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TAIRĀWHITI NAVIGATIONS

For Gisborne District Council

Te Panuku Tū - Tītīrangī Summit Development
Resource Consent Application and Assessment of Environmental
Effects

September 2021

REPORT INFORMATION AND QUALITY CONTROL

Prepared for:	Michele Frey Director – Liveable Communities Gisborne District Council
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Document Name:	Te Panuku Tu Titirangi Summit Development_AEE_v2.0
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Version History:	V2.0 Final	30 September 2021
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1 APPLICANT AND PROPERTY DETAILS

Site Location:	Titirangi Reserve or 'Kaiti Hill' (Maunga Summit)
Applicant's Name:	Gisborne District Council
Address for Service:	4Sight Consulting Ltd PO Box 671, Gisborne Attention: Megan Humphreys
Address for Fees:	Gisborne District Council Attention: Michele Frey
Legal Description:	Part Lot 1 and 3 DP 5159 RT: GS1D/1379
Plan Name:	Tairāwhiti Resource Management Plan (TRMP)
Plan Zone:	Heritage Reserve
Plan Designations, Limitations, or Overlays:	<p>Urban Ridgeline</p> <p>Coastal Environment Overlay (Land)</p> <p>Coastal Environment Management Areas – General Management Area</p> <p>Cultural and Historic Heritage (<i>only the following overlays are relevant to the location of works</i>):</p> <ul style="list-style-type: none"> ▪ Heritage Alert Overlay (Overlay 1) ▪ Y18/468 Archaeological Site (Overlay 2) ▪ Waahi Tapu Area WY17 (Overlay 3) ▪ P22 Gun Emplacement – Category B ▪ Within the following 100m Archaeological Buffers: <ul style="list-style-type: none"> - Y18/468 - Y18/469 - Y18/18-WP77 <p>Land Management Overlay (<i>only the following overlays are relevant to the location of works</i>):</p> <ul style="list-style-type: none"> ▪ Land Overlay 2 (blue) ▪ Land Overlay 3 (orange)

Brief Description of Proposal:

To undertake Titirangi summit Stage 2 works, comprising the establishment of the Te Panuku Tū whare on the maunga and its on-going use

Overall activity status of resource consent:

Non-complying

Locality Plan:



Figure 1: Locality Plan (Source: TRMP GIS Maps)

2 INFORMATION REQUIREMENTS

2.1 General

This Application has been prepared in accordance with the requirements of Schedule 4 of the Resource Management Act 1991 ('the Act') and the specific information requirements contained within the Tairāwhiti Resource Management Plan ('TRMP').

The completed Gisborne District Council Application Form is attached at **Appendix A**. A copy of the relevant Record of Title is attached at **Appendix B**.

3 THE PROPOSAL

3.1 Tairāwhiti Navigations Programme

The Tairāwhiti Navigations Programme ('Navigations') is a significant regional tourism programme that is particularly focused on promoting and highlighting the unique culture and heritage of Tairāwhiti. It is a vehicle for delivering heritage interpretation and improved tourism heritage destinations, to make the historic environment of Tairāwhiti more accessible for visitors and local residents alike.

The Navigations programme is made up of the following projects:

- 1) Tītīrangī summit re-development and restoration;
- 2) Te Maro redevelopment;
- 3) Historical interpretations (including viewshafts [3D-terrain models, considered community signage] and trail markers [community signage]);
- 4) Inner harbour redevelopment; and
- 5) Cook landing site upgrades.

Projects two – five listed above were completed in time for the Tuia 2050 commemoration in 2019 marking 250 years since the first onshore encounters between Māori and Pākehā in 1769. The Tītīrangī summit re-development has been undertaken in stages (Stage 1 works [earthworks to create a level building platform and planting] have been implemented and are detailed at Section 4.1 below), this consent comprises the Stage 2 works – construction and use of a whare on the maunga.

3.2 Te Panuku Tū Whare Development

The Applicant, Gisborne District Council, in collaboration with Ngāti Oneone, proposes to redevelop the summit of Tītīrangī as part of the Tairāwhiti Navigations Programme. Key drivers of the project are to better link the summit to cultural, spiritual and historical contexts, and to ensure that the summit reflects a functional and quality space for locals and tourists.

Given that this proposal is likely to be of significant interest to the Tairāwhiti community, it is requested that this Application be publicly notified.

The Stage 2 works comprise of the establishment of a whare on the Tītīrangi maunga, including construction of the building (and associated access/parking, earthworks, landscaping) and to provide for the use of the building to accommodate a range of activities.

The proposed building is named 'Te Panuku Tū' and has been designed in partnership with Te Kaunihera o Te Tairāwhiti ('Gisborne District Council') and Ngāti Oneone, as a community facility to reinstate the historical significance of the site and enhance the mana of Ngāti Oneone to the maunga.

Further details in relation to the various aspects of this development are provided in the rest of Section 3 below. A bird's eye view plan of the proposed development is provided below in Figure 2.

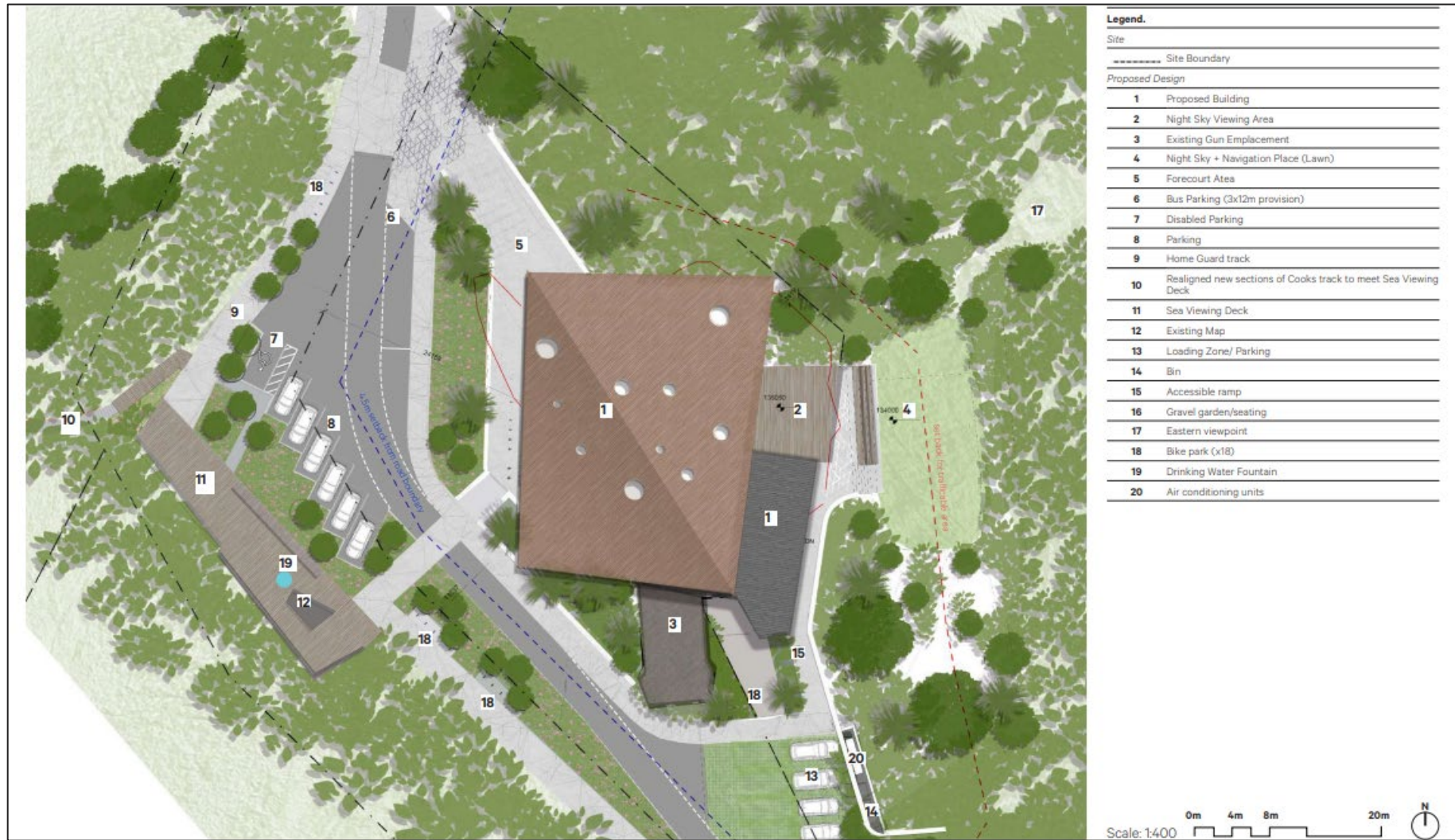


Figure 2: Bird's Eye View / Landscaping Plan of Te Panuku Tū (Source: Isthmus Group Limited)

3.3 Proposed Whare Building

Ngāti Oneone artist Nick Tupara worked closely with his iwi to develop a concept scheme for the development which has informed the Resource Consent Design Package, developed by Isthmus Group Limited ‘Isthmus Group’ and attached at **Appendix C**. Isthmus Group have also prepared a Landscape and Visual (‘LVA’) Assessment which is provided in **Appendix D**.

Overall, the site and building have been carefully designed, in terms of layout/orientation, built form, materials, and landscaping to ensure that the proposal integrates with the surrounding site whilst celebrating the historic and cultural significance of the maunga. The key outcomes which have driven the building design are:

- A building that reflects the people who have inhabited the space and have had an enduring relationship with the maunga since the arrival of tangata whenua;
- A building that reflects its own relationship with the maunga and the restorative efforts being undertaken on the maunga; and
- Inspired design driven by the vision of the mana whenua for the benefit of the whole community.

The key design principles and further details of the collaborative design process are included in the Resource Consent Design Package.

Perspectives of the proposed whare, taken from the Design Package (**Appendix C**) are provided below in Figures 3 to 6.



Figure 3: Perspective - Approach (Source: Isthmus Group Limited)



Figure 4: Perspective - Entrance (Source: Isthmus Group Limited)



Figure 5: Perspective - Second Entrance (Source: Isthmus Group Limited)



Figure 6: Perspective - Nightsky Viewing (Source: Isthmus Group Limited)

The single-storey building has a maximum height of approximately 7.3m and a floor area of approximately 769m². The building has been designed so that it is set into the ground, with a structure and roof form that integrates with the natural contours of the surrounds. The non-reflective, natural colours and materials proposed will also assist with integration into the surrounding natural reserve environment.

The whare has also been carefully designed to incorporate the existing historic World War 2 ('WW2') gun emplacement structure in a manner that protects and highlights its historical values. In particular, it will envelope the rear of the gun emplacement structure and will enable its continued utilisation as a lookout and for interpretation purposes. A Heritage Report has been prepared by Heritage Specialist Michael Kelly in support of this proposed work and is included as **Appendix E** to the Application. A 3D perspective, showing how the development incorporates the existing gun emplacement structure, is provided in Figure 7 below.



Figure 7: 3D Perspective Showing How the Proposal Incorporates the Existing Gun Emplacement Structure (Source: Isthmus Group Limited)

In terms of the layout of the building, it features a gallery space which comprises a large open room located in the centre of the building, a taonga room with a reception area, a manaakitanga room with a kiosk for the sale of food, an outdoor seating area to the east of the building, and the existing gun battery building. The building will also contain an outdoor-accessible toilet, which will be publicly available. The location of these features within the site is shown below in Figure 8.

