



27/10/2022

File ref: LA010

Gisborne District Council,  
15 Fitzherbert Street,  
Gisborne, 4010

To whom it may concern

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO A NOTIFIED  
DISCRETIONARY ACTIVITY RESOURCE CONSENT BY EASTLAND PORT LIMITED**

The applicant, Eastland Port Limited, is seeking approval for a bundled, discretionary resource consent, to allow for the upgrade and extension of the Gisborne Port. The location of the proposed works includes existing wharf side areas, the port basin, and the coastal marine area, and proposes the following activities:

- Extension of Wharf 8 to accommodate concurrent berthing of 200m and 185m shipping vessels.
- Reclamation of the Coastal Marine Area next to the southern log yard and the Boat Harbour.
- Rebuilding the outer breakwater.
- Upgrading stormwater treatment infrastructure in the Southern log yard.
- Capital and maintenance dredging with disposal of dredged material to the Offshore Disposal Ground.

**TO: GIBBORNE DISTRICT COUNCIL**

**FROM: HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT)**

**1. This is a submission on the following notified Resource Consent/s:**

HNZPT specific areas of interest pertain to the Historic Heritage "Boat Harbour", and consultation with Iwi, as part of the following consents:

- CP-2022-111365-00-Coastal Permit
- CD-2022-111366-00-Coastal Permit - Discharge to water
- CC-2022-111367-00-Coastal Permit - Construction
- CR-2022-111368-00-Coastal Permit - Dredging
- CO-2022-111369-00-Coastal Permit - Occupy Space,
- NC-2022-111370-00-NES Contamination in Soil,
- LU-2022-111371-00-Land Use

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

3. **The specific provisions of the proposal that HNZPT's submission relates to are:**

The proposal will include works to the seabed, dredging, dredge spoil dumping and works related to the construction of a reclamation and a wharf extension, both of these latter works near an historic heritage place known as the Boat Harbour, and adjacent to the HNZPT listing, listing 3473 which includes the national reserve and monument.

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

HNZPT opposes in part the proposed works that could have adverse effects on cultural and archaeological values. HNZPT is not opposed to the proposed activities subject to appropriate and ongoing consultation and avoidance and mitigation measures as required to minimise any adverse impacts on cultural and archaeological values.

HNZPT opposes in part the proposed works that could have adverse effects on historic heritage values. HNZPT is not opposed to the proposed activities subject to the appropriate ongoing management of historic heritage including avoidance and mitigation measures as required to minimise adverse impacts on historic heritage values.

5. **The reasons for HNZPT's position are as follows:**

HNZPT 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. HNZPT 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 the following matters of national importance:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga: and

(f) the protection of historic heritage from inappropriate subdivision, use, and development.

The purpose of the **New Zealand Coastal Policy Statement 2010** is to state policies in order to achieve the purpose of the RMA in relation to the Coastal Environment of New Zealand. (See Appendix 1 for relevant parts of the Coastal Policy Statement 2010)

#### **Discussion**

HNZPT has reviewed the application material and has a number of concerns, and also requires clarification regarding:

- effects of the proposal on cultural values, including the wider cultural landscape, and
- effects of the proposal on the historic heritage place known as the Boat Harbour and the Boat Harbour's connection to the Puhi Kai Iti/ Cook Landing Site National Historic Reserve and Monument.

### **Cultural Values**

HNZPT is concerned at the absence of material in the application relating to concerns that Mana Whenua may have regarding this proposal, particularly given the direction of the Environment Court consent order, issued after Stage 1 of this project. The consent order anticipated this Stage 2 application and relevant processes and documentation that would be required to inform this stage 2 application prior to its lodgement.

