to the history of the gun emplacement. As mentioned above, HNZPT considers that any interpretation material should be placed on the interior walls (not on the glazing) of the gun emplacement at the upper lookout area. This would ensure the retention of the exterior heritage values of the scheduled heritage item.

#### **8. Heritage New Zealand seeks the following decision from the local authority:**

HNZPT seeks in the event that the application is approved, to address adverse effects on historic heritage, that the following conditions are part of the decision:

##### Archaeology Condition

It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

The applicant is advised to immediately stop work and contact Heritage New Zealand Pouhere Taonga if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand Pouhere Taonga must be obtained for the work to

<sup>5</sup> Assessment of Environmental Effects-Heritage, Gisborne Battery Gun Emplacement, Titirangi, dated 26 August 2021, by Michael Kelly Heritage Consultant, page 3, first bullet point.

<sup>6</sup> Resource Consent Application and Assessment of Environmental Effects for Gisborne District Council, Te Panuku Tu-Titirangi Summit Development, by 4Sight Consulting, September 2021, page 53, 2<sup>nd</sup> bullet point under heading Heritage.

proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

Built heritage Conditions

- a) That the proposed balustrade to the gun emplacement is glazed.
- b) That no interpretation, signage or other such material is placed on the exterior walls of the gun emplacement, or on the interior or exterior of the glazed balustrade.
- c) Any alterations made to the emplacement for interpretation or visitor experience purposes should be approved by an experienced heritage practitioner to ensure that changes to heritage fabric or the introduction of new fabric are the minimum necessary and do not adversely affect the heritage values of the gun emplacement. In particular, any intrusion into the existing fabric should be carefully considered.

**9. Heritage New Zealand does not wish to be heard in support of our submission.**

Yours sincerely



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