

Heritage Effects Assessment:

232, 264, 270 and 276 Shelly Bay Rd
Maupuia, Wellington



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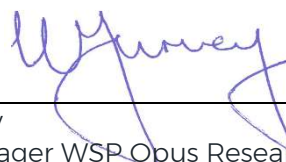
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Executive Summary

WSP Opus has been commissioned by Wellington City Council (WCC) to provide this independent Heritage Effects Assessment for the reconsideration of Resource Consents to the Wellington Company Limited to redevelop Shelly Bay (submitted May 2019).

The application to redevelop Shelly Bay has been made under the Housing Accord and Special Housing Area Act 2013 (HASHAA). HASHAA takes precedence over the Resource Management Act 1991 (RMA); however, under section 34(1)(b) of HASHAA, it is mandatory to consider Part 2 of the RMA. Part 2 section 6(f), recognises protection of historic heritage from inappropriate subdivision, use, and development as a Matter of National Importance. This is reiterated in the New Zealand Coastal Policy Statement, the Regional Coastal Plan for the Wellington Region, the Regional Policy Statement for the Wellington Region, and the Wellington City District Plan.

The proposed redevelopment site encompasses one of, if not the most, intact and cohesive collections of World War II base structures in New Zealand. Research to date has determined that the site has aesthetic, historic, scientific and social values, all of which derive from the physical form of the buildings and structures and the way in which, together, they form a significant whole. Though there is much still to be understood about the significance of the site and its structures, it is evident that the site meets the definition of historic heritage under the RMA, and therefore warrants recognition and protection.

Neither the site, nor any of the buildings or structures thereon, are scheduled as heritage places in the Wellington City District Plan. However, the heritage values of Shelly Bay are recognised through the provisions of Chapters 33 and 34 of the District Plan, and the associated Shelly Bay Design Guide. WCC also recognises the ICOMOS NZ Charter for the Conservation of Places of Cultural Heritage Value as the key guide to heritage conservation practice and protection under the District Plan.

The proposed Shelly Bay redevelopment will be implemented through a Masterplan and new Design Guide that allow for the construction of multi-level apartments, townhouses, detached dwellings, commercial/community buildings; retention of two existing buildings; and relocation of two existing buildings within the site, with three other buildings being considered for relocation, only one of which will be selected. It is the applicant's contention that, with the implementation of the Masterplan and Design Guide, the proposed redevelopment represents an appropriate response to the existing heritage values and historic character attributes of the site.

However, no systematic assessment of the values of the site, the interrelationship between the buildings and structures thereon, or the impact that the proposal will have on these values, has been made by the applicant. The completeness of the site, and the connected historic roles that each building fulfilled, are intrinsic to its rarity, representativeness, and authenticity and, therefore, to its heritage significance. The removal of one or more buildings will necessarily diminish that significance; and the higher the number of buildings and structures removed, the greater the loss of significance will be. As the redevelopment includes demolition or removal of approximately 20 out of 26 buildings and structures on the site, the negative impact on the site's heritage values will be considerable, and its overall significance substantially reduced. This will be compounded by the changes in setting of the site, and changes in setting of the retained and relocated buildings, that will arise from the development. The low scale and density of the site will be lost, and the retained buildings will simultaneously be crowded and dwarfed by the taller and higher density buildings that will surround them.

While the Masterplan and Design Guide advocate that the principles of the ICOMOS New Zealand Charter be followed with relation to treatment of the retained and relocated buildings, the overall redevelopment proposal is inconsistent with the Charter. The values of the site and setting, and the interrelationship between the buildings and structures, are not well understood; demolition or adaptation of buildings has been proposed where some already have a functional use; and relocations have been proposed for buildings where they are not in imminent danger and where other means of retention do not appear to have been fully explored.

Based on the information presented, it is concluded that the proposed redevelopment will have significant adverse effects on this historic heritage place that cannot be avoided, remedied or mitigated; and is therefore inappropriate under RMA section 6(f).

1 Introduction

1.1 Purpose of this Heritage Effects Assessment

In April 2017, the Wellington City Council (WCC) granted Resource Consent for the redevelopment of 232, 264, 270 and 276 Shelly Bay Road, Maupuia, Wellington (hereafter referred to as the Shelly Bay redevelopment site). In August 2018, the Court of Appeal quashed the Council's decision. In May 2019, the applicant lodged an application for reconsideration of the Resource Consent.

WSP Opus has been commissioned by WCC to provide an independent assessment of the effects that this proposed redevelopment will have on the recognised and understood heritage values of the site, and of the buildings and structures thereon. This will be done by summarising the heritage values of the site and structures as they have been assessed by others, and determining how the proposal may actually or potentially impact on these values. It is not the role of this assessment to independently assess the significance of the site or structures. Where there is insufficient information on which to base an assessment of effects on heritage values this will be noted. It is not the role of this Assessment to provide a critique of the applicant's Heritage Assessment; however, this Assessment necessarily refers to statements made in the applicant's Heritage Assessment, as well as other supporting documents provided as part of the application for reconsideration.

1.2 Legal Description and Ownership

The site has multiple legal descriptions as follows:

- Pt Lot 3 DP 3020 and Section 2 SO 339948;
- Pt Section 20 Watts Peninsula District;
- Lot 905 HG Scheme Plan 142175-01-RC02;
- Section 8-9 SO 339948;
- Section 1 SO 37849;
- Section 3 SO 339948;
- Section 4-6, 10 SO 339948.

Part of the site is currently in WCC ownership (refer Figure 2).

1.3 Description of the Site

Shelly Bay is located on the Miramar Peninsular to the east of Wellington City (Figure 1). Kelly and Cooke (2019) describe the site as follows:

Shelly Bay incorporates two bays, located towards the northern end of the western side of the Miramar Peninsula. It is bounded by the sea on one side and the pine covered hill on the other side. The complex covers an area of about five hectares and includes approximately 30 buildings and other structures, including a slipway and wharf.

The vast majority of these buildings are on the flat, with one building, the hospital, occupying a purpose-built platform above the north bay. The complex is bisected by the road which winds its way through the area. On the eastern side of both bays, the buildings are arranged to maximise use of the available land, with some built close to the hill and the remainder arranged in the area between there and the road.

Building identifier numbers used throughout this Assessment are taken from the proposed Shelly Bay Masterplan that forms part of the application for reconsideration of the Resource Consent application (refer Figure 6).

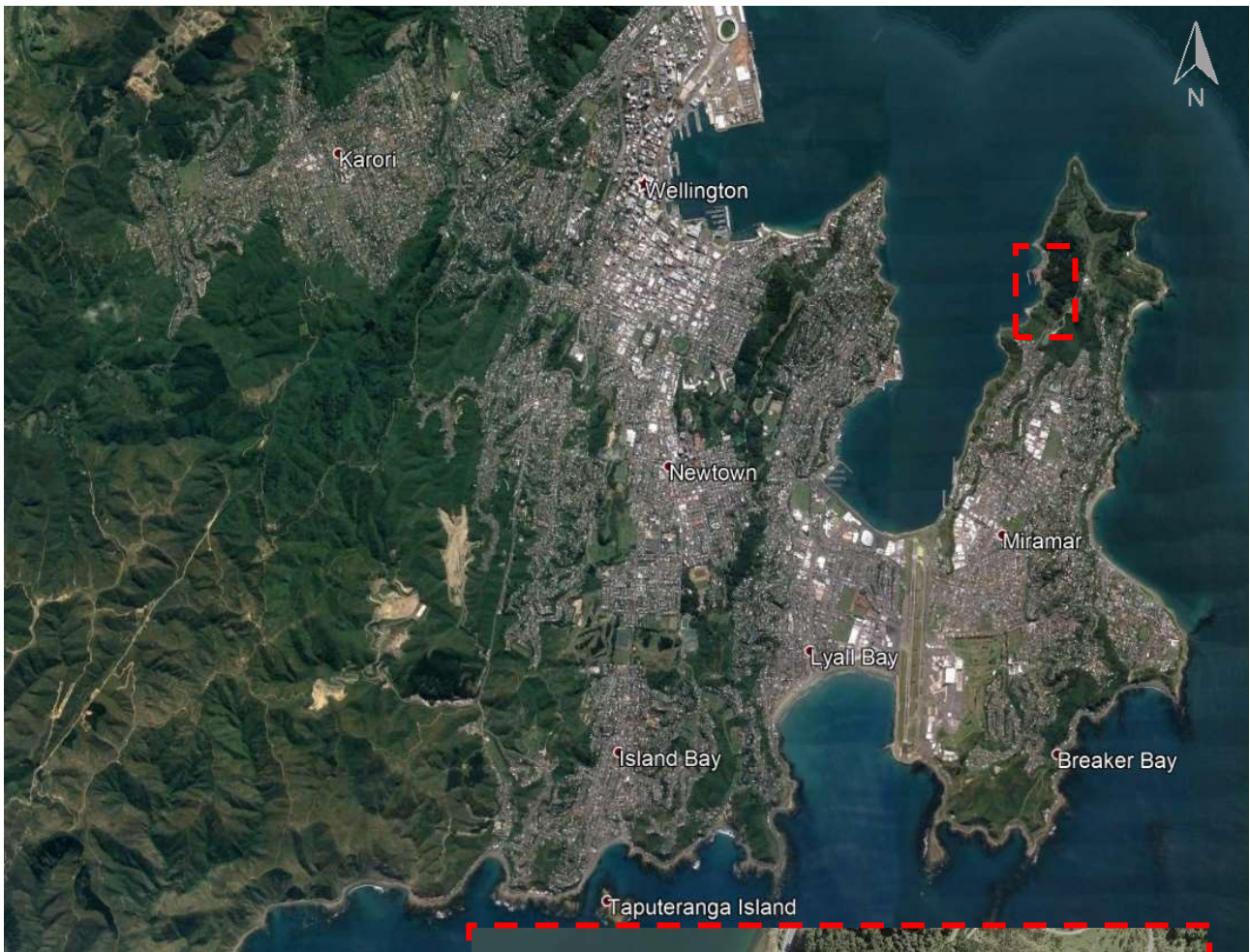


Figure 1: Aerial photo showing location of Shelly Bay
Source: Google Earth





Figure 2: Plan showing land ownership at Shelly Bay as identified in the applicant's Landscape Visual Assessment.

1.4 Heritage Status

Neither the site, nor any of the buildings encompassed thereon, are listed with Heritage New Zealand Pouhere Taonga (HNZPT) or scheduled as heritage items in the Wellington City District Plan.

According to the New Zealand Archaeological Association's recording scheme, Archsite, there is one recorded archaeological site (R27/593) and one pending recorded archaeological site (R27/592) within the development area (Figure 3).