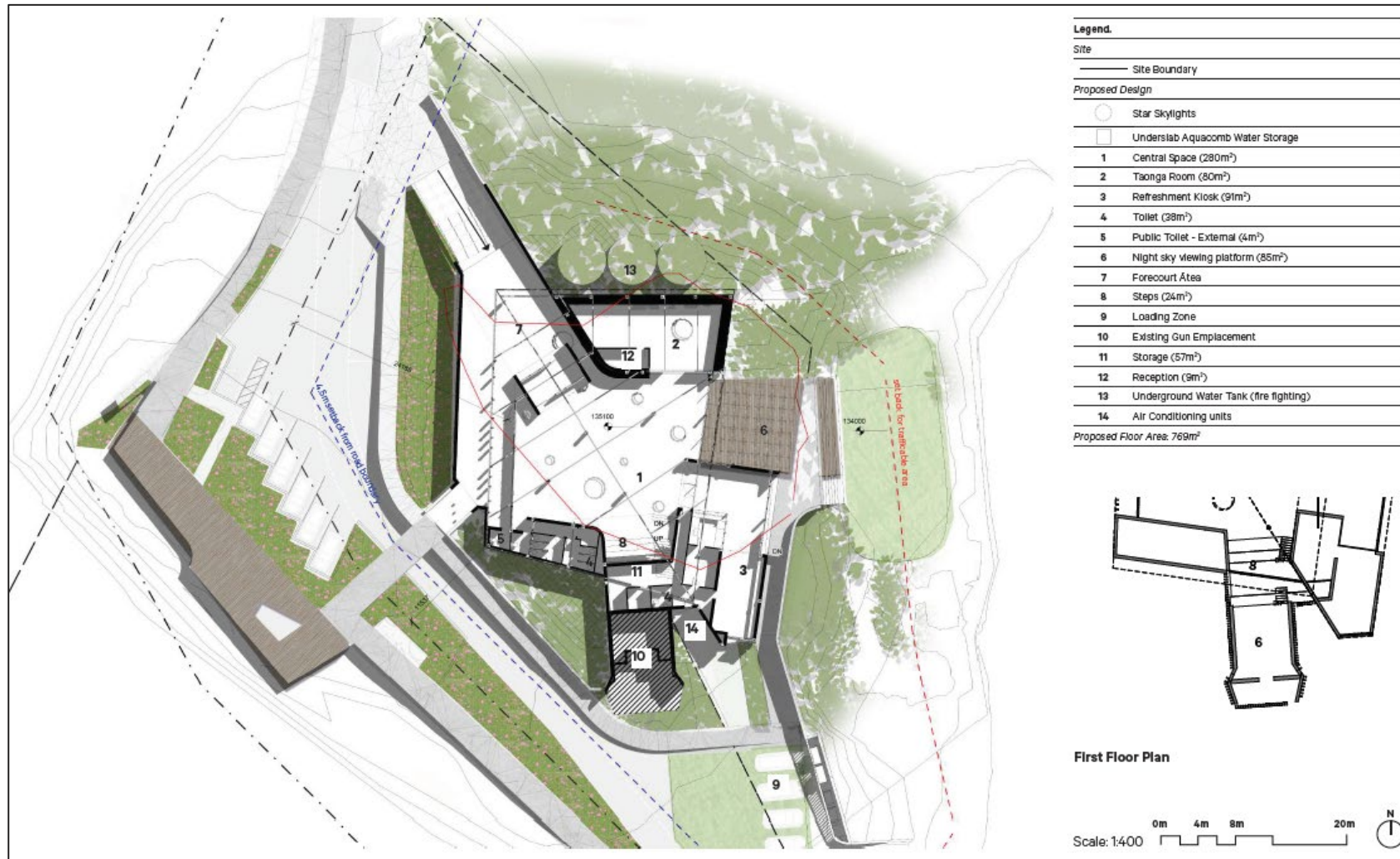


Figure 8: Site Plan (Source: Isthmus Group Limited)

A condition of consent is offered that a final architectural design set will be submitted to Council prior to undertaking any activities occurring within the proposed whare.

3.4 Signage, Lighting and Landscaping

Some signage is proposed as part of the Te Panuku Tū development. All signage will be either for naming or directional (e.g. traffic or pedestrian signage) purposes. The location of the proposed signage is shown at Appendix 7 to the Design Package. In summary two 10m² naming signs are proposed and four 1m² directional signs are proposed. Signage will be of a modest scale given the overall size of the whare and in-keeping with the nature and design of the proposed development. A condition of consent is invited to require submission of signage details prior to undertaking any activities occurring within the proposed whare.

Outdoor lighting is also proposed which will be associated with vehicle access/parking and pedestrian access to the whare. The proposed lighting has been developed in consideration of Crime Prevention Through Environmental Design ('CPTED') principles (as well as opportunities for active and passive surveillance), as set out in the CPTED Assessment (Appendix 1 to the Design Package).

Landscaping is also proposed, as shown in the landscape sections and elevations in the Design Package prepared by Isthmus. A condition of consent is invited to require submission of a finalised landscaping plan and planting schedule prior to undertaking any activities occurring within the whare.

3.5 Activities

The Te Panuku Tū whare will be a community facility which is intended to be fully accessible and free to the public, accommodating ongoing cultural/tourism activities, a café and public toilet on a day-to-day basis, as well as scheduled community events during both daytime and evenings, as detailed in the table below.

Table 1: Te Panuku Tū Activities (Source: Draft Operational Management Plan)

Event / function / activity	Where in the building will this occur?	Maximum occupancy (guests / attendees)	Anticipated number of staff	Days of operation	Hours of operation	Will it involve use of any outdoor areas?	How will guests / patrons / customers access the site?	How will staff access the site?	Who is the party / person responsible for overseeing management?	For events / functions, what is the maximum number that will be held per year?	For events / functions, will amplified music be used?	For events / functions, will this occur concurrently during other ongoing activities?
Events / Functions												
Art exhibitions	Central space, Refreshment kiosk	100	1	Any day, subject to availability in GDC Booking System	9am – 12am	Yes	Only by shuttle or bus	By car or shuttle	GDC/ Ngati Oneone	4-8	Yes - refer to acoustic report	Yes
Education - Wananga	Central space (access to toilet and refreshment kiosk); Night sky viewing platform or outdoor area	90 (school kids and accompanying teachers)	2	Any day, subject to availability in GDC Booking System	9am – 5pm	Yes	Only by shuttle or bus	By car or shuttle	GDC/ Ngati Oneone / School	30-50		Yes
Kapahaka	Central space (access to toilet), Refreshment kiosk	100-150 (including participants and tutors)	2	Any day, subject to availability in GDC Booking System	9am – 12am	Yes	Only by shuttle or bus	Only by shuttle or bus	GDC/ Ngati Oneone	4-8		No
Observation – sunrise/ stargazing	Central Space, Night sky viewing platform, Refreshment kiosk	30-60	2	Any day, subject to availability in GDC Booking System	5am – 12am	Yes	Only by shuttle or bus	By car	GDC/ Ngati Oneone / Astronomical Society	20-40		No
Everyday Activities												
Tourism	Taonga room	10-15	1	Everyday	9am – 5pm	No	By car or walking	By car or walking	GDC/ Ngati Oneone	N/A	Refer to acoustic report	Yes
Manaakitanga	Refreshment Kiosk	25	2	Everyday	9am – 5pm	Yes	By car or walking	By car/ walking	GDC/ Ngati Oneone	N/A	N/A	Yes
Reception	Reception	-	1	Everyday	9am – 5pm	No	-	By car/ walking	GDC/ Ngati Oneone	N/A	N/A	Yes

Internal Toilet	Toilet	8	-	Everyday	9am – 5pm	No	By car/ walking	-	GDC/ Ngati Oneone	N/A	N/A	Yes
Public Toilet	Toilet	1	-	Everyday	5am-9pm (Summer) 6am-6pm (Winter) Standard GDC operating hours	No	By car or walking	-	GDC/ Ngati Oneone	N/A	N/A	Yes

The whare is proposed to be managed through an Operational Management Plan ('OMP') and a draft is attached at **Appendix F**. The purpose of the OMP is to assist the consent holder and staff in the day-to-day management of activities undertaken at the site. The objectives of the OMP are to demonstrate how Te Panuku Tū:

- a) Will be managed on a day-to-day basis, and during events, to minimise impacts on the character and amenity (including nuisance as a result of noise) of Tītīrangī Heritage Reserve;
- b) Will be managed in terms of day-to-day (non event-based) traffic generation and car parking demand to ensure the safe and efficient use of the maunga;
- c) Will be managed during darkness hours to ensure the safety of visitors.

The above objectives will be achieved through a series of policies in the OMP in relation to a range of matters including: the maximum number of guests, co-ordination between everyday activities and events, specific hours of operation, smoking, carparking and management (for everyday activities), deliveries and waste storage/collection, events/function set up, and complaints procedures.

All events/functions will be required to register through an event booking system, which will ensure that events are appropriately planned for and scheduled in conjunction with the everyday activities occurring within the building.

Traffic generation and carparking associated with events/functions will be managed through Event Traffic Management Plans (ETMP) (discussed further below). The final OMP will also draw on the recommendations of the Acoustic Report prepared by Bladon Bronka Acoustics, which is provided as **Appendix G** to this Application.

The above policies will be set out in a final OMP. It is proposed to lodge a final OMP with Council prior to undertaking any activities occurring within the whare (offered as a condition of consent).

3.5.1 Everyday activities

The whare is proposed to be open to the public seven days a week, from 9am - 5pm. The everyday activities that are proposed to operate within Te Panuku Tū are as follows:

- Tourism (will occur in the Toanga Room)
- Manaakitanga (will occur in the Refreshment Kiosk)
- Reception (in the location as shown in the Site Plan)
- Internal toilet (in the location as shown in the Site Plan)
- Public toilet (in the location as shown in the Site Plan)

Cumulatively, these everyday activities are anticipated to attract approximately 50 patrons at any one time and visit times are anticipated to be relatively short in duration, given the nature of these activities.

Proposed traffic management controls for these everyday activities are set out at Section 3.6.1 below.

3.5.2 Scheduled events/functions

The whare will be used for a range of scheduled community events/functions, subject to availability (a formal request must be submitted and approved through the Council event booking system). The following events/functions will be held in the whare:

- Art exhibitions (will occur in the Central Space, Refreshment Kiosk), to be held during the day and evening;
- Wananga or school education events (will occur in the Central Space, Night Sky Viewing Platform, Outdoor Area), to be held during the day;
- Kapahaka (will occur in the Central Space, Refreshment Kiosk), to be held during the day and evening; and
- Observation – sunrise/stargazing (will occur in the Central Space, Night Sky Viewing Platform, Refreshment Kiosk).

The maximum occupancy, hours of operation and maximum number of events per year are set out in the draft OMP and Table 1 above.

Proposed event traffic management controls are set out at Section 3.6.2 below.

3.6 Traffic, Access and Parking

A Traffic Impact Assessment ('TIA') has been prepared by WSP and is included as **Appendix H**. The TIA sets out the proposed parking and access arrangement for Te Panuku Tū. It also explains how alternative means of transport including bicycle, pedestrian and shuttle access to the maunga, will be encouraged and have been provided for.

A total of 11 carparks and 18 cycle parks are proposed at the maunga, as shown in the plans in the Design Package (**Appendix C**) to serve both everyday activities and scheduled events/functions. The carparks will be available for staff and everyday visitors to use. For scheduled events/functions, a shuttle service is also proposed, where patrons park at Te Poho-O-Rawiri Marae and ride to/from the venue. Further details in relation to the parking and shuttle service arrangement are provided in the following sections.

Pedestrian links are also proposed throughout, including a new path around the development, a boardwalk section and two raised pedestrian crossings, in order to provide a safe and accessible pedestrian environment. The maunga is accessible for both pedestrians and cyclists via the recently developed shared path on Titirangi Drive.

3.6.1 Everyday activities

A total of 11 carparks at the maunga will be available to the public associated with everyday activities. This comprises eight P30 parks, two P10 parks and one accessible park which are angled carparks facing seaward. In addition to the 11 carparks, three 'private' carparks are provided to the south of the building for staff / loading bay and two P10 'drop off only' parks are located directly outside the entrance to the whare.

The traffic scenario for everyday activities is detailed in Appendix 6 of the Design Package. These drawings demonstrate that there are a number of existing carparks on the maunga within the vicinity of the site that can be utilised, and also show the on-site carparking arrangement. Further details regarding the on-site parking arrangement for everyday activities, including how carparks will be designated for staff, casual users and patrons, will be addressed in the final OMP.

3.6.2 Scheduled events/functions

When scheduled events/functions occur at Te Panuku Tū, staff parking will be provided in the loading/parking zone to the south of the building. Additional parking in the loading/parking zone will be provided by converting the vacant space into stacked parking areas, resulting in four additional carparks for scheduled events staff. This arrangement will only occur when scheduled events/functions take place and will be manageable because only staff (who can communicate with each other) will use these carparks during events.