While the AEE advises at page 184 the progress on the Cultural Values & Relationships Framework documents and includes those at Appendix K, and there is reliance in part on the Rongowhakaata Iwi Trust CIA in relation to the 2020 application "*in respect of the dredging components of this current proposal*"<sup>1</sup>, there is concern that there is not sufficient information provided at this stage to evaluate the effects and seek avoidance or appropriate mitigation as required to ensure that there is a no more than minor adverse effect on cultural values. Indeed, the mitigation measures cited at section 14<sup>2</sup> of the AEE may or may not be relevant, depending on the content of the CIA.

### **Boat Harbour and Historic Heritage and Cultural values**

HNZPT is concerned that the importance of the site (including the Boat Harbour) has been understated – this is the site of the first land-based encounters between Māori and Pākehā in Aotearoa New Zealand. It could hardly be more important in relation to our collective history/histories, let alone its role as a landing place for earlier ancestral waka for which it also has huge significance. Overall, the site is of major national importance for its connections with international maritime voyaging, and the layered connections of Aotearoa New Zealand with both the wider Polynesian and European worlds.

The remaining visible portion of the Boat Harbour (which can be seen from the top of Kaiti/Titirangi) is the last physical expression of connection between sea and land dating to the pre-1840 period on this side of the river mouth (which formed the most significant part of the landscape) – the rest has been industrialised. It forms an integral and highly tangible part of the narrative relating to both early human arrival and first encounters, irrespective of whether it is technically recognised through HNZPTA provisions or as a scheduled heritage item. HNZPT concurs with the consideration in the Assessment of Heritage Values<sup>3</sup> that the Boat Harbour is an historic heritage place for the purposes of an RMA assessment as part of this discretionary resource consent application.

HNZPT is concerned that this further reclamation, and perhaps also the works associated with the adjacent wharf, so close to the Boat Harbour is another step in its diminution, and potentially highly problematic, especially with such a small setback. Increasingly, its visual and other connections with the open harbour - an essential part of its historical and cultural significance - are being encroached upon.

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<sup>1</sup> AEE, Section 3.6.3 Other Meetings with Tangata Whenua, Page 26

<sup>2</sup> AEE, Section 14 Mitigation Measures, Page 217.

<sup>3</sup> Appendix J, InSitu-Eastland Port Ltd, Twin Berths Project, Archaeology and Heritage Effects Assessment, 5<sup>th</sup> July 2022, Page 22.

While the Assessment of Environmental Effects (AEE) and associated Assessment of Heritage Values<sup>4</sup> have canvassed the matter of the impacts on historic heritage, and proposed mitigation measures, which include an Accidental Discovery Protocol and the following proposed condition:

*2. No construction activity, dredging sediment or debris deposition should be permitted to occur within this identified area of the Boat Harbour or the identified 5 metre buffer between the Reclamation Area and the Boat Harbour.*<sup>5</sup>

HNZPT is concerned that the application does not provide a sufficient level of certainty regarding the possible impacts on the Boat Harbour from the construction, piling, dredging and sediment effects of the proposed activities themselves to be able to clearly determine if the 5m setback is sufficient to avoid adverse effects at the time of construction and into the future. For example, none of the technical reports directly address how the chosen methodology for piling, reconstruction of the seawall, construction of the reclamation, Prop scouring and mechanical erosion (if any) together with the associated sediment and altered wave action will not have any effects on the Boat Harbour. In addition, it is not clear how the Port Company will control a 5m buffer. i.e., are they using GPS, and with what accuracy or are they placing physical boundaries. Will deposited rock walls fall within the 5 m buffer when placed on the seafloor and battered. Is the 5m buffer linked to seafloor level or surface area?

HNZPT considers that given the significance of the Boat Harbour this valuable information should be collated and included for consideration as part of the AEE prior to decision making.

The heritage assessment contains the following statement, which HNZPT considers is misleading in this particular regard because it does not consider the very great significance of the overall events that the place is connected with or the impacts of encroachment on understandings of context – which are critical to appreciation of the place and its importance.