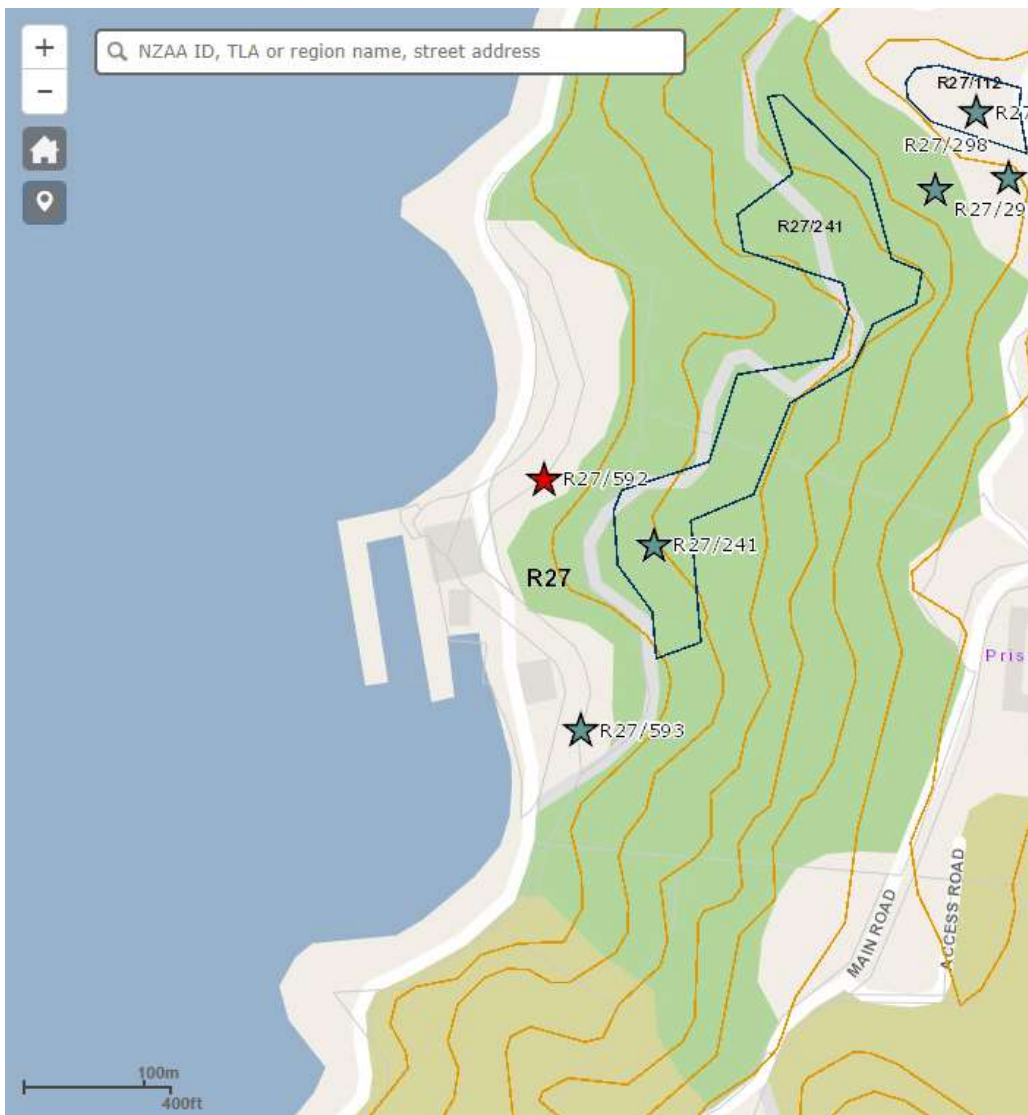


Figure 3: Recorded archaeological sites in Shelly Bay.
Source: Archsite

1.5 District Plan Zoning

Under the Wellington District Plan, Shelly Bay is partly zoned Open Space B and partly zoned Business 1. Broadly, the flat land immediately abutting the coast next to the existing wharf structures is zoned Business 1, with the balance of the site being zoned Open Space B. The Business 1 zoning was brought into effect by an Environment Court decision in 1999¹ which recognised the future protection and development of Shelly Bay as one of the most significant environmental issues in Wellington. As a result of this, the Shelly Bay Design Guide was developed and incorporated into the operative District Plan.

¹ Minister of Defence v Wellington City Council W66/99 and W85/99

1.6 Special Housing Area

A large area of Shelly Bay was identified as a Special Housing Area (SHA) in the Wellington Housing Accord under the Housing Accords and Special Housing Areas Act 2013 (HASHAA)² in June 2015. The area of this SHA was extended in October 2015 (Figure 4). Although the SHA was disestablished in September 2016, HASHAA continues to apply to the application for development of Shelly Bay that is the subject of this Assessment.



Figure 4: The dashed black line shows the extent of the Shelly Bay Special Housing Area as defined in the Wellington City District Plan.

² The HASHAA allows the government and a territorial authority (in this case the Wellington City Council) to enter into a housing accord to address both housing supply and affordability issues. Wellington City Council approved a housing accord with government on 24 June 2014. This is known as the Wellington Housing Accord.

1.7 Outline of Proposed Works

The proposal seeks to redevelop the subject site for predominantly multi-unit residential buildings with supporting mixed use and non-residential buildings in accordance with a proposed Masterplan and new Design Guide. The proposed works are summarised in Section 4 of this Assessment.

1.8 Information Used to Prepare this Assessment

1.8.1 Site Inspection

The author undertook a site visit on 21 May 2019. This site visit included a walk around the site, with the exception of the Finger Pier and Shipwright's Building (Building 12) which are closed for health and safety reasons. The site visit also included partial or full interior inspections of the following buildings:

- Building 7: Officers' Quarters and Mess
- Building 11: Squash Court
- Building 15: Shed 8 (Store and Workshop/Propeller Studios)
- Building 18: Submarine Mining Barracks (Chocolate Fish Café)
- Building 21: Old Hospital (Bayview Art Studios)
- Building 22: Camp Wellington and Coastal Lodge
- Building 23: Fitness, Form and Health Studio

The interior of other buildings was not viewed. For building numbering refer Figure 6.

1.8.2 Documentation

This Heritage Effects Assessment is informed by review of the documents outlined in this section.

- Statutory documents:
 - Housing Accord and Special Housing Area Act 2013 (HASHAA);
 - Resource Management Act 1991 (RMA);
 - The New Zealand Coastal Policy Statement (NZCPS);
 - Regional Policy Statement for the Wellington Region (RPSWR);
 - Regional Coastal Plan for the Wellington Region (RCPWR);
 - The Wellington City District Plan (District Plan);
- *Wellington City Council Heritage Building Inventory: Shelly Bay Precinct*, prepared by Wellington City Council (WCC 1999);
- *Shelly Bay Character and Condition Assessment*, prepared by Opus Architecture, January 2008 (Opus 2008).
- *Heritage Assessment on Resource Consent Application SR 368659*, prepared by Vanessa Tanner for Wellington City Council, December 2016 (Tanner 2016).
- *Shelly Bay Request for Further Information Pursuant to s28 of the Housing Accord and Special Housing Areas Act 2013* letter from Archifact Ltd, 27 October 2016 (Archifact 2016).
- Court of Appeal Judgement in the case of *Enterprise Miramar Peninsula Incorporated v Wellington City Council and the Wellington Company Limited [2018] NZCA 541* (the Court of Appeal decision).
- *Former Naval Base/Air Force Base, Shelly Bay: Assessment of Cultural Heritage Significance*, prepared by Michael Kelly and Peter Cooke, April 2019 (Kelly and Cooke 2019).

- Documents submitted for reconsideration of Resource Consents to the Wellington Company Limited to redevelop Shelly Bay in May 2019:
 - *232, 264 and 276 Shelly Bay Road, Maupuia, The Wellington Company Limited: Continuation of Qualifying Development Application*, prepared by Egmont Dixon, May 2019;
 - *Appendix A2 Shelly Bay Masterplan* prepared by Architecture+, McIndoe Urban, Wraight + Associats, Egmont Dixon, Stantec, Archifact and Envelope, Revision 10, March 2019 (2019 Masterplan);
 - *Appendix A3 Shelly Bay Design Guide* prepared by Architecture+, McIndoe Urban, Wraight + Associats, Egmont Dixon, Stantec, Archifact and Envelope, Revision 23, March 2019 (2019 Design Guide);
 - *Appendix A6 Recommended Consent Conditions*, May 2019;
 - *Appendix A8 Civil Engineering Drawings* prepared by Envelope, September 2016;
 - *Appendix A9 Scheme Plans* prepared by Harrison Grierson, August 2017;
 - *Appendix A11 Planning Assessment Tables*;
 - *Appendix A12 Former Military Base, Shelly Bay Road, Shelly Bay, Wellington: Heritage Assessment and Assessment of Environmental Effects*, prepared by Archifact Ltd, May 2019 (Archifact 2019);
 - *Appendix A13 Cultural Impact Statement, Whātaimai, Marukaikuru, Shelly Bay, Taikururu* prepared by Kura Moeahu, Peter Addis and Lee Rauhina-August, September 2016;
 - *Appendix A14 Landscape and Visual Assessment*, prepared by Architecture+, McIndoe Urban, Wraight + Associates, Egmont Dixon, Stantec, Archifact and Envelope, April 2019;
 - *Appendix A15 Shelly Bay Masterplan Urban Design Assessment of the Wellington Company Proposal Relative to the WCC Shelly Bay Design Guide* prepared by McIndoe Urban Ltd, March 2019;
 - *Appendix A16 Shelly Bay Masterplan Urban Design Assessment of the Wellington Company Proposal Relative to the New Zealand Urban Design Protocol* prepared by McIndoe Urban Ltd, March 2019;
 - *Appendix A17 Artists Impressions*.

1.9 Constraints and Limitations

The following constraints should be noted:

- Only the documents listed in Section 1.8 above have been consulted in preparing this Heritage Effects Assessment.
- No drawings have been prepared as part of this Heritage Effects Assessment. Drawings prepared as part of the documents listed above have been used.
- This Heritage Effects Assessment does not comprise a fabric condition assessment. No invasive testing or analytical investigation has been carried out for the purpose of preparing this Assessment.
- This Heritage Effects Assessment does not comprise a structural or safety assessment, or contain any kind of engineering advice.

- While this Heritage Effects Assessment does not comprise an Archaeological Assessment, which can only be prepared by an appropriately qualified archaeologist, potential archaeological values are considered.
- No consultation with stakeholders or affected parties has been carried out as part of preparing this Heritage Effects Assessment.
- This Heritage Effects Assessment does not present the views or history of tangata whenua regarding the cultural significance of the place. These are statements that only tangata whenua can make.
- This Heritage Effects Assessment is only for the project as described in the documents submitted for reconsideration of Resource Consents to the Wellington Company Limited to redevelop Shelly Bay in May 2019.

2 Historical and Physical Context

It is not the role of this Assessment to provide a detailed history of the use and development of the site. This has been researched and documented by others, including Kelly and Cooke (2019), Archifact (2019) and Opus (2008). Key points are presented in the chronology below to provide some context.