Events will be required to be supported by a proposed shuttle service, which will utilise the off-street carpark at Te Poho-O-Rawiri Marae located at the foot of the maunga. The marae carpark, which contains 90 parking spaces, has the capacity to provide more than the required number of carparks for patrons at the scale of events proposed, which is expected to be a maximum of 77 parking spaces as set out in the TIA. The bus shuttle service, which will vary in frequency depending on the nature of the event, will park in a designated loading space at the maunga and will be managed by Ngāti Oneone.

The traffic scenario for scheduled events/functions is shown in Appendix 6 of the Design Package. This provides details relating to existing carparks in the vicinity of the maunga, the shuttle service route, and also shows the on-site parking arrangement during events.

All events will be required to operate under a single or global Event Traffic Management Plan ('ETMP'). The ETMP will set out the specific traffic management procedures for the event(s), including staff parking, shuttle service arrangement and pedestrian/vehicle accessibility during the event. As noted in the draft OMP, events will need to be confirmed on the GDC Booking System prior to commencement in order to ensure that traffic for events is co-ordinated with everyday activities and to ensure that there are no double-ups in bookings.

3.7 Servicing

In terms of infrastructure servicing: stormwater, water and wastewater management systems have been identified to service the whare. A Three Waters Report, which sets out the options for servicing, has been prepared by WSP Consultants and is provided in **Appendix I** to the Application. In summary, the site is not located within the Reticulated Services Boundary and there is currently no on-site wastewater, stormwater or drinking water services available. As such, the following is proposed:

- An on-site stormwater management system which consists of a mixture of rainwater tanks, filter strips/swales, pervious areas and open drains/swales which ultimately discharge to nearby gullies;
- A new water main pipe connecting the whare to the existing main on Titirangi Drive (following the Council road);

- A new wastewater main pipe connecting the whare to the existing main on Titirangi Drive (following the Council road).

These are shown as the 'preferred alignment' on the servicing plans appended to the Three Waters Report.

Detailed stormwater/wastewater and water design will be provided at building consent stage.

3.8 Earthworks and Construction Activity

The bulk of earthworks have already been completed under the Stage 1 resource consent. Earthworks that form part of this Application are associated with the formation of the building platform, support structures, and landscaping. The total anticipated volume of earthworks is approximately 1,094m³. An Earthworks Plan, draft Sediment and Erosion Control Plan and draft Construction Management Plan are provided in the plans for approval attached at **Appendix C**.

Construction works will be undertaken over a duration of approximately 12 months. All construction activity will occur Monday to Saturday from 7am to 5pm. A condition of consent requiring lodgement of a finalised Earthworks Plan, Sediment and Erosion Control Plan and Construction Management Plan prior to the commencement of works is invited; specific methodologies will be determined by the contractor undertaking these works, once they are engaged.

In addition, a Geotechnical Assessment Report has been prepared by LDE as an addendum to the Geotechnical Report that was prepared for Stage 1 works, both of these are provided in **Appendix J**. LDE conclude that the proposed Stage 2 works pose minimal risk from a stability perspective and that the Stage 1 Geotechnical Report is sufficient to accompany this Stage 2 consent Application.

The site is identified as having potentially contaminated soils, due to historic fill activities and the removal of army buildings. The Stage 1 resource consent Application sought consent for the disturbance of potentially contaminated soils under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NESCS') and the site was largely remediated as part of Stage 1 works. LDE have prepared a Land Contamination Report as an addendum to the Stage 1 Detailed Site Investigation ('DSI') that they completed; this Land Contamination Report is included in **Appendix K**. Further to the advice provided by LDE, this Application seeks controlled activity consent under the NESCS for soil disturbance.

The area of works is located in a Waahi Tapu area and is within an archaeological buffer zone, being a former Pa site. Archaeological Advice has been prepared by Lynda Walter of InSitu Heritage in support of the proposed works and is included in **Appendix L**. The assessment confirms that the proposed earthworks are unlikely to result in the damage, modification or destruction of an archaeological site. Ms Walter recommends work be undertaken under an Archaeological Site Discovery Protocol, to ensure that, in the unlikely event that archaeological deposits are encountered, they are appropriately investigated and recorded, which is offered as a condition of consent.

4 BACKGROUND

4.1 Stage 1 Site Preparation Consent

On 5 July 2019, resource consent (LU-2019-108839-00, LL2019-109004-00 and NC-2019-109005-00) was granted, on a non-notified basis, to enable Stage 1 earthworks and site preparation works at the Tītirangi Summit. Principally, the proposal involved demolition of the existing observatory building and earthworks of approximately 2,300m² and 7,300m³ to create a level building platform in preparation of the Stage 2 works. These works were implemented in 2019.

4.2 Trust Deed

The Site is subject to a Trust Deed ('Deed') dated 15 December 1967 between Gisborne Sheep Farmers Freezing Company Limited and Council's predecessor. The Deed governs the use of the site and is attached at **Appendix M**. This states that the sole purpose of the site is 'pleasure grounds and gardens for the use of the public'. The Deed includes a number of conditions and restrictions around the on-going use of the site.

The process for amending the Deed sits outside the scope of this Application. The Applicant considers that this resource consent Application can be processed independently of the Deed variation process; acknowledging that this process is required in order to implement the consent.

4.3 Pre-Application Meeting

The Applicant and their consultants attended a pre-Application meeting with Council on 02 June 2021. The following Council staff and officers attended this meeting:

- Sarah Hunter – Consent Manager;
- Kimberley Morete – Acting District Team Leader;
- Dionne Hartley – Regional Team Leader.

High level design plans were presented for discussion. Overall, the regulatory department seemed supportive of the proposal and acknowledged the long history of the project (and wider Tairāwhiti Navigations programme), including public reporting on the project and community consultation undertaken to date.

Key outcomes as a consequence of discussions have been incorporated into this Application.

4.4 Consultation with Mana Whenua

As with the wider Navigations programme, the works have been developed in collaboration with Ngāti Oneone. Tītirangi Reserve is under the co-management of Ngāti Oneone and Gisborne District Council and accordingly, Ngāti Oneone have been actively involved in the design of the development. As noted above, and in the resource consent design plans, Ngāti Oneone have provided extensive input into the design of the whare and also how it is to be used (see summary included in resource consent design set).

The Te Panuku Tū project has also been presented at a Toitū Tairāwhiti meeting (iwi collaborative group made up of chief executives and/or chairs from Ngāi Tāmanuhiri, Rongowhakaata, Te Aitanga ā Māhaki and Ngāti Porou). It is understood that all in attendance were supportive and enthusiastic about the potential of the new development.

The proposal also utilises carparking at Te Poho o Rawiri Marae. A letter confirming use of this carpark (from Char Gibson, chairperson of Te Poho o Rawiri Marae and Ngati Oneone hapū) is attached at **Appendix O**.

4.5 Other Consultation

The Tairāwhiti community has been extensively informed and engaged with on the Te Panuku Tū and the project has been presented in a number of public Council meetings, reports and media releases over the last three years, including:

- The current Gisborne Long Term Plan (LTP) 2021 – 2031 (and previous LTP consultation), which identifies the project as a ‘major capital investment project’ being developed in collaboration with Ngāti Oneone and gives effect to the Ngāti Oneone and Council co-management relationship agreement¹.
- Facebook posts, media releases and letter drops to residents (regarding Stage 1 works).
- A maunga user survey undertaken by Council in 2020 (which included over 400 responses). Survey results showed support for a multi-purpose building on the maunga and for observation of the night sky/navigation interpretations and historic stories and interpretation about the maunga, as well as strong support for facilities such as a toilet, seating, lighting and landscaping, all of which were used to inform the final proposal.
- Council reports. This includes Report 18-071 which provides a summary of the project progress to date. It also includes Report 18-155 to the Future Tairāwhiti Committee, being a decision report that acknowledged:
 - That the Summit Project is fully reliant on external funding, and this will impact the delivery of the project and timing.
 - That the project is proceeding in a co-management relationship with Ngāti Oneone, and wider community engagement will be undertaken as part of the design process.
 - Agrees in principle, subject to further work, that the preferred option is to develop an aspirational facility on the summit that will tell the story of the Maunga and its place in Tairāwhiti cultural, spiritual and historical context in partnership with iwi, which will include the following components:
 - Undertake a full landscape redevelopment of the summit site, the carpark and its surroundings, improving the visitor and local experience and sense of arrival.

¹ Project is subject to external funding.

- Replace the observatory with a building that will serve as a multi-purpose space for wananga and learning, increase amenity value and provide for both new and existing services to the community.
- Retain and conserve the gun emplacement due to its historical context.]

The resource consent design plans, Heritage Assessment and Archaeological Assessment were provided to Heritage New Zealand Pouhere Taonga (HNZPT) for comment. At the time of lodgement, no response was received.

4.6 Any Other Activities That Are Part of The Proposal

Clause 2(1)(d) of Schedule 4 of the Act requires the Applicant to identify other activities that are part of their proposal. This is intended to capture things which need permission or licensing outside of the Act, for example, activities under the Building Act 2004 or the Hazardous Substances and New Organisms Act 1996.

Relevant building consents will be obtained separate to this resource consent process. As noted above, any required amendments to the Deed will also be undertaken separate to this consent process.

4.7 Permitted Activities That Are Part of The Proposal

A detailed review of compliance is contained in **Appendix N**. The following aspects of the proposal are permitted under the TRMP:

DD5 Heritage Reserves Zone

- The use of the building is consistent with the Tītīrangī Reserve Management Plan which provides for ‘community events’; a site for ‘celebrating the celestial link to the stars as a viewing platform and interpretation’ and to ‘commemorate the military and archaeological history on Tītīrangī’ and is a **Permitted Activity** under Rule DD5.6.1C(1).
- The proposal involves meteorological activities (night sky viewing), complying with the relevant standards, which is a **Permitted Activity** under Rule DD5.6.1C(5).
- The proposal involves the establishment of outdoor recreation areas (passive and outdoor recreation), complying with the relevant standards, which is a **Permitted Activity** under Rule DD5.6.1C(6).
- The proposal involves extensive landscaping, complying with the relevant standards, which is a **Permitted Activity** under Rule DD5.6.1C(7).

C2 Built Environment, Infrastructure and Energy Standards

- Three waters site servicing (stormwater, wastewater and water) is in accordance with the standards in Chapter C2.1.
- Power and telecommunications) are in accordance with the standards in Chapter C2.1.
- The proposed vehicle access and parking arrangement complies with the parking rates and design requirements in accordance with the standards in Chapter C2.1.

C4 Cultural and Historic Heritage

- The Application includes an Archaeological Assessment which confirms that the proposed land disturbance will not result in the damage, modification or destruction of an archaeological site (Overlay 2) and is therefore a **Permitted Activity** under Rule C4.1.12(1).
- The application includes an Archaeological Assessment which confirms that the proposed land disturbance will not result in the damage, modification or destruction of an archaeological site, and is therefore a **Permitted Activity** under Rule C4.1.12(5).

C6 Freshwater

- Approximately 480m³ of clean fill is proposed to be imported to the site (solid discharge to land) and is therefore a **Permitted Activity** under Rule C6.2.12(2).

C7 Land Management

- The proposal involves trenching of services within the road reserve, complying with the General and Specific Standards, in Land Overlay 2, and is a **Permitted Activity** under Rule C7.1.6(11).
- The proposal involves trenching of services within the road reserve, complying with the General and Specific Standards, in Land Overlay 3, and is a **Permitted Activity** under Rule C7.1.6(22).

C11.1 Signage

- The proposal involves four 1m² community signs which are a **Permitted Activity** under Rule C11.1.6(1).

C11.2 Noise and Vibration

- The Acoustic Report (**Appendix G**) confirms that operational activities will be below the relevant noise limits under Chapter C11.2, subject to implementation of the OMP.
- The Acoustic Report (**Appendix G**) confirms that construction vibration limits in C11.2.15.3 will be met.

C11.3 Lighting and Glare

- Proposed lighting will be designed to comply with permitted standards and is a Permitted Activity under Rule C11.3.1(1).