*“The Proposal will not result in adverse effects on heritage values, as the work has also been designed to maintain the form of the breakwater and wharves, and the extant portion of the Boat Harbour will be protected.”<sup>6</sup>*

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<sup>4</sup> Appendix J, InSitu-Eastland Port Ltd, Twin Berths Project, Archaeology and Heritage Effects Assessment, 5<sup>th</sup> July 2022

<sup>5</sup> Appendix J, InSitu-Eastland Port Ltd, Twin Berths Project, Archaeology and Heritage Effects Assessment, 5<sup>th</sup> July 2022, Page 31

<sup>6</sup> Appendix J, InSitu-Eastland Port Ltd, Twin Berths Project, Archaeology and Heritage Effects Assessment, 5<sup>th</sup> July 2022, Page 31

The Boat Harbour is understood to survive beneath current reclamation along the waterfront and has direct connections with Puhi Kai Iti/ Cook Landing Site National Historic Reserve and monument: the monument and reserve were created in their current position due to their immediate proximity to this feature, which likely terminated beneath the current reclamation.<sup>7</sup> The proposal needs to demonstrate appropriate regard to maintaining the heritage values of the Boat Harbour as part of this nationally important heritage place, as well as its broader meanings in relation to early human arrival.

The issue is not whether the scheme has impacts on historic heritage or cultural values or not (as a substantial expansion of visible industrial infrastructure within such an important landscape, inevitably it does), but whether these impacts are acceptable on the historic heritage and cultural values.

## 6. HNZPT seeks the following decision from the local authority:

HNZPT has reviewed the Resource Consent Application. HNZPT considers that at the current time there is not sufficient information to correctly inform decision makers regarding the impacts on Cultural and Historic Heritage values. HNZPT considers that the application should be placed on hold and the following information collated to inform decision makers.

- An updated assessment in the AEE, regarding the impact on cultural values of the proposal, after the provision of;
  - the full suite of Cultural Values & Relationships Framework,
  - the full suite of Cultural Impact Assessments and
  - comment as required under the Marine and Coastal Area Act 2011 from those parties who have applied for Marine Customary Title.
- An updated assessment in the AEE, after the provision of a revised heritage assessment report that includes:
  - Input and assessment and a heritage management plan from a suitably qualified maritime heritage professional regarding the possible impacts on the Boat Harbour from the construction and dredging, including effects from piling, vibration, altered wave pattern, and sediment. The assessment needs to clearly determine if the 5m setback is sufficient to avoid adverse effects at the time of construction and into the future, and if 5m is not sufficient what setback would be suitable, and
  - assessment of the Boat Harbour's links to the Puhi Kai Iti/Cook landing reserve and monument and how the proposal demonstrates appropriate regard to this nationally important heritage place and associated events – which include early human arrival. Assessment should encompass the Boat Harbour's role in mediating connections with the open sea. Assessment will also need to consider the full range of heritage values that apply, including visual and other contextual landscape values that provide an appreciation of meaning of the Boat Harbour and the overall historic heritage landscape site.

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<sup>7</sup> Hans-Dieter Bader, 'Archaeological Geomagnetic Survey Report: Gisborne, Cook Landing Site', unpublished report for Heritage New Zealand Pouhere Taonga, 2014.(draft version, dated June 2014)

7. HNZPT does wish to be heard in support of our submission.

Yours sincerely



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## Appendix 1: New Zealand Coastal Policy Statement

### Policy 6-Activities in the Coastal Environment

In relation to the Coastal Environment;

- J. where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.

### Policy 17-Historic heritage identification and protection

Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:

- a. identification, assessment and recording of historic heritage, including archaeological sites;
- b. providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;
- c. initiating assessment and management of historic heritage in the context of historic landscapes;
- d. recognising that heritage to be protected may need conservation;
- e. facilitating and integrating management of historic heritage that spans the line of mean high water springs;
- f. including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;
- g. imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;
- h. requiring, where practicable, conservation conditions; and
- i. considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.
- j.