- 1880 The name Shelly Bay is first recorded in use in newspapers
The bay is popular for summer picnics and excursions
- 1881 A 60-year-old man is living in Shelly Bay in a tent
- 1885 Construction of a road linking coastal defence installations at Halswell and Gordon Points begins, and a camp for military road builders is set up at Shelly Bay
- 1886 The two bays that make up Shelly Bay (May Port and Port Janet) are taken for defence purposes in 1886 and gazetted a defence reserve.
- 1887 Shelly Bay proposed as the new site for submarine mining facilities to replace those at Mahanga Bay and Thorndon Quay, with the permanent New Zealand Torpedo Corps to maintain the depot and equipment
First annual camp of the volunteer submarine mining corps
- 1888 The first building is lightered across to the Shelly Bay submarine mining depot from Thorndon Quay
- 1889 The Shelly Bay submarine mining depot base has a Whitehead torpedo shed, mine store, general store, offices, blacksmith's shop, carpentry shop, barracks, 18 metre long L-shaped jetty with a 2-tonne crane, and a tramway connecting the two bays
Māori prisoners put to work beginning the construction of a small slip
- 1891 A fatal explosion occurs at the blacksmith's shop and an investigation is held at Shelly Bay
- 1894 Construction of the road connecting Shelly Bay to Evans Bay
- 1892 Permanent Militiamen from the lower Mt Cook barracks are accommodated at Shelly Bay in tents while the sewers to Mt Cook are cleansed of typhoid
- 1898 The foreshore road from Shelly Bay round Point Halswell to Worser Bay is completed by the Defence Department, with the aid of prison labour, but is closed to the public
- 1902 The wharf is extended, losing the L-shape
- 1907 Submarine mining as a weapon is disestablished, meaning that the facilities to store, test and arm the explosive mines, and wharves to load the mine-laying vessels, are no longer required
- 1908 Removal of buildings to other bases begins
- 1914 Three additional explosives magazines at Shelly Bay are completed
- 1914-18 Shelly Bay is an active defence force facility during World War I
- 1919 The road through Shelly Bay is reopened

| | |
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| 1920s | Submarine Mining Depot Base closed |
| 1922 | The road through Shelly Bay is once again closed to the public |
| 1927 | The road through Shelly Bay is transferred to council ownership, and some improvements are carried out |
| 1936 | Proposal to utilise Shelly Bay as a commuter wharf with a tunnel or cutting connecting the suburban residents in the valley behind the hill |
| 1941 | Shelly Bay becomes Wellington's main (and only) naval base, HMNZS Cook, housing Wellington's anti-submarine and minesweeping forces The road through the base is closed and the tramway is relaid Work begins on reclaiming 2.7 hectares of land |
| 1941-1943 | The wharves are considerably extended, a slipway, accommodation blocks, a mess, recreation hall/canteen, hospital, laundry, two boiler houses, store, workshop, shipwright's shop, offices and officers' quarters are constructed A Naval Ammunition Depot, magazines and laboratory are built above Shelly Bay using prison labour |
| 1944 | HMNZS Cook is formally commissioned |
| 1945 | The base is finally completed as World War II ends Public pressure is put on the Navy to reopen the road, and they agree to allow public traffic to pass through during daylight hours |
| 1946 | Base operation taken over by the Royal New Zealand Air Force |
| 1947 | The wharves, slipway and shipwright's building are advertised for lease, and let to the shipbuilder Barney Daniel |
| 1950-52 | TEAL flying boats are using the Shelly Bay wharf |
| 1961 | Barney Daniel vacates his lease |
| 1965 | A fire destroys the other ranks' kitchen, mess and YMCA library which stood in front of the Submarine Mining Depot barracks (then known as the YMCA Flats) |
| 1973 | The gymnasium is converted to a squash court |
| 1976 | Warrant Officers' & Senior Non-Commissioned Officers' Mess building constructed |
| 1995 | The base is decommissioned and officially closed |
| 2003 | The slipway is used for the last time |
| 2005 | Ownership of the road and land to the seaward side is transferred to Wellington City Council ownership |
| 2008 | Government sells land at Shelly Bay to the Port Nicholson Block Settlement Trust as part of its Treaty settlement |
| c.2009 | The Airmen's Accommodation building is demolished or removed |

The construction phasing of the extant structures on the Shelly Bay redevelopment site are indicated in Figure 5.

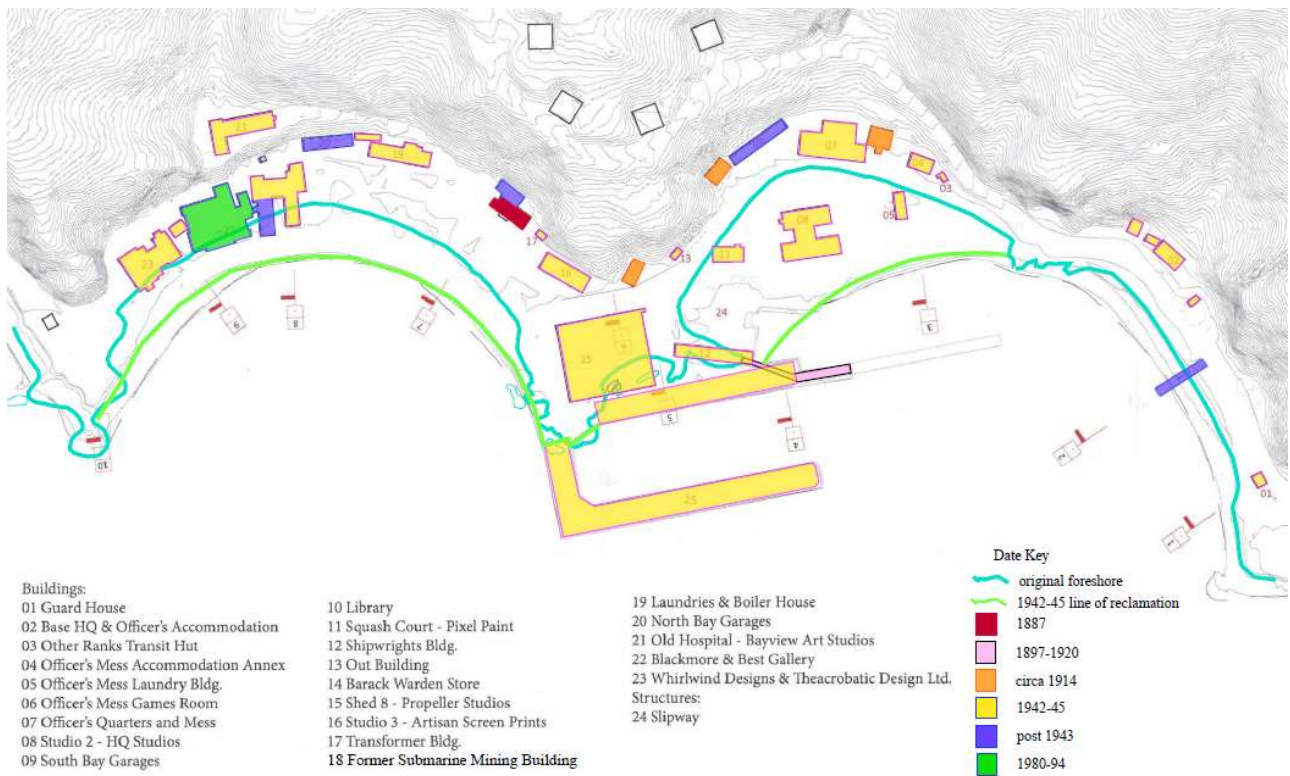


Figure 5: Phasing of construction of buildings on the Shelly Bay redevelopment site.
Source: Archifact 2019, Appendix C

3 Assessment of Heritage Significance

3.1 Criteria for Assessing Heritage Significance

Identifying and assessing heritage values can be a complex process. At present, there is no national legislative procedure or established methodology for assessing the heritage significance of a place in New Zealand. Under the RMA, historic heritage is defined in section 2 as:

those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological
- (ii) architectural
- (iii) cultural
- (iv) historic
- (v) scientific
- (vi) technological³

This definition forms the basis of the criteria for assessing historic heritage values that are set down in Policy 21 of the Regional Policy Statement for the Wellington Region (2003) (RPSWR).

District and regional plans shall identify places, sites and areas with significant historic heritage values that contribute to an understanding and appreciation of history and culture under one or more of the following criteria:

- a) historic values: these relate to the history of a place and how it demonstrates important historical themes, events, people or experiences.
- b) physical values: these values relate to the physical evidence present.
- c) social values: these values relate to the meanings that a place has for a particular community or communities.
- d) tangata whenua values: the place is sacred or important to Māori for spiritual, cultural or historical reasons.
- e) surroundings: the setting or context of the place contributes to an appreciation and understanding of its character, history and/or development.
- f) rarity: the place is unique or rare within the district or region.
- g) representativeness: the place is a good example of its type or era.

Wellington City Council has adapted the criteria given in RPSWR Policy 21, with some slight adjustment as follows:

Aesthetic Value

Architectural: Does the item have architectural or artistic value for characteristics that may include its design, style, era, form, scale, materials, colour, texture, patina of age, quality of space, craftsmanship, smells, and sounds?

Townscape: Does the item have townscape value for the part it plays in defining a space or street; providing visual interest; its role as a landmark; or the

³ And includes:

- (i) historic sites, structures, places, and areas; and
- (ii) archaeological sites; and
- (iii) sites of significance to Māori, including wāhi tapu; and
- (iv) surroundings associated with the natural and physical resources

contribution it makes to the character and sense of place of Wellington?

Group: Is the item part of a group of buildings, structures, or sites that taken together have coherence because of their age, history, style, scale, materials, or use?

Historic Value

Association: Is the item associated with an important person, group, or organisation?

Association (event): Is the item associated with an important historic event, theme, pattern, phase, or activity?

Scientific Value

Archaeological: Does the item have archaeological value for its ability to provide scientific information about past human activity?

Educational: Does the item have educational value for what it can demonstrate about aspects of the past?

Technological: Does the item have technological value for its innovative or important construction methods or use of materials?

Social Value

Public esteem: Is the item held in high public esteem?

Symbolic: Including commemorative, traditional, spiritual value
Does the item have symbolic, commemorative, traditional, spiritual or other cultural value for the community who has used and continues to use it?

Identity: Including sense of place and continuity.
Is the item a focus of community, regional, or national identity? Does the item contribute to sense of place or continuity?

Sentiment: Is the item a focus of community sentiment and connection?

A place, site or area identified must fit one or more of the listed criteria in terms of contributing to an understanding and appreciation of history and culture in a district in order to have significant heritage values.

The Wellington City Council criteria give three key categories for assessing whether a place with heritage values is significant at a local, regional or national level:

Rare: Is the item rare, unique, unusual, seminal, influential, or outstanding?

Representative: Is the item a good example of the class it represents?

Authentic: Does the item have authenticity or integrity because it retains significant fabric from the time of its construction or from later periods when important additions or modifications were carried out?

3.2 Assessment of Heritage Significance of the Site

An Assessment of Cultural Heritage Significance of the Shelly Bay redevelopment site has been prepared by Kelly and Cooke (2019) using the WCC criteria. Kelly and Cooke conclude that Shelly Bay, as an area, possesses all of these values to varying degrees. The values identified by Kelly and Cooke corroborate the earlier WCC Heritage Building Inventory (1999), and Shelly Bay Character and Condition Assessment (Opus 2008).

The author of this Assessment is in agreement with the findings of these documents, which are summarised here for reference.

3.2.1 Aesthetic Value

The former military base at Shelly Bay has considerable aesthetic significance derived from its cohesiveness and distinctive form, scale, materials, patina of age, and overall setting.

Most of the buildings at Shelly Bay conform to an aesthetic that is very much of the time – the period of their construction as part of the naval base in the first half of the 1940s. They are mostly constructed of timber with corrugated iron roofs ... The juxtaposition of the wharf buildings with the more domestic scale of the rest of the base is a visually stimulating one, as is the contrast of the base buildings with the sea on one side and the green of the forested hill behind. The scale of the buildings means that the area is not overwhelmed by the built form.

The former naval base has been a prominent occupant of a sweep of the Miramar Peninsula since 1944. The distinctive form of the buildings, particularly the wharf structures, has long defined this part of the harbour. This is particularly so within Evans Bay, where the buildings are prominent from most vantage points on the western side of the bay and are well known to those arriving or leaving by sea and air.

There is an obvious sense of cohesiveness to the area, in two main ways. The first is the way in which the buildings' appearance, style and form clearly convey the general period in which the base was constructed – the 1940s. The second is the predominant style of the buildings – relatively plain, pitched roof structures with lapped weatherboards, casement windows with fanlights and corrugated iron roofs. This gives the area some consistency, notwithstanding the variation in building forms and scale.⁴

The essential point of a military base “is that its many myriad parts – from accommodation buildings to gymnasium to boiler – work in an interrelated way”⁵ and this is clearly evident at Shelly Bay. The site is one of, if not the most, intact and cohesive collections of World War II base structures in New Zealand.

3.2.2 Historic Value

Shelly Bay was in military use for more than a century and, as a result of this, has strong associations with important groups, organisations, events and activities, both nationally and internationally.

The buildings at Shelly Bay were, for the main part, constructed for the purpose of providing a naval base as part of the defence of Wellington Harbour during World War II, arguably the most significant international event of the 20th century ... The majority of the buildings are linked closely with the Royal New Zealand Navy (RNZN) and the Royal New Zealand Air Force (RNZAF). The RNZN's connection with the area remains significant because it took

⁴ Kelly and Cooke (2019)

⁵ WCC (1999)

place during the war itself, a time of crisis and heightened national anxiety about the country's defences.