5 THE SITE & SURROUNDING ENVIRONMENT

5.1 The Site

5.1.1 Overview

The work area is located on Titirangi Reserve. Titirangi is a significant maunga in Tairāwhiti and is a key location within the Tairāwhiti Navigations programme. Titirangi is a significant regional site with deep historical and archaeological importance. The maunga has seen varying occupants in its vast history. Over time, various features have been added; this includes military buildings, tracks, fitness trails, signs, seats, carparks, monuments, statues, an observatory and a playground. Titirangi is one of the region's places most visited by locals, and domestic and international visitors. The site is sacred to Ngāti Oneone and provides outstanding views of the city, surrounding area, and across the Bay to Te Kurī a Pāoa/Young Nicks Head.

The works area is located at the summit of Titirangi, which is currently occupied by areas of car parking, infrastructure and services, areas of grass and the gun emplacement structure. The summit area is currently in poor condition, with a general lack of quality landscaping and amenities. The existing carpark area contains a few unmarked car parking spaces, with very few pedestrian amenities. A photograph of the existing carpark is provided below in Figure 9.



Figure 9: Photo of Existing Carpark, Facing Southwest (Source: 4Sight Consulting Limited)

As noted previously, Stage 1 works have already been completed on the site. As such, the site has already been contoured in preparation for this development, and the James Cook Observatory Building has now been removed. A photo of the contoured site is provided in Figure 10 below.



Figure 10: Photo of Proposed Building Site (Source: 4Sight Consulting Limited)

5.1.2 TRMP zoning/overlays and site limitations

The site is subject to a number of TRMP management layers and other limitations. These are summarised as follows:

- Titirangi Reserve is zoned as a Heritage Reserve (commonly used to identify land of cultural/spiritual significance to tangata whenua and sites of historical/archaeological importance).
- The gun emplacement structure remains, which is a category B scheduled building under the TRMP and is noted as an archaeological site with the New Zealand Archaeological Association (NZAA) database (refer to Figure 11 below). The structure is not listed on the Heritage New Zealand Pouhere Taonga schedule.
- The area of works is located in a Waahi Tapu area under the TRMP and is within an archaeological buffer zone, being a former Pa site. However, as confirmed in the archaeological assessment, the area of works has already been modified for Stage 1 earthworks. Refer to Figure 12 below which shows the location of the archaeological overlays relevant to the site.
- Part of the works area is located within the Coastal Environment Overlay (land) and General Management Area, as shown in Figure 13 below.
- Part of the works area is located in Land Overlay 2 and part in Land Overlay 3, as shown in Figure 14 below.
- The maunga is subject to the urban ridgeline overlay, as shown below in Figure 15.
- The site is identified as having potentially contaminated soils, due to historic fill activity and removal of army buildings.



Figure 11: Photo of Existing WW2 Gun Emplacement Structure (Source: 4Sight Consulting Limited)



Figure 12: Archaeology Map of Site and Surrounds (Source: TRMP GIS Maps)



Figure 13: Coastal Management Map (Source: TRMP GIS Maps) (*Note that the Coastal Environment Overlay and the General Management Area are in the same locations in this map)



Figure 14: Land Management Map (Source: TRMP GIS Maps)



Figure 15: Natural Heritage Map (Urban Ridgelines in Green) (Source: TRMP GIS Maps)

5.2 Surrounding Environment

The surrounding environment includes Titirangi Drive and Queens Drive, which are one-way roads that provide access to and from the maunga. Vehicles access the maunga from Queens Drive located to the north of the summit and exit by travelling down Titirangi Drive which runs in an easterly direction from the summit. A number of existing carparks are also located within the vicinity of the maunga, including the Te Poho-O-Rawiri Marae carpark (90 carparks) at the foot of Titirangi Reserve and 55 carparks in remaining areas. An aerial photo showing the site and surrounding carparks is provided in Figure 16 below and an aerial of the marae carpark is provided in Figure 17 below.



Figure 16: Aerial showing Surrounding Traffic Environment (Source: Isthmus Group Limited)



Figure 17: Photo of Existing Te Poho-O-Rawiri Marae Carpark (Source: WSP Limited)

Part of the Titirangi Drive (and Queens Drive) road carriageway has recently been converted and marked as a designated area for pedestrians and cyclists to use. Further upgrades to the road system are anticipated, as detailed in the Traffic Impact Assessment.

The surrounding environment also comprises:

- Predominantly residential zoned land to the north and east (over 450m away from the proposed works area);
- Kaiti Beach Road and Kaiti Beach to the south; and
- The Port of Gisborne to the west.

6 REASONS FOR THE APPLICATION

An assessment of the proposal against the relevant statutory documents has been undertaken and the following reasons for consent are identified. A detailed analysis of the rules under the TRMP is provided in tabular form in **Appendix N**.

6.1 Tairawhiti Resource Management Plan

Resource consents sought under the TRMP are:

DD5 Heritage Reserves Zone:

- Consent is required as a **Non-Complying Activity** under Rule DD5.6.1C(15) for the establishment of a building in the Heritage Reserve Zone (which is a land use activity not provided for) and the temporary infringement of long-term construction noise standards during its construction.

C3 Coastal Management

- Consent is required as a **Restricted Discretionary Activity** under Rule C3.14.3(10) for land disturbance exposing more than 50m² and 50m³ in a three month period (a land disturbance area of approximately 4000m² and net cut/fill area of approximately 1094m³ is proposed), in the Coastal Environment Overlay.
- Consent is required as a **Restricted Discretionary Activity** under Rule C3.14.3(11) for the erection of the whare on a site in the Coastal Environment Overlay.

C4 Cultural and Historic Heritage

- Consent is required as a **Discretionary Activity** under Rule C4.1.12(7) for land disturbance within the buffer area of a site listed in Schedule G3 with a WY Waahi Tapu number (WY17).
- Consent is required as a **Discretionary Activity** under Rule C4.1.12(14) for the alteration to the heritage fabric of a Category B heritage item (the gun emplacement structure) listed in Schedule G5: Post European Contact Schedule.

C7 Land Management

- The proposal involves land disturbance totalling approximately 1,094m³, and therefore greater than 50m³ land disturbance in Land Overlay 2 and is a **Controlled Activity** under Rule C7.1.6(16).
- The proposal involves land disturbance totalling approximately 1,094m³, and therefore greater than 10m³ in Land Overlay 3 and is a **Restricted Discretionary Activity** under Rule C7.1.6(30).

C9 Natural Heritage

- Consent is required as a **Restricted Discretionary Activity** pursuant to Rule C9.1.6(53) for the establishment of a whare building which exceeds 2.5m in height (maximum 7.3m proposed) and projects above a prominent ridgeline, in the Urban Ridgeline Overlay.

C11.1 Signage

- Consent is required as a **Restricted Discretionary Activity** pursuant to Rule 11.1.6(7), for the establishment of two 10m² naming signs.

C11.2 Noise and Vibration

- The proposal temporarily and intermittently infringes the long-term construction noise limits for the Heritage Reserve Zone, up to 35m from the works area, and this has the same activity status as the activity in the zone and is therefore a **Non-Complying Activity** under Standard 11.2.15.2A.

6.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The NESCS is a relevant consideration under this Application because the proposal involves the disturbance of potentially contaminated soils. Consent is sought under the NESCS for the following reason:

- The proposal involves soil disturbance of more than 25m³ per 500m² of a piece of land and may involve soil disturbance of more than 5m³ per 500m² of a piece of land and therefore does not comply with regulation 8. Given that a DSI has been prepared, the proposal is a **Controlled Activity** under regulation 9(1).

6.3 Overall Status of the Application

Overall, resource consent is required for a **Non-Complying Activity**.

6.3.1 Non-Complying Activities – s87s, s104B and s104D

As a non-complying activity, there is no limitation in the matters that can be considered providing they are resource management related. The consent authority may decline consent or it may grant consent with or without conditions providing the requirements of s104D are met.

7 SCHEDULE 4 RMA – ASSESSMENT OF ENVIRONMENTAL EFFECTS

7.1 Introduction

Having reviewed the relevant plan provisions, visited the site and taking into account the matters that must be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following environmental effects warrant consideration as part of this Application. As this Application is for a non-complying activity, relevant effects that the council can consider are unlimited. Notwithstanding the ability of council consider all effects, we consider that only the following effects are relevant:

- Reserve character and amenity effects;
- Landscape and visual, natural environment, coastal character effects;
- Heritage and archaeological effects;
- Traffic effects;
- Effects on cultural values;
- Acoustic effects;
- Construction and earthworks effects;
- Contamination effects;
- Cumulative effects; and
- Positive effects.

An assessment of these effects, that corresponds with the scale and significance of the effects that the activity may have on the environment, is provided below in the remaining parts of section 7. Clause 7(2) notes that the requirement to address matters in the assessment of environmental effects is subject to the provisions of any policy statement or plan. The relevant documents have been assessed in Section 8 of this report.

7.1.1 Permitted baseline

The permitted baseline is relevant to both the assessment under sections 95A – 95G and section 104 of the Act. Under these sections, a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. This is the permitted baseline. It is only the adverse effects over and above those forming a part of the baseline that are relevant when considering an application.

The purpose of the permitted baseline test is to isolate and make irrelevant, the effects of activities on the environment that are permitted by the plan. When applying the permitted baseline, such effects cannot then be taken into account when assessing the effects of a particular resource consent application. The baseline has been defined by case law as comprising the 'existing environment' and non-fanciful (credible) activities that would be permitted as of right by the plan in question.

In this case, the permitted baseline is of limited relevance as the construction of a building is not provided in the Reserves Zone and given the scale of land disturbance proposed. However, we do note that effects associated with the following can be disregarded:

- Although consent is required for the establishment of two 10m² signs which are not otherwise provided for, effects arising from community signage up to a maximum area of 3m² can be disregarded.
- Although the consent is required for works which may temporarily and intermittently infringe the construction noise standard, a baseline of effects exists as this standard is only infringed from a maximum separation distance of 35m from the works area (as confirmed in the Acoustic Report).

There are also a number of permitted activities that form part of the proposal, as noted in Section 4.7 above.

Notwithstanding the permitted aspects of the proposal, all relevant effects have been considered in the following assessment for the avoidance of doubt and given that the proposal has an overall non-complying activity status.

7.1.2 Receiving environment

In assessing the potential adverse effects on the environment, the receiving “environment” for effects must be considered.

The receiving environment is a mandatory consideration defined by caselaw and is the environment beyond the subject site upon which a proposed activity might have effects. This includes the future state of the environment upon which effects will occur, including:

- The environment as it might be modified by the utilisation of rights to carry out permitted activities; and
- The environment as it might be modified by implementing resource consents that have been granted at the time a particular Application is considered, where it appears likely that those resource consents will be implemented.

In this case the receiving environment is as described in Section 5 of this report.

7.1.3 Other considerations

Sections 95D(d)-(e) and 104(3)(a) of the Act require that assessments must disregard:

- Trade competition, or the effects of trade competition; and
- Any effect on a person who has given written approval to this Application.

Both trade competition and written approval are not relevant to this Application.

7.2 Heritage Reserve Character and Amenity Effects

The proposal involves the establishment of a new whare (community building) and associated activities in the Heritage Reserve Zone. The Heritage Reserve Zone provides for areas of reserve and open space which are intended to be retained primarily as open space with limited development. This zone also encompasses identified land of cultural/spiritual significance to tangata whenua and sites of historical/archaeological importance, such as the Tītīrangī Reserve. The Heritage Reserve Zone also requires an assessment of effects in the context of the relevant reserve management plan, which in this case is the 2016 Tītīrangī Reserve Management Plan ('Tītīrangī RMP').

As stated in the LVA prepared by Isthmus (**Appendix C**), Te Panuku Tū has been designed in collaboration with Ngāti Oneone in a manner that responds to the natural character values of the surrounding environment, whilst retaining the key cultural values and characteristics of the site. In terms of the building appearance and design, the LVA notes the following:

- The building's form and roofline has been shaped so that it is built into and seamlessly integrates into the surrounding reserve environment, with a guiding principle being the 're-cloaking' of the maunga;
- The gun emplacement building has been retained and incorporated into the design of the building, thus protecting its historical significance;
- The colours and materials of the Te Panuku Tū whare, which include the use of natural timber in various parts of the building and the use of dark recessive colours where possible, enable the building and associated infrastructure to visually integrate with the natural character of the tihi;
- Landscaping measures will include plant species that reflect the intent outlined in the Tītīrangī RMP. A landscaping and planting schedule will be submitted to Council prior to undertaking any activities occurring within the whare.
- Various design elements have been incorporated into the development, in order to mitigate potential adverse visual amenity effects. This includes long overhanging eaves to cast shadows on the glazing, intervening building elements to ensure that glazing does not dominate each face, tinted glazing, low level bollard lighting in external areas and avoiding bright up lighting at night to reduce light glare.