The association with the RNZAF was far longer and arguably more meaningful for that fact. The base's buildings were used largely as the RNZN had used them. In particular, the base fulfilled an important need for staff accommodation for several decades.

The area is closely associated with the Public Works Department (PWD), later Ministry of Works) who planned and supervised the construction of the base ... The area is also associated historically with the Wellington Harbour Board, whose engineers used their expertise to help design the layout of the base.⁶

Prior to and during its military use, Shelly Bay also had strong associations with local iwi and European settlers.

Pre-European use of Shelly Bay is documented in various accounts and there was evidence on the ground for settlement in the area, with midden, ovens and house sites visible until the early 20th century, most likely in the north bay. It was the general site of a kainga, Marukaikuru (connected with Taranaki Whānui), and there was a pa, Mataki kaipoinga, on the hill above.⁷

Amidst all the military activity, Shelly Bay was a popular place for excursions and picnics, which took place on a regular basis in the 19th century and even predated military use of the land.⁸

3.2.3 Scientific Value

There is considerable potential for Shelly Bay to provide scientific information about the past through further archaeological investigation, and for the place to be a source of public education.

With more remains associated with pre-European occupation and submarine mining likely to be uncovered, the area has the potential to reveal aspects of past uses of the bay. Of course, any sub-surface investigation would only take place if development of the area led to excavation.⁹

In its current incarnation, Shelly Bay can tell much about the past, beginning with Maori occupation of the area. The survival of the Submarine Mining Depot Barracks offers an opportunity to explain a largely forgotten part of New Zealand's defence history. Likewise, the naval base offers an opportunity to tell an important story about the defence of this country and the effort and resources required to make that happen. Its subsequent use as an air force base likewise offers opportunities to show how the area was utilised for peacetime military purposes, as well as for ship building and repairs.¹⁰

3.2.4 Social Value

Shelly Bay's use as a popular picnic spot, and frustration over the subsequent restriction of access through the military base at various points during the 20th century, indicate there has been a great deal of public interest in Shelly Bay since the late 1800s.

⁶ Kelly and Cooke (2019)

⁷ Kelly and Cooke (2019)

⁸ Kelly and Cooke (2019)

⁹ Kelly and Cooke (2019)

¹⁰ Kelly and Cooke (2019)

The long occupation by the same buildings over a lengthy period gives the area a strong sense of both place and continuity. This is enhanced by the appearance of the former base buildings, which give the area a particular ambience.¹¹

In recent decades, the use of the area by artists, the occupancy of the former Submarine Mining Depot barracks by the Chocolate Fish Café and the opening of a camping ground and accommodation lodge has opened the area to new public uses and connected it to the wider community.¹²

Some residents, particularly on the Miramar Peninsula, see Shelly Bay as a focus of local identity... The intense public interest in the future of Shelly Bay shows that the area as it currently stands is a particular focus of community sentiment, although it's uncertain whether this focus is on retaining the buildings because of their past uses or for what they currently represent.¹³

3.2.5 Level of Cultural Heritage Significance

Rare

The former HMNZS Cook, has rarity value as one of just three naval bases built in New Zealand with berthing facilities (i.e. a combined base and naval facility) and the only naval base to survive with its original buildings and structures mostly intact.

The area is also rare, and possibly unique as a largely intact World War II era military installation. There are very few such places in New Zealand that retain this much original fabric from one period; the vast majority have either had numerous buildings added, alterations to existing buildings or extensive demolition.¹⁴

Representative

It is difficult to compare this area with any other because the pool of surviving naval bases is so small. Compared more widely with other World War II military complexes, it is highly representative of both the period and the kind of structures built at that time.¹⁵

Authentic

Shelly Bay is an area that contains built structures with both high integrity and high authenticity from the time of World War II. As far as can be ascertained, only a small number of buildings have been lost since that period. The recent loss of the airmen's accommodation has reduced this authenticity somewhat.

Appearances suggest that, notwithstanding the usual internal and external alterations to the buildings during their period of military use (and later), the buildings retain a high level of individual integrity, particularly externally.¹⁶

Kelly and Cooke conclude that the Shelly Bay redevelopment site has regional and national significance:

... for its long military use and, most particularly, its formation as a naval base during World War II and subsequent use as an air force base. The investment in resources to build such a facility is evidence of the importance placed by the government on defending the country at

¹¹ Kelly and Cooke (2019)

¹² Kelly and Cooke (2019)

¹³ Kelly and Cooke (2019)

¹⁴ Kelly and Cooke (2019)

¹⁵ Kelly and Cooke (2019)

¹⁶ Kelly and Cooke (2019)

a time of war. This kind of exigency adds considerable weight to the importance of this place, although its military purpose has long ended.

The Submarine Mining Depot Barracks is a direct connection to an internationally significant application of a relatively new technology i.e. the use of submarine mines. This form of marine defence, which was used in the four principal harbours was imported from the United Kingdom and surviving examples are relatively rare.¹⁷

3.3 Assessment of Heritage Significance of Buildings and Structures on the Site

3.3.1 Identifying Significant Buildings and Structures

It is not the role of this Heritage Effects Assessment to undertake a significance assessment of individual structures within the Shelly Bay redevelopment site. However, it is evident that, while there has been an individual assessment of some of the structures, many have not been individually assessed.

The WCC Heritage Building Inventory (1999) states clearly that “all the buildings have a significance derived from their past collective role”.¹⁸ The Inventory assesses the significance of five buildings individually:

- Building 7: Officers’ Quarters and Mess
- Building 12: Shipwrights Building
- Building 18: Submarine Mining Barracks (Chocolate Fish Café)
- Building 15: Shed 8 (Store and Workshop/Propeller Studios)
- Building 21: Old Hospital (Bayview Art Studios)

The document does not explain what process (if any) was used to select these five buildings, and whether or not other buildings within the site of the former military base were assessed for significance at the time.

The Character and Condition Assessment (Opus 2008) identifies 30 structures on the site. Taking into account the magazines to the east, which are not within the redevelopment area, and the subsequent demolition of the Airmen’s Accommodation Building, the number of structures is reduced to 28.

The scope of the Character and Condition Assessment meant that only those buildings and structures owned by WCC were inspected and individually assessed at the time the document was prepared. Of these, two buildings were identified as having high heritage significance:

- Building 12: Shipwrights Building
- Building 15: Shed 8 (Store and Workshop/Propeller Studios)

and eight buildings and structures were identified as having medium heritage significance:

- Building 1: Guard House
- Building 8: Headquarters Building
- Building 5: Officer’s Mess Laundry Bldg.
- Building 11: Squash Court
- Structure 24: Slipway
- Structure 25: Finger Pier
- Shipwrights Office
- Slipway Winch House

¹⁷ Kelly and Cooke (2019)

¹⁸ WCC (1999)

Although they were not inspected, other structures on the site were also given a heritage significance rating in this assessment. Two of these were rated as having high significance:

- Building 7: Officers' Quarters and Mess
- Building 18: Submarine Mining Barracks (Chocolate Fish Café)

Approximately 11 others were rated as having medium heritage significance, including the Old Hospital (Building 21).

Kelly and Cooke (2019) state that:

Although many of the base buildings had a prosaic or functional role with appearances that reflect that, past studies of the base have identified some of them as having an elevated architectural value or a distinctive appearance.

They go on to list the five buildings identified in the WCC Heritage Building Inventory, and provide a brief assessment of each of these. It is noted by Kelly and Cooke that they did not view the interior of any buildings as part of their assessment.

3.3.2 Assessment of Significance of Individual Buildings and Structures

This section provides an overview of assessments of significance made of individual buildings in the WCC Heritage Building Inventory (1999), and Shelly Bay Character and Condition Assessment (Opus 2008) and the applicant's Heritage Assessment prepared by Archifact (2019). The author is in agreement with the descriptions that are reproduced below.

Building 7: Officers' Quarters and Mess

According to Archifact (2019), the Officers' Quarters and Mess:

... is recognised for its aesthetic (architectural, townscape, and group), historic, social (sense of place), and authenticity values. The Officers' Quarters and Mess building demonstrates a good example of a typical institutional New Zealand Defence Force military barracks typology from the early- to mid-twentieth century that helps to define the character of the south bay area of the Shelly Bay as a key element of the operational requirements for the military base operations. It demonstrates a high level of authenticity and integrity having retained the majority of its original form and fabric. As part of the ... Shelly Bay area and as a surviving example of an early twentieth century World War II era military barracks structure, the building is important at a local, regional, and potentially national level.¹⁹

Building 12: Shipwrights Building

According to Archifact (2019), the Shipwrights Building:

... is recognised for its aesthetic (architectural, townscape and group), historic, social (sense of place) and authenticity values. It represents a good example of an industrial maritime structure from the early- to mid-twentieth century. It presents a utilitarian design influenced by its local environment and topography, and its intended use as a workshop for maritime vessels. The building retains a large degree of original historic fabric and the patina of age tends to emphasise its architectural qualities as an industrial maritime structure originally conceived for a military purpose. The Shipwrights Building is a principal element of the Shelly Bay area, a locally renowned area of community interest and focus and contributes to the sense of place, and the continuity of the associated surrounding buildings that interact with the public realm. As part of the ... Shelly Bay area and as a surviving example of an early

¹⁹ Archifact (2019) p70

twentieth century, World War II era industrial maritime structure, the building is important at a local, regional, and potentially national level.²⁰

Building 15: Shed 8 (Store and Workshop/Propeller Studios)

According to Archifact (2019), Shed 8:

... is recognised for its aesthetic (architectural, townscape and group), historic, social (sense of place) and authenticity values. The Shed 8 building represents a good example of an industrial maritime structure from the early- to mid-twentieth century. It presents a utilitarian design influenced by its local environment and topography and retains a large degree of original historic fabric. The building helps to define the character of the junction between the north and south bays and stands as a prominent visual landmark within the Shelly Bay development. It has further value as a key element of the operational requirements for the former military base operations and contributes strongly to the areas overall character. As part of the ... Shelly Bay area and as a surviving example of an early twentieth century, World War II era industrial maritime structure, the building is important at a local, regional, and potentially national level.²¹

Building 18: Submarine Mining Barracks (Chocolate Fish Café)

According to Archifact (2019), the Submarine Mining Barracks:

... is recognised for its aesthetic (architectural, townscape and group), historic, social (public esteem and sense of place), scientific (archaeological), and authenticity values. The place has architectural value, presenting a good example of late-nineteenth century military barracks building. Its domestic barracks function is demonstrated through its villa-influenced elements. The place is strongly associated with the historic fortification of Wellington during the late nineteenth century in response to the Russian scare, which required submarine mining defence capability to be established. Although the Former Submarine Mining Building has undergone a degree of adaptation and alteration, the original external form and detailing is largely maintained. Consequently, the Former Submarine Mining Building has the potential to demonstrate a high level of authenticity and integrity of significant original fabric. As part of the ... Shelly Bay area and as a surviving example of a late-nineteenth century, barracks building structure, the building is important at a local, regional, and potentially national level.²²

Building 21: Old Hospital (Bayview Art Studios)

The Old Hospital is described in the WCC Heritage Building Inventory (1999):

With the exception of the armament magazines, the hospital was the only base building constructed on the hill above the main site. It was mostly completed by June 1944 when the base was fully occupied... It went on to not only look after the basic medical needs of camp staff but military personnel from the wider Wellington region... Apart from some external changes, including the building of a porte cochère, the addition of some partitions, and changes in decor over the years, the building is in relatively original condition... As with many of the buildings it has a domestic scale and appearance but the use of Marseille tiles and the elevated site gives the building distinction.²³

²⁰ Archifact (2019) p70

²¹ Archifact (2019) pp70-71

²² Archifact (2019) p71

²³ WCC (1999)

The Inventory does not state explicitly what heritage values the Old Hospital is recognised for. The Character and Condition Assessment (Opus 2008) assesses the building as having medium heritage value; however, it was not inspected internally as part of this assessment.

Other Buildings

The Character and Condition Assessment (Opus 2008) provides physical descriptions of the Laundry Building (Building 5), Headquarters Building (Building 8), Squash Court (Building 11), and the Guardhouse (Building 1) which were inspected internally as well as externally. “Medium” heritage value is assigned to all four of these buildings.

4 Proposed Works

This section summarises the redevelopment proposal as presented in the documents submitted for reconsideration of Resource Consents to the Wellington Company Limited to redevelop Shelly Bay in May 2019.

4.1 Overview

The proposed redevelopment of the site is described in section 5.1 of the reconsideration application covering document as:

... including residential accommodation (apartments, townhouses and stand-alone dwellings), boutique hotel, ancillary commercial/community activities, the adaptive re-use of some existing buildings on the site and the development of integrated public open spaces. The proposal also includes the option for aged care accommodation.

Consent is sought on the basis of a proposed Masterplan that allows flexibility to cater for changes in apartment size, demand and building design as the development progresses over the duration of the consent sought.²⁴

The build development being proposed is shown in Figure 6 to Figure 8 below, and is summarised as follows:

- the construction of up to 12 multi-level residential apartment buildings containing approximately 280 apartments;
- the construction of approximately 58 townhouses;
- construction of up to 14 individual dwellings in the South Bay;
- the adaptive re-use of 4-5 buildings for residential and commercial/community activities including a hotel;
- construction of new buildings to accommodate commercial/community activities and/or facilities;
- development of all public and private roading;
- development of a village green public open space;
- provision for public parking.²⁵

It is proposed that the built development described above will be designed in accordance with a masterplan and design guide that would replace the existing Shelly Bay Design Guide contained within the Wellington City District Plan. The proposal therefore seeks approval to implement the proposed Shelly Bay Masterplan and Shelly Bay Design Guide via a set of proffered consent conditions.

Artist impressions have been provided to give an indication of how the site would look if the proposed Shelly Bay Masterplan and Design Guide were implemented, and can be indicatively compared to the existing site in Figure 9 to Figure 14 below.

According to the Masterplan, “key outcomes” of the proposed redevelopment include integration and authentic display of historic character, and retention of the robustness and informality of the former air force base.²⁶ A “key objective” of the overall design strategy behind the Masterplan is to develop an authentic and cohesive local character that draws on history, activity, existing historic buildings and the foreshore and harbour edge setting. This will be achieved by reuse of identified

²⁴ Egmont Dixon (2019) p10

²⁵ Egmont Dixon (2019) p10

²⁶ Identified on p5 of the 2019 Masterplan

historic character elements for publicly relevant activities, relocating and adapting buildings “where this is feasible to do so”.²⁷

Overall, the Shelly Bay redevelopment site is recognised in the applicant’s Heritage Assessment (Archifact 2019) as “locally significant” or “locally renowned.”²⁸

4.2 Treatment of Existing Buildings and Structures

4.2.1 Selected Buildings

The Masterplan identifies 26 structures within the redevelopment site, of which 23 are buildings. This varies slightly from the Opus (2008) report due to the inclusion and exclusion of some structures, including the finger pier and boat ramp, and smaller buildings including the shipwright’s office, winch house, and dog kennel hut. Essentially, the main buildings and structures identified are the same.

The proposed Masterplan includes retention of two buildings:

- Building 12: Shipwrights Building
- Building 15: Shed 8 (Store and Workshop/Propeller Studios)

as well as rebuilding of the Finger Pier (Structure 25) and adaptation of the Slipway (Structure 24).

The proposed Masterplan also includes relocation of two buildings:

- Building 7: Officers’ Quarters and Mess
- Building 18: Submarine Mining Barracks (Chocolate Fish Café)

as shown in Figure 6 to Figure 8.

Three further buildings:

- Building 10: Library
- Building 14: Barrack Warden Store
- Building 23: Fitness, Form and Health Studio (part only)

have been identified for potential relocation within the redevelopment site; however, there is only one position available.

The retained and relocated buildings are shown in Figure 6 to Figure 8. All other buildings and structures on the site will either be demolished or relocated off site.²⁹

According to the applicant’s Heritage Assessment (Archifact 2019), the reuse of existing buildings “has been informed by relevance to historic values of the place and the interpretation of the overall development history of Shelly Bay”.³⁰ Although it is not specifically stated, it may be inferred from the covering document of the application that the buildings were selected on the basis of the WCC Shelly Bay Design Guide:

District Plan’s Shelly Bay Design Guide makes particular reference to five buildings that contribute to Shelly Bay’s historic character – the hospital, Warehouse and Stores (shed 8), Submarine Mining Depot Barracks, Shipwrights Building, and Officer’s Mess ... Of the five historic character buildings, the former hospital located toward the north end of the

²⁷ Identified on p5 of the 2019 Design Guide

²⁸ Archifact (2019) p57, 59, 60, 66, 68, 69, 70

²⁹ Egmont Dixon (2019) p12

³⁰ Archifact (2019) p75

northern bay will be the only building identified as contributing to Shelly Bay's historic character that will be demolished.³¹

4.2.2 Treatment of Retained Buildings

Building 12: Shipwrights Building

This building will remain in its current location and will be used for commercial hospitality purposes. Significant refurbishment and minor alteration works to the interior and exterior of this building will be required for its preservation and adaptive re-use. Details of these alterations will be provided through meeting the proffered conditions of consent with respect to detailed design and the requirement to comply with the Design Guide...³²

Building 15: Shed 8 (Store and Workshop/Propeller Studios)

Shed 8 will remain in its current location and accommodate commercial/community activities or residential and short-term accommodation. Significant refurbishment and minor alteration works to the interior and exterior of this building will be required for its preservation and adaptive re-use. Minor alterations may be required for the adaptive re-use of this building. Details of these alterations along with the buildings intended use will be provided through meeting the proffered conditions of consents with respect to detailed design and the requirement to comply with the Design Guide...³³

The effects of the proposed works to the above buildings on heritage values are evaluated by the applicant in their Heritage Assessment (Archifact 2019) as follows:

The proposed retention in-situ and adaptive re-use of Shed 8 [Building 15] and the Shipwright's Building [Building 12] are appropriate heritage outcomes for these significant buildings within the Shelly Bay site. Accordingly the proposed ... adaptive re-use and associated conservation works that adaptation would entail, for the identified historic buildings is considered appropriate.

The proposed works will be guided by conservation principals set out in the ICOMOS New Zealand Charter (2010) [refer Section 5 and Appendix 1 of this Assessment] and best practice methods appropriate to the heritage values of the place. It is considered that in general the intentions of the Shelly Bay Masterplan and Shelly Bay Design Guide documents align with the ICOMOS Charter, and appropriate conservation principles.³⁴

4.2.3 Treatment of Retained Structures

Structure 25: Finger Pier

While it is intended to retain the existing wharf structures (in some form), future investigations will be required determine their future use. The wharfs fall outside of the scope of this application and will, if works are required to be undertaken to the wharf, form part of a future application to GWRC [Greater Wellington Regional Council].³⁵

Structure 24: Slipway

The existing slipway alongside the Shipwrights building will be retained. Any modifications to the existing slipway will form part of the detailed design that will approved through a condition of consent.³⁶

³¹ Egmont Dixon (2019) p33

³² Egmont Dixon (2019) p12

³³ Egmont Dixon (2019) p12

³⁴ Archifact (2019) p75

³⁵ Egmont Dixon (2019) p13

³⁶ Egmont Dixon (2019) p13

4.2.4 Specific Treatment of Relocated Buildings

Building 7: Officers' Quarters and Mess

It is proposed that the Officers' Quarters and Mess be relocated from the centre of the southern bay to the south end of the northern bay; and that it be adapted into a boutique hotel.

The boutique hotel will comprise the relocated Officer's Mess that will accommodate the hotel reception, restaurant/bar along with some hotel rooms. To accommodate the additional rooms required to make the boutique hotel commercially viable, an addition will be constructed to the southeast corner to the existing building. This addition will be a maximum of 6 storeys in height and will be visually distinctive to the existing Officer's Mess. The hotel is expected to accommodate approximately 50 hotel rooms, although future feasibility investigations at detailed design stage will determine the final number of rooms.³⁷

The effects of the proposed relocation of the Officers' Quarters and Mess on the building's heritage values are evaluated by the applicant in their Heritage Assessment (Archifact 2019) as follows:

The proposed relocation of the Officers' Quarters and Mess building (Building 7) to the south end of the north bay is not considered an inappropriate outcome for the building, as it helps to maintain the visual primacy and significance of the building within the proposed development.³⁸

Building 18: Submarine Mining Barracks (Chocolate Fish Café)

This building currently accommodates the Chocolate Fish café. The proposal is to relocate this building (and the Chocolate Fish café activity or similar) to either the north or south end of the Village Green in the South Bay. Significant refurbishment works will be required to this building as part of its relocation.³⁹

As for the other buildings, details of these refurbishments will be developed in accordance with the proposed Design Guide.

The effects of the proposed relocation of the Submarine Mining Barracks on the building's heritage values are evaluated by the applicant in their Heritage Assessment (Archifact 2019) as follows:

The relocation of the Former Submarine Mining Building (Building 18) to the south bay serves as a simple translation of the building, maintaining its original orientation and location within a bay, while also re-presenting its relationship to the foreshore which had been lost as a consequence of the 1940s bay reclamation.⁴⁰

Potential Relocation of Building 10, Building 14 or Building 23

In earlier versions of the proposed redevelopment, relocation of the Outbuilding (Building 13) was also considered. However, the applicant's Heritage Assessment, (Archifact 2019) states that:

... potential heritage values of the Outbuilding have [now] been dismissed and we have instead discovered the potential values and adaptive re-use opportunities associated with Buildings 10 and 14. As such, the Outbuilding is not being considered for retention within the proposed scheme.⁴¹

³⁷ Egmont Dixon (2019) p13

³⁸ Archifact (2019) p75

³⁹ Egmont Dixon (2019) p13

⁴⁰ Archifact (2019) p75

⁴¹ Archifact (2019) p73

Similar to the proposed relocation for the Former Submarine Mining Building, the potential relocation of Buildings 10 and 14 would rediscover their historic relationship with the bay and water edge. However, a particular assessment of environmental effects has not been considered at the same level [as the Former Submarine Mining Building] for Buildings 10 and 14.⁴²

4.3 Applicant's Assessment of Effects on Heritage Values

The applicant's Heritage Assessment (Archifact 2019) states:

We note that while none of the existing buildings within the Shelly Bay site are formally identified as historic heritage in the Wellington City Council District Plan, appropriate regard in the proposed scheme has been made for opportunities to conserve and adapt the identified historic character buildings.

The proposed Shelly Bay Masterplan in hand with the proposed Shelly Bay Design Guide together ensure an appropriate regard and response to those existing values and historic character attributes that are particular to Shelly Bay and which lend future development direct references to scale, materiality, and relationship to open space and the harbour.