The scale of the building, in the context of the wider reserve and maunga is considered to be appropriate and will ensure the open space values of the site and reserve environment will be retained.

The design and future use of the building has been carefully considered to ensure that it reflects the core values outlined in the Tītīrangī RMP which include promoting opportunities for strengthening kaitiakitanga, recreation, cultural heritage, learning, and promoting the natural environment. The building will accommodate community activities and public events, and is intended to facilitate the sharing of cultural, spiritual, heritage, recreation and environmental values with the community and visitors. The learning space will also include sharing of Mātauranga Māori – local knowledge to Ngāti Oneone, by providing a place to house taonga. Additionally, it will provide for the replacement of the James Cook observatory, providing a place to explore the relationship with ngā whetu – the stars and navigation during night-time hours. Overall, the scale and nature of activities proposed are considered to be in-keeping with the intent of the zone.

With regards to the signage proposed, the signs will be designed to integrate with, and be commensurate to the scale and nature of the building. Signage will be associated with the communal use of the building (i.e. no third party signage is proposed) and will be incorporated into the design of the building, in terms of location, colours/materiality and lighting. They will include naming signage and signage to provide operational information associated with use of the building/parking spaces. The location of the proposed signage is provided in Appendix 7 of the Design Package. The two larger, 10m², signs will be located such that they do not dominate the site and surrounds, including the 10m² sign to the north of the whare, which will integrate into the proposed retaining wall. A condition of consent to require submission of signage details prior to undertaking any activities occurring within the whare is invited.

Overall, the Te Panuku Tū whare has been designed, and will be operated in, a manner that respects the core values of the Tītīrangi RMP. Careful consideration has been given to the surrounding Heritage Reserve Zone context.

Overall, and having regard to the matters discussed above and set out in the LVA, it is considered that adverse reserve character and amenity effects will be no more than minor.

7.3 Landscape and Visual, Natural Environment, Coastal Character Effects

The proposal involves the establishment of a building on an urban ridgeline and earthworks in the Coastal Environment Overlay, which has the potential to result in adverse effects associated with landscape and visual, natural environment, coastal character.

7.3.1 Landscape and visual effects

With regards to the establishment of the whare on the ridgeline, the LVA has provided a detailed assessment which concludes that the development will have a low level of adverse effects on the landscape ridgeline because:

- The site, which is located to the northeast and just downslope of the ridgeline, is confined to a relatively small area of the maunga ridgeline;
- The building site is unlikely to be readily visible from the surrounds; it is obscured by vegetation and the natural topography when close to the maunga, and it is less discernible when viewed further from the maunga;
- While the ridgeline is an important landscape feature, it is not pristine and has been historically modified by development including the removal of the tihi and erection of various structures and buildings (i.e. the former James Cook Observatory, telecommunications tower, carparking etc.).
- The building has been designed to visually integrate into the existing ridgeline as it is built into the ground and features an angled roofline that draws on the form of the ridgeline.

We also consider the height in relation to boundary infringement to be acceptable for the reasons set out above, and given this is a technical 'internal' boundary.

Taking into account the above, it is considered that the development will result in less than minor adverse landscape and visual effects in the context of the ridgeline.

7.3.2 Natural character effects

The following is noted regarding the potential adverse effects of the proposal on natural character:

- In terms of the natural character of the site, the maunga has been significantly modified through past activities and the erection of various structures and buildings.
- The site has already been cut down as part of the Stage 1 resource consent, and the proposed works do not involve the removal of any indigenous vegetation.
- As explained in the LVA, the building has been designed in a manner that is appropriate for its location. It has been shaped in accordance with the natural landform, includes a use of colours and materials that integrate into the surrounds.
- The development will be accompanied by a landscaping scheme that will meet the principles of the Tītīrangī Reserve Management Plan and Whaia Tītīrangī programme. This planting ensures that the proposal not only protects the natural character values of the site but also enhances them.

Noting the above, it is considered that the proposal results in less than minor adverse effects in terms of natural character.

7.3.3 Coastal environment effects

The Coastal Environment Chapter of the TRMP seeks to provide a framework for the Tairāwhiti coastal environment. Of particular relevance to this development, the Coastal Environment Chapter seeks to preserve the natural character of the coastal environment, protect it from inappropriate development, and maintain the relationship of Māori and their culture with their ancestral lands, water, sites, Waahi Tapu and other taonga.

As noted above and in the LVA, the site and surrounding coastal environment area has already been extensively modified through historic development. The site is also significantly elevated above the coastal environment and has limited views of the coastline, given its distance from it and the surrounding topography. It is considered that the proposed low-profile building will be insignificant within the context of the surrounding wider coastal environment. Notwithstanding the existing modified site and its distance from the coastal environment, the proposed development and landscaping scheme have been designed to complement the surrounding natural character of the coastal environment.

The development will also enhance the relationship of Māori and their culture with their ancestral lands, water, sites, Waahi Tapu and other taonga, noting that (as discussed earlier) it has been designed in collaboration with Ngāti Oneone and will provide opportunities for the sharing of cultural, spiritual, heritage, recreation and environmental values with the community and visitors.

Overall, it is considered that the proposal, which involves the establishment of a building on the ridgeline and undertaking of works in a coastal environment, results in less than minor adverse landscape and visual, natural character, and coastal environment effects.

7.4 Heritage and Archaeological Effects

The proposal involves undertaking works on a site of historical, cultural, and archaeological importance. In particular, it is proposed to undertake minor alterations to the scheduled WW2 gun emplacement structure, as well as earthworks on a Waahi Tapu site.

With regards to proposed alterations to the gun emplacement structure, this has been assessed and is supported by Michael Kelly in his Heritage Report (**Appendix E**). The emplacement, which was part of the battery complex that was erected on Tītīrangī in 1942-43 to defend the port of Gisborne from enemy attack, was located on the tihi of Tītīrangī Pa, an ancient pa of Ngāti Oneone. Mr Kelly concludes that, having regard to the mitigation measures proposed in the design of Te Panuku Tū, the proposal is supportable from a heritage effects perspective. He notes that the adaptive reuse of the emplacement will ensure that it is cared for and maintained in the future. In addition, the use of interpretation will explain the former context of the gun emplacement structure; this is particularly important in the absence of the battery observation post which had been located to the rear of the structure and had previously served this purpose prior to its removal.

It is also proposed to undertake earthworks on a site of archaeological significance, and in this regard an Archaeological Assessment has been prepared by Lynda Walter (**Appendix L**). Ms Walter explains that the footprint of the proposed area of works have already been modified by the cut-down of Tītīrangī summit as part of the Stage 1 development. With regards to trenching down Tītīrangī Drive for installation of water and wastewater services, this route has already been modified by existing roading and there is no visible surface evidence of archaeological sites within the roading corridor. Ms Walter explains that the likelihood of encountering intact archaeological features is very low, based on historic evidence. Notwithstanding, a condition of consent in relation to an accidental discovery protocol is invited, in accordance with the recommendations in the Archaeological Assessment.

Overall, appropriate mitigation measures have been adopted in the design of Te Panuku Tū to protect the historical significance of the gun emplacement structure, while the proposed earthworks are on previously modified sites and are unlikely to encounter archaeological sites. Therefore, it is considered that this development results in less than minor adverse archaeological and heritage effects.

7.5 Effects on Cultural Values

As noted in the preceding assessment, including in Section 7.4 above, Te Panuku Tū will be developed on the tihi of Tītīrangī Pa, an ancient pa and site of spiritual, cultural and historic significance to local hapu Ngāti Oneone. It is therefore necessary to consider the potential cultural effects of the proposal.

Te Panuku Tū has been designed in partnership with Gisborne District Council and Ngāti Oneone, as a community facility to reinstate the historical tihi and enhance the mana of Ngāti Oneone to the maunga. As set out in the LVA, Te Panuku Tū principles have been developed by Ngāti Oneone to ensure that important cultural elements are provided for in its design.

As also noted in Section 7.4 above, while the site has a number of Waahi Tapu sites, it has already been significantly modified and the likelihood of encountering intact archaeological feature is very low. Therefore, potential cultural effects associated with earthworks are less than minor.

Overall, when having regard to the design principles of Te Panuku Tū, developed in collaboration with Ngāti Oneone and the limited impact of the proposed earthworks, adverse cultural effects associated with the proposal are considered to be no more than minor.

7.6 Traffic Effects

Potential traffic effects are assessed in detail in the TIA prepared by WSP (**Appendix H**). The primary considerations include effects associated with trip generation, traffic safety, and the number/design of carparks for both everyday activities and scheduled events.

In terms of trip generation effects, the proposal is expected to result in an increase of up to 20 vehicles per hour for everyday activities and up to 90 vehicles per hour when events occur (for the largest events). The proposed shuttle service, which will operate during events and allow vehicles to park in the marae instead of driving up the maunga, will significantly reduce trip generation effects on Queens Drive and Titirangi Drive. As noted in the TIA, the trip generation effects on the streets surrounding the Marae (Crawford Road, Ranfurly Road, Endcliffe Road) are considered to be acceptable. The finalised OMP will require that all events are booked in advance through the booking system to avoid double ups in bookings and to appropriately manage use of the marae carpark.

In addition to the shuttle service, it is expected that the existing and proposed pedestrian and cycling infrastructure, which encourage alternative means of transport, will serve to reduce trip generation effects in the long term. Titirangi Drive has recently been upgraded to include a shared pedestrian and cycling path, and this is already a popular route for walkers and cyclists. The proposal will complement this infrastructure through provision of 18 bicycle parking spaces, pedestrian crossings and a pathway around the building. Pedestrian and bicycle access to Te Panuku Tū will be provided on an ongoing and unrestricted basis.

The TIA details that traffic safety effects associated with both everyday activities and events are likely to be low. In the case of events, the proposed shuttle service will significantly mitigate potential traffic safety risks associated with private vehicles navigating up to the maunga, with the existing marae parking area providing a much safer option. The TIA confirms that traffic safety at intersections proximal to the marae carpark are minimal and can be further mitigated (if necessary) through parking restrictions on the road reserve as part of an ETMP. Access to the Marae carpark is located on Ranfurly Road and has excellent sight distances (180m (looking left) and 120m (looking right), when exiting the carpark and entering Ranfurly Road). In order to ensure smooth operation of the shuttle service and to restrict vehicle access to the maunga for event patrons, the TIA recommends that measures such as event signage and traffic control are set up for the duration of the events. Such measures are proposed to be included in the ETMP, required to be in place for all events.

An on-site parking layout has been designed by WSP in accordance with the relevant design and manoeuvring requirements of the TRMP and is therefore considered to be acceptable from a traffic safety, functionality and efficiency perspective. In addition to the proposed on-site carparks and loading spaces,

there are 90 spaces in the Marae carpark, and 55 spaces in surrounding carparks close to the site (on Queens Drive and the maunga). When considering the prevalence of carparks in the area, the proposed shuttle service, and the recently completed road upgrades which further encourage pedestrian and cyclist access to the maunga, it is considered that the number of carparks proposed is acceptable and is unlikely to result in any significant overspill effects. The operational management of carparks is proposed to be managed through the implementation of the OMP.

Overall, having regard to the assessment provided in the TIA, it is considered that adverse traffic effects associated with the proposal are no more than minor, subject to implementation of the OMP and ETMP as recommended.

7.7 Acoustic Effects

The proposal involves temporary construction activity and also operational use of the building, which have the potential to generate adverse noise effects. An Acoustic Assessment has been prepared in support of the proposal (**Appendix G**). The Acoustic Assessment notes that the site is located 250m (to the south) and 450m (to the northeast) from the closest sensitive receivers (residential and the Marae).