It is noted that the current condition of the existing buildings means that no action risks the loss of building fabric and associated values of significance. Accordingly, the proposed relocations/translocations, adaptive re-use, and associated conservation works that adaptation would entail, for the identified historic buildings is considered appropriate. It will enable the heritage of Shelly Bay to be maintained and enhanced, and allow for future public use, interpretation, and appreciation of the historic character. The existing historic character of Shelly Bay is recognised, and the proposed Masterplan proposes a design response which is informed and appropriate to these assets and the wider Shelly Bay historic site.⁴³

This is reiterated in the covering document for the reconsideration of Resource Consent application (Egmont Dixon, 2019), which states that "no significant heritage sites will be impacted by the proposal"⁴⁴ as there are "no listed heritage buildings or items on the site", nor is the site identified as having "regionally significant historic heritage values"; but, notwithstanding this, "the history of the site and the values associated with the existing buildings on the site are protected with the adaptive re-use of some buildings (with the exception of the hospital)".⁴⁵

The covering document notes that "it is possible for all of the existing buildings within the site to be demolished down to their foundations or relocated within the site without the need to obtain resource consent approvals from WCC"; and that, therefore, "the demolition of all existing buildings down to their foundations forms a relevant 'permitted baseline' for the building demolition aspects of the application".⁴⁶ The covering document concludes that, as the buildings can all "be removed as of right" the "historic character effects" associated with the proposed retention or relocation and adaptive reuse of four (potentially five) existing buildings "are considered positive effects".⁴⁷

4.4 Proffered Conditions

Two of the proffered conditions included in the application relate specifically to archaeology and heritage:

⁴² Archifact (2019) p75

⁴³ Archifact (2019) p79

⁴⁴ Egmont Dixon (2019) p27

⁴⁵ Egmont Dixon (2019) p27

⁴⁶ Egmont Dixon (2019) p30

⁴⁷ Egmont Dixon (2019) p34

31. If during any site works involving excavation any kōiwi (human skeletal remains), ovenstones, worked stones, middens, charcoal, other Māori cultural material, or any evidence of early European occupation are unearthed, work must cease immediately to enable the project archaeologists to carry out a detailed examination of the area.

Note: There are recorded archaeological sites in the vicinity of the proposed work. The applicant is advised to contact the Heritage New Zealand for further information. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the Heritage New Zealand must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage.

32. The consent holder shall engage a suitably qualified heritage professional to undertake detailed recording on all structures proposed for demolition, removal and relocation. Upon the completion of the demolition, removal and relocation works, all recordings shall be provided to the Compliance Monitoring Officer for their records.

4.5 Plans and Artists Impressions

The plans provided in this section are taken directly from the proposed Masterplan, and the visualisations are taken from the applicant's Landscape and Visual Assessment.



Figure 6: Existing buildings and structures at Shelly Bay as identified in the 2019 Masterplan (p9)

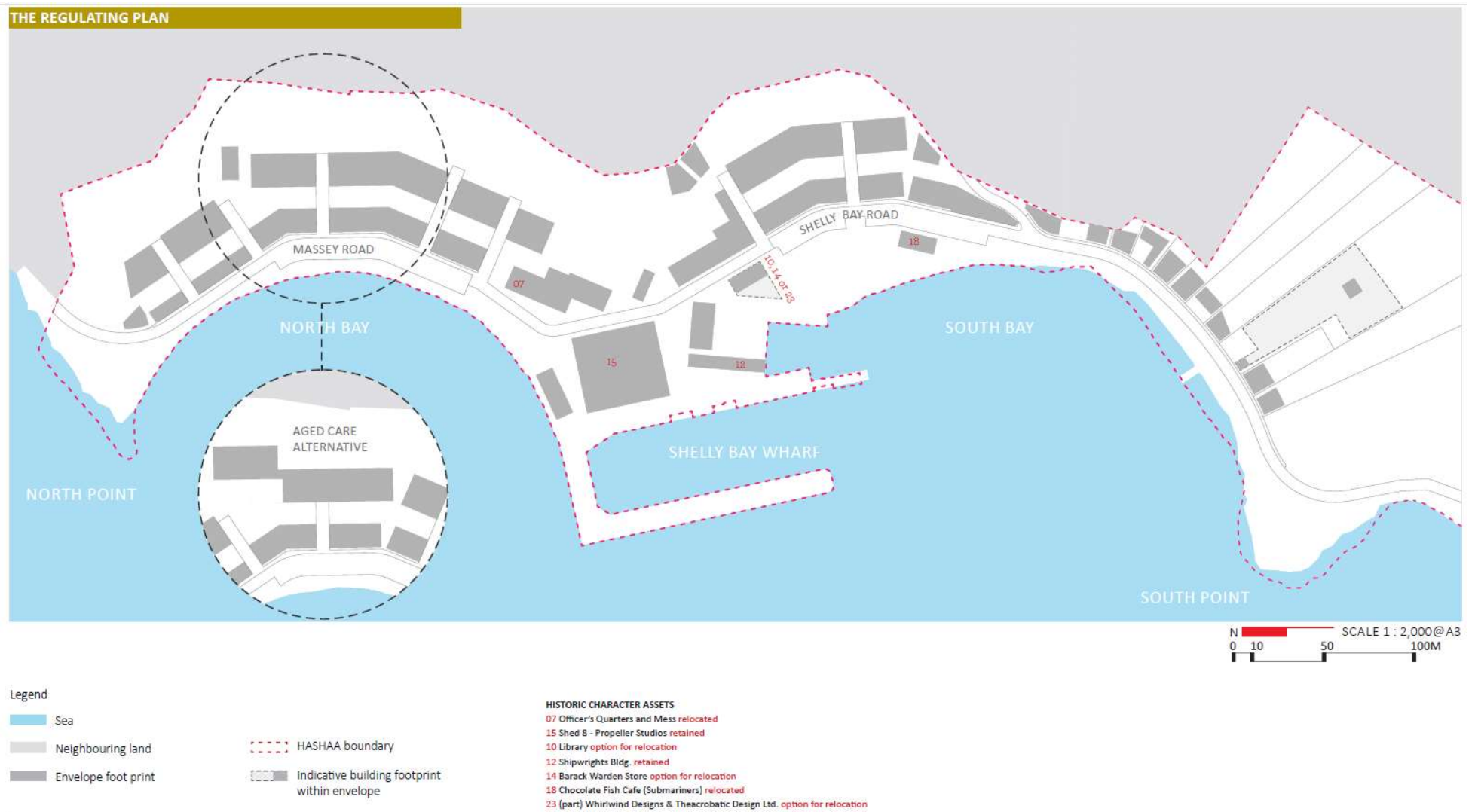


Figure 7: Regulating plan for Shelly Bay as proposed in the 2019 Masterplan (p16)



fig. 1.3.1
Legend
 Existing Buildings Remaining in Current Location
 Relocated Buildings
 New Buildings
 - - - HASHAA - Housing Accords and Special Housing Areas Act Boundary

N SCALE 1 : 2,000@A3
 0 10 50 100M

Figure 8: Proposed site plan as depicted in the 2019 Masterplan (p4).



Figure 9: Looking north towards Shelly Bay from Shelly Bay Road



Figure 10: Visualisation looking north towards Shelly Bay from Shelly Bay Road



Figure 11: Looking north towards the north of Shelly Bay from the Southern Point, Shelly Bay



Figure 12: Visualisation looking north towards the north of Shelly Bay from the Southern Point, Shelly Bay



Figure 13: Looking south towards the south of Shelly Bay from the Northern Point, Shelly Bay



Figure 14: Visualisation looking south towards the south of Shelly Bay from the Northern Point, Shelly Bay

5 Considerations

This section provides an outline of the statutory provisions and guidance documents that apply to the Shelly Bay redevelopment site when considering effects on heritage values. These are used to inform the assessment of effects provided in Section 6 of this Assessment.

5.1 Resource Management Act 1991 (RMA)

The RMA sets out how New Zealand's environment should be managed. It is based on the principle of sustainable management which involves considering the effects of activities on the environment now, and in the future, when making resource management decisions.⁴⁸

The Shelly Bay redevelopment application being considered by this Assessment has been made under the Housing Accord and Special Housing Area Act 2013 (HASHAA). HASHAA takes precedence over the RMA; however, under section 34(1)(b) of HASHAA, it is mandatory to consider Part 2 of the RMA second only to the purpose of HASHAA. This was confirmed by the Court of Appeal in their decision to quash the Resource Consent previously granted for the Shelly Bay redevelopment.⁴⁹

Part 2 of the RMA includes section 6(f), Matters of National Importance, which requires all persons exercising functions under the RMA – including (but not limited to) territorial and regional authorities – to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development.

As noted in Section 3 of this Assessment, historic heritage is defined under section 2 of the RMA as:

- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
 - (i) archaeological;
 - (ii) architectural;
 - (iii) cultural;
 - (iv) historic;
 - (v) scientific;
 - (vi) technological; and
- (b) includes:
 - (i) historic sites, structures, places, and areas; and
 - (ii) archaeological sites; and
 - (iii) sites of significance to Māori, including wāhi tapu; and
 - (iv) surroundings associated with the natural and physical resources

The following documents give effect to the RMA:

- national policy statements;
- regional policy statements;
- regional plans;
- district plans.

The documents relevant to the proposed Shelly Bay redevelopment are outlined below.

⁴⁸ www.mfe.govt.nz/rma/about-rma

⁴⁹ Paragraphs 58 and 59

5.2 New Zealand Coastal Policy Statement 2010 (NZCPS)

The NZCPS is a national policy statement under the RMA. The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.

The NZCPS recognises that historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use and development.⁵⁰ Policy 17 sets out the ways in which historic heritage can be protected from inappropriate subdivision, use and development as follows:

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

5.3 Regional Policy Statement for the Wellington Region 2013 (RPSWR)

The RMA requires every regional council to prepare a regional policy statement (RPS) to promote sustainable management of natural and physical resources. The RPSWR sets down the policies and methods required to achieve the integrated management of the Wellington region's natural and physical resources including land, water, air, soil, minerals and energy, all forms of plants and animals and all structures.

The objectives of the RPSWR include:

Objective 3

Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.

Objective 4

The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.

Policy 22 of the RPSWR is specifically targeted at protecting historic heritage values, where historic heritage values are identified in Policy 21, and listed in Section 3 of this Assessment. Policy 22 requires that:

District and regional plans shall include policies, rules and/or other methods that:

⁵⁰ Objective 6

- a) protect the significant historic heritage values associated with places, sites and areas identified in accordance with policy 21, from inappropriate subdivision, use, and development; and
- b) avoid the destruction of unidentified archaeological sites and wāhi tapu with significant historic heritage values.

Explanation: Appropriate subdivision, use and development respects historic heritage values. Planning for, developing and using a historic place, site or area must be done with full understanding of its value. In addition, destruction of, or damage to, places, sites and areas of historic heritage needs to be avoided when unidentified sites are discovered.

Policy 22(a) is not intended to prevent change to historic heritage, but rather to ensure that change is carefully considered. The places, sites or areas with significant historic heritage values identified in policy 21, and the degree of significance of those values, will influence what activities would be deemed to be appropriate or inappropriate.

Policy 22(b) requires district and regional plans assess which activities could destroy unidentified archaeological sites or wāhi tapu with significant historic heritage values and ensure such activities avoid adverse effects.

5.4 Regional Coastal Plan for the Wellington Region 2000 (RCPWR)

The RMA requires regional councils to prepare a coastal plan that sets out objectives and policies to assist with the assessment of resource consent applications within coastal marine areas. Included in the general objectives and policies (section 4) of the RCPWR are the following:

- 4.2.1 To recognise that the intrinsic values of the coastal marine area and its components are the heritage of future generations and are worthy of protection in their own right, while allowing for appropriate use and development.

Explanation. Policy 4.2.1 acknowledges the special recognition given in the [RMA] to the importance of protecting the natural and physical resources in the coastal marine area, while acknowledging the need to allow for appropriate use and development.

- 4.2.12 To protect significant cultural and historic features in the coastal marine area from the adverse effects of use and development.

Explanation. Policy 4.2.12 seeks to protect features such as historic buildings, shipwrecks, etc.

The RCPWR identifies “features and buildings of historic merit” in Appendix 4. Neither the Shelly Bay redevelopment site, nor any of the structures thereon, are identified. However, Policy 6.2.2 of the RCPWR states:

- 6.2.2 To not allow the use or development of structures in the coastal marine area where there will be adverse effects on: significant places or areas of historic or cultural significance; or structures of architectural or historic merit; unless such adverse effects can be satisfactorily mitigated, or remedied.

Explanation. Policy 6.2.2 lists important features of the coastal marine area which must be protected from the adverse effects of the use and development of structures... The Policy requires that such an effect be recognised, and remedied, or mitigated.

5.5 Wellington City District Plan

Shelly Bay is within the jurisdiction of Wellington City Council. The Wellington City District Plan details the specific objectives, policies and rules that have been adopted to promote the

sustainable management of natural and physical resources in Wellington, as required under the RMA.

The District Plan identifies that certain elements of the city, such as species, landforms and heritage items, can be lost forever. We do not know which of these things will be needed in the future, or how people will value them. A key objective of the District Plan, therefore, is to maintain and enhance the city's heritage, to ensure continuity with Wellington's past in the development of the city in the interest of future generations.⁵¹

The Shelly Bay redevelopment site is zoned Open Space B (Natural Environment) and Business 1⁵² in the District Plan. The relevant District Plan chapters are therefore as follows:

- Chapter 1: General
- Chapter 16: Open space introduction, objectives and policies
- Chapter 17: Open space rules
- Chapter 33: Business areas introduction, objectives and policies
- Chapter 34: Business areas rules
- Business Areas Appendix 1: Shelly Bay Business Precinct
- Character Area Design Guide for Shelly Bay

5.5.1 Business Area Objectives, Policies and Rules

Objective 33.2.3 of the District Plan is:

to recognise where unique development opportunity areas exist within Business Areas and encourage redevelopment of these in a manner that is compatible with, and enhances amenity values and contribute to the City's distinctive physical character, sense of place and contained urban form.

Policy 33.2.3.1 requires that any new development at Shelly Bay generally reflects the heritage and landscape character of the area and has regard to the site's special coastal location.

Shelly Bay is a highly visible area covering the former military base. Development on the site is characterised by a collection of individual buildings of one or two storeys above ground level – most of which have important historical associations with its military and maritime past. It is Council's intention that any re/development at Shelly Bay should reflect the character of established development on both sides of the main road through the site...

In assessing an application for a resource consent relating to the construction of, alteration of, and addition to buildings and structures in Shelly Bay Business Precinct Area, the following matters will be considered:

- The extent to which the proposal meets the provisions of the Shelly Bay Design Guide.
- The extent to which the proposal recognises the special heritage values of the area.

The Design Guide for Shelly Bay will be applied to assist in achieving the design objective and heritage recognition for the site. The general purpose of the Design Guide is to guide development in a manner which recognises and respects the distinctive environmental qualities that give the area its special heritage character.

⁵¹ Chapter 1, p1-2, 1/17

⁵² According to section 33.1 of the District Plan, Business 1 areas contain a range of uses including: employment activities, light industrial, commercial and business services, recreational, residential and entertainment uses, and local community services. In some cases retail activities are also appropriate.

The environmental result will be the development of Shelly Bay in a manner that reflects the sensitive nature of the site between the sea and the open space of the Miramar headland.

5.5.2 Shelly Bay Design Guide

The objectives of the Character Area Design Guide for Shelly Bay are as follows:

- O1 To manage new development in a way that enhances Shelly Bay as a public destination and a point of interest along the scenic marine drive and protects its unique public amenity value of open texture and foreshore accessibility.
- O2 To manage new development in a way that respects the distinctive natural character of Shelly Bay, through its form, scale and siting, and which is visually related to the surrounding buildings.
- O3 To promote the historic significance of Shelly Bay and encourage development that respects any identified heritage buildings.

These objectives are to be achieved through implementation of the guidelines. Of particular importance to this Assessment is guideline Heritage G1:

The location and design of new building development should respect the character and location of any identified heritage buildings within Shelly Bay, with specific reference to the Submarine Mining Depot Barracks, including a possibility of its relocation closer to the water's edge so its original connection to the harbour is recognised.

5.6 ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, Revised 2010

The ICOMOS NZ Charter sets out principles for the treatment of places of cultural heritage value in New Zealand. It is used by central government ministries and departments, and local authorities including WCC (District Plan 20.1.4.1) as the key guide to heritage conservation practice.

The ICOMOS NZ Charter describes the purpose of conservation as retaining and revealing the cultural heritage values of a place, and supporting the ongoing meanings and functions of that place in the interests of present and future generations. The following articles of the Charter are particularly relevant in this case:

Article 2 Understanding Cultural Heritage Value

Conservation of a place should be based on an understanding and appreciation of all aspects of its cultural heritage value... Cultural heritage value should be understood through consultation with connected people, systematic documentary and oral research, physical investigation and recording of the place, and other relevant methods.

Article 6 Minimum Intervention

Intervention should be the minimum necessary to ensure the retention of tangible and intangible values and the continuation of uses integral to those values. The removal of fabric or the alteration of features and spaces that have cultural heritage value should be avoided.

Article 8 Use

The conservation of a place of cultural heritage value is usually facilitated by the place serving a useful purpose.

Where the use of a place is integral to its cultural heritage value, that use should be retained.

Where a change of use is proposed, the new use should be compatible with the cultural heritage value of the place, and should have little or no adverse effect on the cultural heritage value.

Article 9 Setting

Where the setting of a place is integral to its cultural heritage value, that setting should be conserved with the place itself. If the setting no longer contributes to the cultural heritage value of the place, and if reconstruction of the setting can be justified, any reconstruction of the setting should be based on an understanding of all aspects of the cultural heritage value of the place.

Article 10 Relocation

The on-going association of a structure or feature of cultural heritage value with its location, site, curtilage, and setting is essential to its authenticity and integrity. Therefore, a structure or feature of cultural heritage value should remain on its original site.

In exceptional circumstances, a structure of cultural heritage value may be relocated if its current site is in imminent danger, and if all other means of retaining the structure in its current location have been exhausted. In this event, the new location should provide a setting compatible with the cultural heritage value of the structure.

Article 18 Preservation

- i. Stabilisation
Processes of decay should be slowed by providing treatment or support.
- ii. Maintenance
Maintenance should be carried out according to a plan or work programme.
- iii. Repair
Repair of a place of cultural heritage value should utilise matching or similar materials. Where it is necessary to employ new materials, they should be distinguishable by experts, and should be documented.

Article 19 Restoration

Restoration is based on respect for existing fabric, and on the identification and analysis of all available evidence, so that the cultural heritage value of a place is recovered or revealed.

- i. Reassembly and reinstatement
Reassembly uses existing material and, through the process of reinstatement, returns it to its former position.
- ii. Removal
Occasionally, existing fabric may need to be permanently removed from a place. This may be for reasons of advanced decay, or loss of

structural integrity, or because particular fabric has been identified ...as detracting from the cultural heritage value of the place.

Article 20 Reconstruction

Reconstruction is distinguished from restoration by the introduction of new material to replace material that has been lost.

Reconstruction is appropriate if it is essential to the function, integrity, intangible value, or understanding of a place, if sufficient physical and documentary evidence exists to minimise conjecture, and if surviving cultural heritage value is preserved.

Reconstructed elements should not usually constitute the majority of a place or structure.

Article 21 Adaptation

The conservation of a place of cultural heritage value is usually facilitated by the place serving a useful purpose. Proposals for adaptation of a place may arise from maintaining its continuing use ...

Alterations and additions may be acceptable where they are necessary for a compatible use of the place. Any change should be the minimum necessary, should be substantially reversible ... should be compatible with the original form and fabric of the place, and should avoid inappropriate or incompatible contrasts of form, scale, mass, colour, and material.

Adaptation should not dominate or substantially obscure the original form and fabric, and should not adversely affect the setting of a place of cultural heritage value. New work should complement the original form and fabric.

Article 23 Interpretation

Interpretation actively enhances public understanding of all aspects of places of cultural heritage value and their conservation. Relevant cultural protocols are integral to that understanding, and should be identified and observed.

Where appropriate, interpretation should assist the understanding of tangible and intangible values of a place which may not be readily perceived, such as the sequence of construction and change, and the meanings and associations of the place for connected people.

Any interpretation should respect the cultural heritage value of a place. Interpretation methods should be appropriate to the place. Physical interventions for interpretation purposes should not detract from the experience of the place, and should not have an adverse effect on its tangible or intangible values.

The charter is provided in full in Appendix 1.

5.7 Summary of Considerations

The NZCPS, RPSWR and RCPWR acknowledge that there are places with significant historic heritage values in coastal areas that are not necessarily well known or fully understood; and advocate for a better understanding of, and avoidance of adverse effects on, places of historic heritage value unless the adverse effects can be satisfactorily mitigated or remedied.

While it is correct that neither the Shelly Bay redevelopment site, nor any of the buildings thereon, are scheduled as heritage items in the Wellington City District Plan, it is not a requirement of the RMA that sites or buildings be scheduled in District Plans in order to be recognised as historic heritage and therefore be subject to protection from inappropriate subdivision, use and development under section 6(f). Furthermore, the heritage values of Shelly Bay are recognised in the District Plan through the provisions of Chapters 33 and 34, and the associated Shelly Bay Design Guide.

The ICOMOS New Zealand Charter is the recognised benchmark for the treatment of places of cultural heritage value in New Zealand, and is specifically referenced in the Wellington City District Plan. It advocates the complete understanding of, and minimum intervention into, places of heritage value in order to ensure that places are appropriately conserved for future generations.

6 Assessment of Heritage Effects

With reference to the scope of proposed works (Section 4 of this Assessment) and the considerations given in the statutory provisions and guidance documents outlined (Section 5 of this Assessment) this section describes the general impact of works on the heritage significances of the Shelly Bay redevelopment site (as identified in Section 3 of this Assessment).

6.1 Understanding the Site as a Whole

The NZCPS, RPSWR and RCPWR all acknowledge that there are places around the Wellington and wider national coastline that have significant historic heritage values that may not be known or recognised, and advocate for a better understanding of these places in order to avoid, remedy or mitigate adverse effects of proposed activities. This is recognised in the ICOMOS NZ Charter which emphasises that, in order to effectively evaluate the effects of a proposal on the heritage significance of a place, it is first necessary to have a full understanding of its history and heritage values.

Therefore, it is important to note that, while there has now been some extensive research and analysis into the heritage significance of the Shelly Bay redevelopment site, and into a select number of the individual buildings thereon, there has been no complete systematic analysis of the site that takes into account each of the individual buildings and structures, how they interrelate, and how this interrelation impacts on the heritage significance of the site when it is considered as a whole.

However, it is well established and acknowledged (including by the applicant)⁵³ that the Shelly Bay redevelopment site is one of, if not the most, intact and cohesive collections of World War II base structures in New Zealand.

This is acknowledged in Chapters 33 and 34 of the Wellington City District Plan and the WCC Shelly Bay Design Guide, which refers to the site as being made up of a collection of individual buildings with important historical associations to the site's military and maritime past that have a "specific campus-like character" and provide "a strong sense of place".⁵⁴

Kelly and Cooke (2019) have assessed the overall site as having aesthetic, historic, scientific and social values, all of which derive from the physical form of the buildings and structures on the site, and the way in which, together, they form a significant whole; and they identify the site as having regional and national significance. The application does not explain how these site values are actually or potentially impacted by the proposed redevelopment, or justify how they concluded that the site has only local significance.