7.7.1 Construction noise

Given the site's distance from the closest noise sensitive receivers, noise experienced on neighbouring sites as a result of construction activity will be minimal. However, within the reserve itself, noise limits are expected to exceed the construction noise standards for up to 35m separation distance from the works, intermittently for a period of 1-2 months over the entire works duration of approximately 12 months. These construction noise effects on reserve users are considered to be less than minor, noting:

- the area of exceedance is likely to be within the wider works area which will be off-limit to the general public anyway;
- the large size of the reserve enables users to enjoy other parts of the reserve);
- the temporary nature of the works and intermittent nature of the exceedances; and
- that the works will only be undertaken during the day time.

7.7.2 Operational Noise

In terms of operational noise effects, future use of the whare is likely to generate noise from internal amplified music during events and also external amplified music during some daytime (e.g. kapahaka). The Acoustic Assessment confirms that the predicted noise levels at sensitive receivers will be below the maximum limits of the TRMP (which apply at the boundary between two zones) both during the day and evening times, noting that external amplified speech/music will not occur during night periods. Potential noise effects during the night-time will be mitigated through operational procedures such as closing external doors and restricting guests to internal areas of the venue during night events. There are no reverse sensitivity noise effects that are likely to result from this proposal, and noise from traffic are expected to be low are mostly inaudible to the surrounds. The Acoustic Assessment includes

recommendations in relation to use of the building to ensure that noise levels are appropriately managed; these recommendations will be built into the final OMP.

Overall, acoustic effects associated with construction works and the operation of the building are considered to be less than minor.

7.8 Construction and Earthworks Effects

The proposal involves undertaking earthworks associated with the formation of the building, carpark, servicing and landscaping areas. Given that the bulk of earthworks have already been completed as part of Stage 1, the extent (area and volume) of Stage 2 earthworks is relatively limited.

A sediment and erosion control plan and a construction management plan have been prepared and are included in the Design Package (**Appendix C**). These indicative plans, which will form part of the finalised Construction Management Plan (CMP) to be submitted to GDC prior to undertaking any activities occurring within the whare, set out the following procedures to be adopted during works:

- Water directed to a drainage inlet which is protected with silt socks;
- Designated areas for temporary stockpiling of topsoil, concrete and timber;
- Truck turning circle with appropriate space for manoeuvring;
- A works area and setbacks for trafficable areas and the building platform, which will be fenced off with gates.

While public access to parts of the top of the maunga will be restricted during works, this will be for a temporary period only and is necessary to provide for the development which will promote long-term enjoyment of the maunga. In addition, it is noted that other parts of Titirangi Reserve will remain unrestricted and accessible throughout the development. Given the relatively small scale of earthworks proposed (in comparison to Stage 1), fewer truck movements are anticipated and construction traffic will be managed through the finalised CMP.

Overall, having regard to the above it is considered that the proposal will result in less than minor adverse effects, in terms of construction and earthworks.

7.9 Contamination Effects

Bulk earthworks have already been completed on the site as part of Stage 1 works which are understood to have involved the removal off-site of cleanfill, as well as a small volume of uncontrolled fill that was disposed of a licenced handling facility. LDE have advised in their Contamination Report (**Appendix K**) that the site is suitable for its intended recreation use in accordance with the NESCS.

LDE have also advised, in their report, that the soil to be disturbed is of an appropriate quality and can be re-used onsite and can likely be disposed off-site at a cleanfill facility (subject to testing to confirm compliance with the cleanfill criteria). LDE will undertake any necessary site inspections and monitoring during earthworks to ensure that any conditions of consent are complied with in relation to the management of soils. In addition, LDE have recommended measures to be adopted in the event that buried

waste, suspected asbestos or other chemicals or environmental hazards are encountered during works, in accordance with the relevant MfE guideline and WorkSafe regulations.

Having regard to the assessment provided by LDE, it is considered that provided that their recommendations are adhered to, the proposed soil disturbance will result in less than minor adverse effects in terms of soil contamination.

7.10 Servicing

As explained in the preceding assessment, the proposed servicing arrangement is a permitted activity under the TRMP. The design of stormwater, wastewater and water servicing infrastructure has been scoped by WSP as set out in the Three Waters Report (**Appendix F**), in accordance with the relevant capacity and engineering requirements. Detailed design of the servicing infrastructure will be provided at building consent stage. Overall, it is considered that effects associated with servicing will be less than minor.

7.11 Cumulative Effects

In terms of potential cumulative effects, the following is noted:

- The whare has a relatively limited in footprint in comparison to the site/maunga, such that future additions/extensions to the proposed development would be physically constrained;
- Most proposals of this nature in the Heritage Reserve Zone will be a non-complying activity and therefore subject to a range of tests in order to obtain resource consent notwithstanding grant of this consent;
- Future development/buildings in the surrounding Titirangi Reserve area is very unlikely, given the physical restrictions and steep terrain;
- Cumulative effects in relation to reserve character and amenity, landscape and visual, natural character, coastal character, traffic, cultural, acoustic, construction/earthworks, contamination have been addressed in the preceding assessment and are considered to be less than minor.

For these reasons, it is considered that the cumulative effects associated with this proposal are less than minor.

7.12 Positive Effects

The proposal will result in a range of positive effects on the environment, as follows:

- It will reinstate the cultural significance of the tihi by providing a space for knowledge sharing opportunities and for the community to share cultural, spiritual, heritage, recreation and environmental values. As noted in the Heritage Report, the design also appropriately gives *'a role to the emplacement that it would not otherwise have had'* and *'giving the emplacement a new purpose is a positive outcome'* from a heritage perspective.

- It will transform the culturally significant site into a community centre with a range of facilities for the community to enjoy and flow-on tourism benefits are anticipated. This includes the provision of publicly accessible toilets which were previously not featured on the maunga.
- Te Panuku Tū has been carefully designed, in a manner that allows it to integrate into and enhances the existing natural environment.
- It will promote alternative means of transport and provide for the sustainable management of the maunga.

7.13 Environmental Effects Assessment Summary

Overall, from the assessment undertaken above the proposal will have actual and potential effects that are no more than minor and therefore considered to be acceptable.

8 STATUTORY ASSESSMENT

Section 104(1) requires that when considering an Application for a resource consent, the consent authority must have regard to the matters set out in 104(1)(a), (ab), (b) and (c). These matters are addressed below, and all are subject to Part 2 of the Act.

8.1 Section 104(1)(a) of the Act

Section 104(1)(a) requires the consent authority to have regard to 'any actual and potential effects on the environment of allowing the activity'.

As assessed in Section 7 above, the proposal will have actual and potential effects that are acceptable subject to the imposition of the conditions of consent as recommended in Section 9.2 below. In particular, the following effects conclusions are reached:

- Reserve character and amenity effects: no more than minor;
- Landscape and visual, natural environment, coastal character effects: less than minor;
- Heritage and archaeological effects: less than minor;
- Traffic effects: no more than minor
- Effects on cultural values: no more than minor;
- Acoustic effects: less than minor;
- Construction and earthworks effects: less than minor;
- Contamination effects: less than minor;
- Cumulative effects: less than minor.

The proposal will also result in a range of positive effects, as discussed in Section 7.12 above.

8.2 Section 104(1)(ab)

Section 104(1)(ab) requires that the consent authority consider “any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity”.

In the case of this particular Application, the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.

8.3 Section 104(1)(b) of the Act

Section 104(1)(b) requires the consent authority must have regard to:

any relevant provisions of –

- (i) a national environmental standard;
- (ii) other regulations;
- (iii) a national policy statement;
- (iv) a New Zealand coastal policy statement;
- (v) a regional policy statement or proposed regional policy statement;
- (vi) a plan or proposed plan

An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that activity may have on the environment has been provided below.

8.3.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

With regards to the disturbance of potentially contaminated soils, LDE have advised in their report the proposed soil to be disturbed is of an appropriate quality and can be re-used onsite and can likely be disposed off-site at a cleanfill facility (subject to testing to confirm compliance with the cleanfill criteria). Site inspections and monitoring will be undertaken during earthworks to ensure that soils are appropriately managed. Overall, the proposed soil disturbance will be managed and undertaken in a manner that will minimise risk to human health, consistent with the intent and purpose of the NESCS.

8.3.2 New Zealand Coastal Policy Statement

The proposal is consistent with the objectives and policies of the New Zealand Coastal Policy Statement (‘NZCPS’). In particular, the proposal protects and preserves the historical and cultural significance of the site, consistent with Policy 17 which seeks to protect historic heritage in the coastal environment from inappropriate use and development. In addition, as noted in the LVA, the proposal is also consistent with Policy 13 of the NZCPS which seeks to preserve the natural character of the coastal environment and to protect it from inappropriate use and development. The proposed construction and design of Te Panuku Tū includes a range of measures and considerations which are in place to ensure that the development

minimises the impact on natural character values and can be integrated into the site’s natural coastal environment context. The intended use of the whare is also considered appropriated in the context of the site.

8.3.3 Tairāwhiti Resource Management Plan

Relevant Objectives and Policies

8.3.3.1 Part B: Regional Policy Statement

The Regional Policy Statement (RPS) provisions in the TRMP set out a strategic framework for issues of significance across the Tairāwhiti region, resultant priorities and outcomes sought. At a high level, the RPS envisages that development involves tangata whenua in the decision-making process, respects the significant coastal environment values and natural resources in the region, recognises the cultural and historical importance of sites, and adopts appropriate land management methods. For the reasons set out in the preceding assessment, it is considered that the proposal is consistent with the objectives and policies of the RPS in relation to the key matters identified. This is discussed in more detail in the following paragraphs.

8.3.3.2 Chapter C2: Built Environment, Infrastructure and Energy

The proposed servicing infrastructure (water, wastewater, stormwater), telecommunications and power connections have been scoped by WSP, are permitted activities under the TRMP and will be implemented in a manner that is consistent with the relevant objectives and policies of Chapter C2. In addition, the proposed vehicle access and parking arrangement, also designed by WSP complies with the TRMP. As such, the proposal is consistent with the relevant objectives and policies of Chapter C2 of the TRMP.

8.3.3.3 Chapter C3: Coastal Environment

Of relevance to this project, the key objectives and policies of the Coastal Environment Overlay seek that:

- Objective C3.2.2(1): The natural character of the Gisborne regions Coastal Environment and wetlands, rivers, lakes, and their margins within the Coastal Environment is preserved unless such preservation is inconsistent with the purpose of the RMA.
- Policy C3.2.3(1): Consent authorities will, when any application for a plan change or resource consent in the Coastal Environment is being considered, recognise that all the coast has some degree of natural character which is required to be preserved.
- Objective C3.3.2(2): Outstanding natural features and landscapes/seascapes are protected from the adverse effects of inappropriate activities (Objective C3.3.2(2)).
- Policy C3.3.3(3): The Council and consent authorities will recognise the importance of open space in appreciating outstanding natural features and landscapes and shall take into account the need to protect open space in order to preserve the visual and physical integrity of those natural features and landscapes.
- Policy C3.3.3(4)(a): Use and development shall respect the natural landform characteristics. Subdivision, use and development that cause strong visual contrasts with, or modification of, natural

landforms are visually incongruous and shall be avoided, remedied or mitigated so that those affects are no more than minor.

- Objective C3.6.2(1): To protect the special value sites of tangata whenua.
- Objective C3.6.2(3): To maintain the integrity of the relationship of Māori with their culture, traditions, ancestral lands, and other resources.

Although the proposed development is significantly raised and distanced from the coastline area, it is still within the context of the coastal environment. The proposal adopts a range of measures to ensure that the key values of the coastal environment are protected, including its natural character, landscape features and significance to Iwi. In particular:

- The design of the proposed development, including its scale/bulk/form, use of materials/colours, have been designed by Isthmus in a manner that allows it to integrate into and complement the existing site, being a significant maunga in the coastal environment.
- The development generally comprises the removal of grass in an existing modified area. No native vegetation is proposed to be removed.
- Landscaping will be incorporated into the development to ensure that the development is integrated into the natural characteristics of the surrounding coastal context.
- The development has been designed in collaboration with Ngāti Oneone and maintains their relationship with the site and its cultural significance.
- Appropriate measures, including sediment and erosion control and construction management measures, will be implemented during earthworks activity to mitigate any potential adverse effects on the natural coastal character of the site. In particular, sediment and erosion controls will ensure that water runoff is appropriately managed and that any vegetation adjoining the area of works is not adversely affected.

8.3.3.4 Chapter C4: Cultural and Historic Heritage

The key objectives and policies in Chapter C4 that relate to this proposal are as follows:

- Objective C4.1.3: The recognition and protection of the cultural heritage resource
- C4.1.7(1): Recognition and protection of waahi tapu and waahi tapu areas through close cooperation with hapu, iwi, the community and landowners.
- C4.1.7(2): Avoid, remedy or mitigate adverse effects on waahi tapu or waahi tapu areas.
- C4.1.7(3): Ensure that landowners are advised of the existence of waahi tapu sites.
- C4.1.8(1): To encourage hapu and iwi to research and document information relating to waahi tapu particularly in respect of their location.
- C4.1.7(2): In considering whether to grant consent or impose conditions in respect of any resource consent application, designation requirement or modification of a designation affecting a waahi tapu Council shall have regard to the following assessment matters:
 - The nature, form and extent of the proposed activity.
 - alternative methods and locations available to carry out the works or activities.

- The result of consultation with tangata whenua.
- The effect on spiritual or cultural values.
- To ensure that where a waahi tapu is also an archaeological site, the provisions relating to archaeological sites in C4.1.6 of this chapter, also apply.

The proposal is consistent with the objectives and policies of Chapter C4, as they relate to cultural and historic heritage sites, for the following reasons:

- Te Panuku Tū is intended to operate as a community facility which will reinstate the historical tihi and enhance the mana of Ngāti Oneone to the maunga. It has been designed in collaboration with Ngāti Oneone, who have co-management of the Tītīrangī Reserve as outlined in the Reserve Management Plan. As set out in the LVA, Te Panuku Tū principles have been developed by Ngāti Oneone to ensure that important cultural elements are provided for in its design.²
- As noted in the Archaeological Assessment, the site has significance to Waahi Tapu, but has already been significantly modified and the likelihood of encountering intact archaeological feature is very low. Regardless, accidental discovery protocols will be implemented to ensure that appropriate measures are taken, in the event any discoveries of significance to Waahi Tapu.³
- The existing WW2 gun emplacement building (a Category B item) has been integrated into the design of Te Panuku Tū. As noted in the Heritage Report, the proposal provides for adaptive reuse of the emplacement to ensure that it is cared for and maintained in the future. It also includes interpretation measures, which will assist in explaining the context of the gun emplacement.⁴

8.3.3.5 Chapter C7: Land Management

The proposal is consistent with the objectives and policies as they relate to Land Overlay 2 and 3 for the following reasons:

- No substantial vegetation will be removed to facilitate the works. All vegetation removal will be limited to grassed areas. As such the works will not result in any adverse effects on aquatic or wetland resources, biodiversity or physical resources.⁵
- All the land disturbance and soil removal will be managed on site to ensure local or global instability does not arise.⁶
- Appropriate silt and sediment controls will be put in place prior to the commencement of the works to ensure adverse run off effects do not arise.⁷
- The works will not degrade the capacity of the soils and following the completion of the works the area will be stabilised to ensure further erosion does not arise.⁸

² Consistent with Objective C4.1.3.

³ Consistent with Objectives C4.1.7(1, 2 and 3) and Policies C4.1.8(1 and 2).

⁴ Consistent with Objectives C4.1.9(2 and 4) and Policy C4.1.10(1).

⁵ Consistent with Objective C7.1.3(1).

⁶ Consistent with Objective C7.1.3(2) and Policy C7.1.4(2 and 3).

⁷ Consistent with Objective C7.1.3(2) and Policy C7.1.4(2 and 3).

⁸ Consistent with Objective C7.1.3(2) and Policy C7.1.4(2 and 3).

8.3.3.6 Chapter C9: Natural Heritage

The proposed establishment of the whare on an urban ridgeline is consistent with the objectives and policies as they relate to natural heritage and in particular Policy C9.1.4(5) which seeks to avoid, remedy or mitigate the effects of inappropriate use and development on prominent ridgelines of the Coastal Environment. While the proposed building will be established on a prominent ridgeline, the ridgeline has previously been modified through historic development on the maunga. As noted in the LVA, Te Panuku Tū has been designed to integrate into the contours and natural environment of the surrounds. When viewed in the context of the ridgeline, it will be indiscernible from afar (i.e. at ground level) and will be obscured by vegetation and the natural topography when viewed from near.

8.3.3.7 Chapter C11: General Controls

The proposal is consistent with the objectives and policies relating to general controls (signage, noise and vibration, lighting and glare) for the following reasons:

- The proposed signage, which will be static but may be subtly illuminated, will be located in such a manner that will not compromise the safety and efficiency of the surrounding road transport network.⁹
- The proposed signage will be associated with use of the building and will be of a scale, materiality and design that is commensurate to the site and proposal, such that it maintains the amenity values and heritage values of the surrounding Titirangi Reserve environment. The 1m² sign adjacent to the gun emplacement structure is for interpretive purposes, consistent with the intent of community signage.¹⁰
- As confirmed in the Acoustic Assessment, activities taking place in the building can be managed to ensure that noise levels are not incompatible with the existing character of the reserve and the impact on surrounding zones will be acceptable.¹¹
- As confirmed in the Acoustic Assessment, construction works will comply with the vibration standards of the TRMP. While construction noise levels may be temporarily and intermittently exceeded during works, this is for a limited duration (1-2 months) and only in close proximity to works (up to 35m). This is not expected to cause any significant impact given: the large size of the reserve (which allows users to enjoy other parts of the reserve), the temporary nature of the works, and the timing of works (i.e. undertaken during the day time only).¹²
- There are no objectives and policies specifically relating to lighting and glare, however it is noted that the proposed outdoor lighting will be designed in accordance with the TRMP requirements for reserve zones to ensure that it does not adversely impact the amenity and character of the site.

8.3.3.8 Chapter D2: General Coastal Management Area

The rules in the General Coastal Management Area only relate to the Coastal Marine Area ('CMA') which the site is not located in however the objectives and policies remain applicable to the area of 'land'

⁹ Consistent with Objective C11.1.3(1) and Policy C11.1.4(1).

¹⁰ Consistent with Objective C11.1.3(2) and Policies C11.1.4(3 and 4).

¹¹ Consistent with Objectives C11.2.4(1 and 2) and Policies C11.2.5(1, 2 and 5).

¹² Consistent with Objectives C11.2.4(1 and 2) and Policies C11.2.5(1, 2 and 5).

identified within this overlay. The proposal is consistent with the objectives and policies of the General Coastal Management Area for the following reasons:

- The proposed construction works will be appropriately managed to ensure they do not detract from the amenity and character of the area and the site’s coastal environment context.¹³
- Te Panuku Tū, which has been designed in collaboration with Ngāti Oneone¹⁴, is a development that will integrate into the surrounding natural environment.¹⁵
- The proposal is considered to be an appropriate use and development of the site for the reasons set out in the preceding assessment, and it will not detract from the character or amenity of the area.

8.3.3.9 Chapter D5: Reserves Zones

The proposal is consistent with the objectives and policies as they relate to the Reserves Zone, in particular the Heritage Reserve Zone, for the following reasons:

- The proposal will encourage future enjoyment of the reserve by establishing a building for community activities and public events and is intended to create opportunities to share cultural, spiritual, heritage, recreation and environmental values with the community and visitors. The facility is designed to be fully accessible to the public, noting that access for pedestrians and cyclists will be unrestricted at all times (with private vehicles redirected to the marae parking area during events). Potential operational effects on the amenity of the reserve will be appropriately managed through the implementation of the OMP, as well as an ETMP for events/functions.¹⁶
- As set out in the preceding assessment, the proposal has been designed to integrate into the surrounds and complement the existing features of the natural environment, such that visual amenity values and people’s enjoyment of the reserve will be enhanced and that the structure does not detract from the site’s open space character.¹⁷
- The heritage values of the reserve have been maintained, as the proposed earthworks will not impact on archaeological values, and the proposed building has been designed to integrate with and complement the existing historic gun emplacement structure.¹⁸

8.4 Section 104(1)(b) Summary

The above assessments demonstrate that the proposal will be consistent with the relevant objectives and policies of the relevant statutory documents, subject to fair and reasonable conditions being imposed as recommended in Section 9.

¹³ Consistent with Objective DC2.3(1) and Policy DC2.4(1).

¹⁴ Consistent with Objective DC2.3(4).

¹⁵ Consistent with Objective DC2.3(2)

¹⁶ Consistent with Objective DD5.3(1) and Policies DD5.4(1 and 7).

¹⁷ Consistent with Objective DD5.3(2) and Policies DD5.4(1, 2, 3 and 7).

¹⁸ Consistent with Policy DD5.4(7).

8.5 Section 104(1)(c) of the Act

In addition to the matters of regard covered under sections 104(1)(a), (ab) and (b), section 104(1)(c) states that consideration must be given to "any other matters that the consent authority considers relevant and reasonably necessary to determine the Application." In this case the Tītīrangī Reserve Management Plan and Tītīrangī Accord and the Trust Deed are considered to be of particular relevance.

8.5.1 Tītīrangī Reserve Management Plan and Tītīrangī Accord

Of particular importance to this project is the Tītīrangī Accord, between Ngāti Oneone and the Gisborne District Council, which is a protocol for the protection of Tītīrangī Reserve and the management of Waahi Tapu and archaeological sites. This accord is to accompany and should be read in conjunction with the 2016 Tītīrangī Reserve Management Plan ('Tītīrangī RMP'). It is noted that the Tītīrangī RMP is not a management plan prepared under the Reserves Act 1977.

The Tītīrangī RMP provides a strategic framework for the management of Tītīrangī by Gisborne District Council. It is intended to provide immediate actions and long term objectives in order to '*ensure the use, enjoyment, maintenance, protection, preservation, as the case may require...development as appropriate, of the reserve for the purposes of which it is classified.*' The following values are set out in the Tītīrangī RMP as being of particular importance to Tītīrangī:

- Kaitiakitanga: The special relationship Ngāti Oneone as Tangata Whenua have with Tītīrangī as a site of spiritual cultural and historic significance, and a reference point for whanau, hapu, iwi identity.
- Recreation / Nga Takaro Pūangi: Tītīrangī is iconic to the landscape of Gisborne city. It is a place to visit enjoy the views and be healthy in.
- Cultural Heritage / Nga Taonga Tuku Iho: Tītīrangī, and the area surrounding it, is historically and culturally significant as a place of occupation, meetings, life, war and rest. Some evidence of it still remain.
- Learning / Wananga: The learning opportunities Tītīrangī has in terms of sharing cultural, spiritual, heritage, recreation and environmental values with the community and visitors.
- Environment / Taiao: The natural environment and its potential for enhancement in an urban and modified environment.

The design and future use of the building has been carefully determined in collaboration with Ngāti Oneone to ensure that it reflects the core values outlined in the Tītīrangī RMP which include promoting opportunities for strengthening kaitiakitanga, recreation, cultural heritage, learning, and the promoting the natural environment.

The building will accommodate community activities and public events, and is intended to create opportunities to share cultural, spiritual, heritage, recreation and environmental values with the community and visitors. The space will also include sharing of Mātauranga Māori – local knowledge to Ngāti Oneone, by providing a place to house taonga.

The proposed development will integrate the existing historic gun emplacement building and also provide for a replacement of the James Cook observatory through providing a place at night to explore the relationship with ngā whetu – the stars and navigation.

Finally, as detailed in the preceding assessment, Te Panuku Tū has been carefully designed in a manner that enables it to integrate into the existing surrounding natural environment. It is noted that the maunga has been modified through previous development; the proposed development, which will be accompanied by a planting scheme that meets the principles of the Titirangi Reserve Management Plan, will not only protect existing natural character values but also enhance them.

There are some inconsistencies between the Trust Deed provisions (as detailed in Section 8.5.2 below) and the principles of partnership as part of the Titirangi RMP. It should be noted that the Summit is not held as a 'reserve' under the Reserves Act 1977, nor is the management plan formally mandated under that Act (in response to a provision of Deed).

8.5.2 Trust deed

As noted in the background section above, the site is subject to a Trust Deed ('Deed') dated 15 December 1967 between Gisborne Sheep Farmers Freezing Company Limited and Council's predecessor. The Deed governs the use of the site and is attached at **Appendix M**.

The implications of the Deed, on the use of the site, are set out at a high-level in the Council report 18-555 '*Titirangi Summit Redevelopment – Business Case and Options Analysis*' which are repeated below:

28. *The Summit of Titirangi was transferred to Council in 1967 via a Deed of Transfer from the Gisborne Sheep Farmers Freezing Co Ltd. The Transfer is very prescriptive in regards to what can and cannot occur on the summit in regards to building and trading. This has the potential to compromise the outcomes that the project can deliver, particularly should semi-commercial or tourism opportunities be desired via a future co-governance relationship.*
29. *Council sought a legal opinion provided by Cooney Lees Morgan in December 2017, in particular acknowledging that the Deed of Trust and Memorandum of Transfer were created in 1967 and the originating organisation (Gisborne Sheep Farmers) no longer exists. The information in section 29 below has previously been presented to Council in report 18-071 'Titirangi Summit Redevelopment update', on 1 March 2018 and is now included below for the Committee's convenience.*
30. *The legal opinion was sought in order to understand the following points from the Deed:*

What is an observatory?

There is no definition in the Deed so it is necessary to fall back on the ordinary meaning of the term which is a building or place for making observations of natural phenomena. Frequently this is astronomical observations. Unless there was an explicit exclusion in the discussion at the time of deed (1967) of any other form of 'observatory' then a wider approach is available. Anything which enables viewing or an outlook would come within this broader definition.

What is a kiosk?

There is equally no definition of refreshment kiosk so once again it is necessary to fall back on the ordinary meaning as ‘a light open pavilion or summer house open on one or more sides for selling of services such as food or drinks. In this case a structure which combined shade sails and outlook or viewing area and facilities for refreshment would seem to come squarely within what was contemplated by the Deed. It is possible within the terms of Deed to include toilets as part of the kiosk building. Pou, view shafts, seating, shade sails, trail markers and sculptures are allowed under the term of ‘pleasure garden’.

What kind of trade is allowable?

The Deed prohibits any sale, leasing or ‘parting with possession’ of the lands. It does envisage that a business may be established to run a kiosk and an observatory. There is nothing that requires such a business to be operated by Council but any concession to allow an operator to run a permanent kiosk and observatory will involve some level of ‘parting with possession’.

Therefore if Council decided to build a facility and then licensed or leased it to a concessionaire to operate that would run into the prohibition in the Deed against leasing or parting with possession. But if council decided to operate a kiosk or observatory then there would be no parting with possession and therefore such a venture would be within the deed.

Can the terms of deed be varied?

It is possible to vary the Deed and Memorandum but this would need to be sought from the high court. The evidence is presented by affidavit, and it is possible it might be dealt with by the court just on the papers – i.e. without the need for a hearing but it would depend on the level of public interest and the likelihood of opposition. The court may require any application to be served on the Attorney General or relevant ministers to give them an opportunity to provide input on the public interest.

Implications for co-governance

As it stands, the Deed is a significant impediment to the co-governance aspirations of Ngati Oneone. The co-governance principles are set out in the Gisborne District Council’s Reserves Management Plan (RMP), which aims to make decisions about land held by Council for the public good in a spirit of partnership.’

The Applicant acknowledges the restrictions noted above that are set out in the Deed, however, the process for amending the Deed sits outside the scope of this Application. The Applicant considers that this resource consent Application can be processed independently of the Deed variation process; acknowledging that this process is required in order to implement the consent.

9 OTHER RELEVANT SECTIONS OF THE ACT

9.1 Section 104D Test for Non-Complying Activities

To be able to grant consent to a non-complying activity, a council must be satisfied that either the adverse effects of the activity on the environment will be minor (s104D(1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104D(1)(b)). This consideration is commonly known as the 'threshold test' or the 'gateway test'. If either of the limbs of the test can be passed, then the application is eligible for approval, but the proposed activity must still be considered under Section 104. There is no primacy given to either of the two limbs, so if one limb can be passed then the 'test' can be considered to be passed.

As identified in the assessment above, the adverse effects of the activity on the environment will be no more than minor and the proposed activity will not be contrary to the objectives and policies of the plan. As such this Application can be considered under Section 104 and a determination made on the Application as provided by Section 104B.

9.2 Section 108 – Recommended Conditions of Consent

As identified in the preceding assessment there are a number of recommended conditions of consent that will avoid, remedy or mitigate the potential adverse effects of the proposed activity on the environment. It is anticipated that the Council will adopt conditions relating to the following matters.

- All works shall be undertaken in general accordance with the approved plans for this Stage 2 resource consent.
- Submission of the following finalised management and design plans prior to the commencement of construction works:
 - Construction Management Plan.
 - Sediment and Erosion Control Plan.
- Submission of the following finalised management plans prior to undertaking any activities occurring within the whare:
 - Finalised Architectural Plan Set.
 - Finalised Parking Plan.
 - Landscaping Plan and Planting Schedule.
 - Outdoor Lighting Plan.
 - Signage Details Plan.
 - Event Traffic Management Plan.
 - Operational Management Plan:
 - The Operational Management Plan shall include the following recommendations of the Acoustic Report:

- Use of the internal amplified sound system in the main hall during events/functions is permitted between the hours of 9am to 12am (midnight) only.
 - Doors and windows of the main hall must be kept closed between the hours of 10pm to 12am (midnight) when the internal amplified sound system is in operation.
 - Use of an external amplified sound system is restricted to the external viewing deck or stair area on the eastern side of the building. The operation of an external amplified sound system is restricted to the daytime hours of 9am to 6pm only.
 - Noise management measures within the Operational Management Plan shall specify the staff responsible, amplified sound system operation times and areas of use, and management of the venue.
- Archaeology
 - Standard Archaeological Site Discovery Protocol Condition.
 - Contamination
 - A Site Management Plan prepared in accordance with the requirements of the NESCS shall be submitted to Council prior to the commencement of works.
 - Heritage
 - 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.
 - Any alterations made to the balustrade on the outside edge of the gun cover should be approved by an experienced heritage practitioner to ensure that changes are appropriate.
 - Servicing
 - Finalised details of the stormwater, wastewater, and water servicing design shall be submitted at building consent stage.
 - Geotechnical
 - A Geotechnical Report shall be submitted at building consent stage, based on the finalised design of the building. The Geotechnical Report must make reference to the findings of the Stage 2 Geotechnical Report entitled 'Geotechnical Assessment Report for Stage 2 Resource Consent Application', prepared by LDE, Revision 1, dated 24/08/21.

Standard Council conditions relating to earthworks are also anticipated.

It is requested that the draft conditions be provided to 4Sight in advance of a decision being made on the Application.

9.3 Section 125 – Lapsing of Consent

The Act prescribes a standard consent period of five years in which all works must be undertaken, but this may be amended as determined to be appropriate by the Council. It is requested that the standard five year provision be applied in this case.

10 NOTIFICATION ASSESSMENT – SECTIONS 95A TO 95G OF THE ACT

10.1 Public Notification Assessment

Section 95A requires a council to follow specific steps to determine whether to publicly notify an Application. The following is an assessment of the Application against these steps:

10.1.1 Step 1: Mandatory public notification in certain circumstances

An Application must be publicly notified if, under section 95A(3), it meets any of the following criteria:

- (3) (a) *the applicant has requested that the application be publicly notified:*
- (b) *public notification is required under section 95C:*
- (c) *the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.*

The Applicant has requested public notification. For that reason, the Application must be notified, and the remaining steps within section 95 are not relevant.

11 PART 2 ASSESSMENT

We consider that those aspects of the TRMP relevant to this Application have been ‘competently prepared under the Act’, in the sense referred to by the Court of Appeal¹⁹. The council is therefore not obliged to conduct an evaluation under Part 2 of the Act, and Part 2 considerations should not be used to override the plan provisions. However, for the sake of completeness, and to remove any doubt, the following assessment against Part 2 has also been undertaken.

Section 5 in Part 2 identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance. Matters relevant to this Application include:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development. The works will occur on a key urban ridgeline above the coast and

¹⁹ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316, paras 74 and 75

significant thought been put into the whare design to ensure this sits sympathetically within the environment, with the Landscape Specialist concluding that it will not detract from the existing natural character of the site and surrounds.

- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, Waahi Tapu, and other taonga. The works have been designed in collaboration with Ngāti Oneone who are understood to have mana whenua over the maunga.
- (f) the protection of historic heritage from inappropriate subdivision, use, and development. The proposal appropriately incorporates the gun emplacement structure into the design and the risk of encountering items of archaeological significance have been assessed to be low.

The proposal is therefore consistent with Section 6 of the Act.

Section 7 identifies a number of "other matters" to be given particular regard to in the consideration of any assessment for resource consent. Matters relevant to this Application include:

- (a) kaitiakitanga.
- (c) the maintenance and enhancement of amenity values.
- (f) maintenance and enhancement of the quality of the environment.

For the reasons set out in the preceding assessment, the development has been designed in a manner that: strengthens kaitiakitanga over the reserve, promotes opportunities for learning, enhances opportunities for public enjoyment and the amenity values of the heritage reserve, and integrates into the surrounding natural/coastal environment. Construction works will be managed to minimise the impact on the amenity values and quality of the reserve environment.

The proposal is therefore consistent with Section 6 of the Act.

Section 8 requires Council, in their role as decision maker, to take into account the principles of the Treaty of Waitangi, and this has also informed our assessment under section 104 of the Act. In this instance, the proposal has been designed in collaboration with Ngāti Oneone as part of the wider Tairāwhiti Navigations Programme. As such, it is considered that the proposal is consistent with the principles of the Treaty of Waitangi.

Overall, the Application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies reviewed in earlier sections of this Application. Given that consistency, it is concluded that the proposal achieves the purposes of sustainable management set out by section 5 of the Act.

12 CONCLUSION

The Applicant seeks resource consent to construct and establish the Te Panuku Tū whare on the maunga and provide for its on-going use, as part of Stage 2 works on the site.

In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposal will be acceptable, as discussed in Sections 7 and 8 of this report. Effects associated with reserve character and amenity, landscape and visual effects, natural character, coastal character, heritage and archaeology, acoustic, construction and earthworks, contamination, cumulative matters, have been assessed to be less than minor. Effects associated with reserve character and amenity, traffic and cultural values have been assessed to be no more than minor and will be mitigated through a range of measures proposed, including implementation of the OMP prior to use of the whare, as well as ETMPs to manage traffic during events. Overall, the actual and potential effects of the proposal are considered to be acceptable under s104(1)(a).

The proposal will result in a range of positive effects on the environment. Te Panuku Tū will reinstate the cultural significance of the tīhi by providing a space for knowledge sharing opportunities and for the community to share cultural, spiritual, heritage, recreation and environmental values. It will enhance the culturally significant site with a community centre comprising a range of facilities for the public to enjoy and has been designed in a manner that integrates and is in-keeping with the surrounding natural reserve environment.

In terms of section 104(1)(b) of the Act the proposal is consistent with the intent of the NESCS, the objectives and policies of the NZCPS, and the objectives and policies of the TRMP for the reasons set out in Section 8 of this report. The proposal is also consistent with Part 2 of the Act as Te Panuku Tū has been designed in a manner that mitigates adverse effects on the environment, and will enable people and communities to provide for their social and cultural well-being.

Hence, in accordance with section 104B and section 104D in relation to non-complying activities, it is considered appropriate for consent to be granted after public notification, subject to fair and reasonable conditions.

Appendix A
Application Form

Appendix B
Record of Title

Appendix C
Design Package

Appendix D

Landscape and Visual Assessment

Appendix E
Heritage Report

Appendix F
Draft Operational Management Plan

Appendix G
Acoustic Report

Appendix H
Traffic Impact Assessment

Appendix I
Three Waters Report

Appendix J
Geotechnical Addendum and Report

Appendix K

Land Contamination Addendum and DSI

Appendix L
Archaeological Assessment

Appendix M
Trust Deed

Appendix N

Tairāwhiti Resource Management Plan Rules Assessment

Appendix O

Marae Carparking Letter