6.1.1 Impact on Aesthetic Values of the Site

Most of the buildings conform to an aesthetic that reflects the time at which the naval base was constructed – the 1940s. There is an obvious sense of cohesiveness to the area that is created by the buildings' appearance, style and form. The scale of the buildings at present means that the area is not overwhelmed by built form, and there is a notable juxtaposition of the more industrial wharf buildings with the more domestic scale of the rest of the base. With the relocation, removal and demolition of all but two of the buildings on the site, and the introduction of new multi-storey medium-density buildings, the proposed redevelopment will fundamentally alter the aesthetic values of the former base. This can be seen when comparing Figure 9 with Figure 10, and Figure 13 with Figure 14. The low scale and density of the typically white-walled, red-roofed buildings, and the interrelationship between these buildings, will be lost. With the majority of buildings

⁵³ Archifact (2019) p11, 12, 32

⁵⁴ Shelly Bay Design Guide, section 1

demolished or removed, the buildings that are retained or relocated will simultaneously be crowded and dwarfed by the taller and higher density buildings that will surround them.

6.1.2 *Impact on Historic and Social Values of the Site*

The site's historic associations with the military are necessarily represented by the near-completeness of the military base. The length of time that the base, and the structures thereon, have stood in their prominent position gives the area a strong sense of both place and continuity. This is enhanced by the appearance of the former base buildings which give the area a particular ambience. Removal of buildings will therefore diminish the site's historic and social values.

6.1.3 *Impact on Scientific Values of the Site*

The Shelly Bay redevelopment site offers an opportunity to tell an important story about the defence of this country and the effort and resources invested therein. Removal of buildings will reduce the ability of the public to read the history of the site through its standing buildings, and will therefore reduce its educational (scientific) value.

There is also potential for scientific value to be lost through disturbance or destruction of archaeology, which is further discussed in Section 6.8 below.

6.1.4 *Impact on Overall Heritage Significance of the Site*

The completeness of the site, and the interconnected historic roles that each building fulfilled, are intrinsic to its rarity, representativeness, and authenticity and, therefore, to its heritage significance. Without a complete systematic assessment of the site and all of the buildings thereon, it may therefore be assumed that the removal or relocation of one or more buildings will necessarily diminish the site's significance; and the higher the number of buildings and structures removed or relocated, the greater the loss of significance will be.

In this respect, the demolition or removal of the vast majority of buildings that would occur under the proposed Shelly Bay redevelopment will have a considerable negative impact on the heritage significance of the site, and is not considered to provide adequate protection of historic heritage from inappropriate subdivision, use, and development.

6.2 **Selection of Buildings for Retention and Relocation**

The application does not clearly explain how the buildings proposed for retention or relocation within the Masterplan (Buildings 7, 12, 15 and 18) were selected. It may be inferred from the covering document of the application that the buildings were selected on the basis of the WCC Shelly Bay Design Guide and Heritage Building Inventory. The application acknowledges that of the five buildings identified by WCC, only four are integrated into the proposed redevelopment, with the Old Hospital (Building 21) slated for demolition.⁵⁵

The applicant's Heritage Assessment (Archifact 2019) states that the reuse of existing buildings proposed in the Masterplan "has been informed by relevance to historic values of the place and the interpretation of the overall development history of Shelly Bay"⁵⁶ but makes no statement connecting this to the WCC Heritage Inventory or Design Guide, or subsequent assessments undertaken by others.

Furthermore, as neither the WCC Design Guide nor Heritage Building Inventory explain the criteria used to select the five buildings they identify, and the subsequent individual building assessments undertaken by Opus were necessarily limited to the Council-owned facilities⁵⁷ the basis for selection is still unexplained. The basis for selection is further confused in the applicant's Heritage

⁵⁵ Egmont Dixon (2019) p33

⁵⁶ Archifact (2019) p75

⁵⁷ As it was WCC who commissioned the document

Assessment with the inclusion and then dismissal of the Outbuilding (Building 13) and the statement that “we have instead discovered the potential values and adaptive re-use opportunities associated with Buildings 10 and 14”,⁵⁸ especially as these potential values are not elaborated on.

It is evident that:

- At least one building that has been previously identified in the WCC Heritage Building Inventory as having high heritage significance will be demolished or removed offsite as part of the proposed redevelopment.
- Six buildings individually assessed in the Character and Condition Assessment that were identified as having medium significance, and recommended for retention, will be demolished or removed offsite as part of the proposed redevelopment.
- Approximately 11 buildings identified in the Character and Condition Assessment as having medium heritage significance, but not individually assessed (including the Old Hospital) will be demolished or removed offsite as part of the proposed redevelopment.

As the applicant has not assessed each of the buildings individually, it is possible/probable that buildings of equal or greater significance than the four identified buildings will be lost, diminishing or destroying not just the heritage values of those individual buildings, but the overall heritage significance of the site.

6.3 Impact on Buildings to be Retained and Adapted

6.3.1 Impact of Adaptive Reuse on Retained Buildings

As recognised in the ICOMOS NZ Charter, the conservation of a place of heritage value is generally facilitated by that place serving a useful purpose. When the original use of a place is no longer viable, a building or structure may be adapted to an alternative compatible use, provided that this accords with, and does not unduly compromise, its heritage values. The proposed retention and adaptive reuse of the underutilised Shed 8 (Building 15), and the disused Shipwright’s Building (Building 12), therefore present positive heritage outcomes.

Designs for adaptive reuse will need to be carefully developed in order to ensure that the heritage values of the buildings are appropriately maintained and, where possible, enhanced. The best way to ensure this is to follow the ICOMOS NZ Charter. The applicant’s proposed Masterplan and Design Guide includes guidelines derived from the ICOMOS NZ Charter – particularly Articles 18 to 21 – when planning works to identified heritage assets within the proposed redevelopment, which would have positive heritage effects; though it is noted that implementation of these principles not guaranteed.

6.3.2 Impact on Setting of Retained Buildings

Although the buildings will remain in their current locations, the proposed redevelopment will have a notable impact on the setting of Shed 8 (Building 15) and the Shipwright’s Building (Building 12). In particular, the large building that is proposed to be positioned to the east of the Shipwright’s Building (labelled SBW B9 in the proposed Masterplan) and the building to be positioned to the north of Shed 8 (labelled SBW B6 in the proposed Masterplan) will encroach on the open space around the retained buildings and block views of Shed 8 from both north and south. Given that retention of these buildings is, in large part, attributable to their aesthetic, group and townscape value, and that Shed 8 in particular is identified as being the most prominent building on the site of the former military base, the proposed placement of new buildings will have a negative impact on the heritage significance of both the retained buildings and the overall site.

⁵⁸ Archifact (2019) p73

6.4 Impact of Relocation on Heritage Significance of Buildings

The ICOMOS NZ Charter clearly states that the ongoing association of a structure of heritage value with its location, site and setting are essential to its significance; and, therefore, relocation of such a structure is not a desirable outcome, unless there are exceptional circumstances. Where relocation does occur, the new location should provide a setting that is compatible with the heritage value of the structure. The term “translation” as used in the applicant’s Heritage Assessment (Archifact 2019) is not a term that is found in the ICOMOS NZ Charter, or generally associated with built heritage protection and conservation.

The applicant’s Heritage Assessment (Archifact 2019) acknowledges that the two buildings proposed for relocation – the Submarine Mining Barracks (Building 18) and the Officers’ Quarters and Mess (Building 7) – have historic value derived from their previous uses and associations; aesthetic value deriving from their role as part of a group and townscape; and social value derived from their contribution to the identity, continuity, and sense of place at Shelly Bay. The three other buildings proposed for possible relocation have not been assessed.

Archifact refers to the relocation of the Submarine Mining Barracks (Building 18) to the south bay “a simple translation of the building” that will maintain “its original orientation and location within a bay, while also re-presenting its relationship to the foreshore”.⁵⁹ It is noted that the WCC Shelly Bay Design Guide also specifically mentions the possibility of relocating this building closer to the water’s edge so that “its original connection to the harbour is recognised”.⁶⁰ It may be that the actual or potential negative effects that relocating this building will have on its heritage values are outweighed by positive effects, or can be mitigated. However, the actual or potential effects have not been fully analysed by the applicant. In the absence of a full explanation of the actual and potential positive effects, it must be assumed that relocation of the building from the north to the south bay, away from its original (albeit modified) location, will negatively affect the aesthetic, historic and social values of the building, as well as the wider site, diminishing overall heritage significance.

Similarly, the actual and potential effects of relocation on the Officers’ Quarters and Mess (Building 7) have not been fully considered by the applicant. Archifact states that relocation of this building from the south to the north bay “is not considered an inappropriate outcome for the building, as it helps to maintain the visual primacy and significance of the building within the proposed development”;⁶¹ but this is not a sufficient evaluation. The actual or potential effects, particularly on the acknowledged aesthetic and historic values of the building, have not been fully analysed. As for the Submarine Mining Barracks, it must be assumed that relocation of the building from the north to the south bay, away from its original location, will negatively affect these heritage values, and the values of the site, diminishing overall heritage significance.

The three other buildings proposed for possible relocation – the Library (Building 10), Barrack Warden Store (Building 14) and part of the Fitness, Form and Health Studio (Building 23) – are positioned at the base of, or relatively close to the base of, the hill along the eastern edge of the site. Unlike the Submarine Mining Barracks and Officers’ Quarters and Mess, the significance of these buildings has not been analysed, nor have the actual and potential effects of relocation been considered. It may be noted that the position that has been identified for the possible relocation is on an area of flat land in close proximity to the sea, which will inevitably change the context of whichever building is selected; and, as for the other buildings, will impact on the aesthetic, historic and social values that are largely derived from their position within the former military base. It must therefore be assumed that the effects on heritage values will be negative.

⁵⁹ Archifact (2019) p75

⁶⁰ Shelly Bay Design Guide, Heritage Guideline G1

⁶¹ Archifact (2019) p75

6.5 Risk of Demolition by Action or Neglect

The applicant correctly contends that it is possible for all of the existing buildings within those parts of the site that they currently own to be demolished down to their foundations without the need to obtain resource consent.⁶² Arguably, therefore, retention of any building on the site is a positive heritage outcome.

Similarly, the applicant's Heritage Assessment (Archifact 2019) states that the current condition of the existing buildings means that no action risks the loss of building fabric (demolition by neglect) and loss of the associated heritage values;⁶³ and, therefore, retention and relocation of the four buildings identified is a positive heritage outcome.

These risks should be taken into account. Complete loss of all of the buildings within the redevelopment site would necessarily be the worst possible heritage outcome. However, it may be noted that neither demolition by action or by neglect are necessary outcomes of refusing to grant consent for the proposed redevelopment in its current form. It may also be noted that, at present, several of the buildings within the redevelopment site are still within WCC ownership; and, furthermore, a majority of the buildings are occupied and in use.

6.6 Recording

Proffered condition 32 of the application would require the consent holder to engage a suitably qualified heritage professional to undertake detailed recording on all structures proposed for demolition, removal and relocation; and to provide these as a record. If or when buildings of heritage significance, or buildings located on sites of heritage significance, are to be demolished, removed or relocated, then recording is an effective way of capturing information that may otherwise be lost as part of the demolition, removal or relocation; and, in that way, can offer a form of mitigation for negative effects on heritage value. However, recording is not a substitute for retention, and can never fully mitigate these negative effects.

6.7 Interpretation

Interpretation actively enhances public understanding of all aspects of places of heritage value. When appropriately planned and executed, interpretive devices can provide a form of mitigation where places of heritage value are being, or have been, negatively impacted by modification. The proposed Design Guide includes the provision of "kiosk or shelter structures for the purpose of interpretation and wayfinding"⁶⁴, but does not provide information about the form and extent of interpretation, or provide an interpretation plan.

6.8 Archaeology

It is not the role of this Heritage Effects Assessment to provide an assessment of effects on the known or potential archaeology within the Shelly Bay redevelopment site. However, it is noted that the proposed development will necessitate sub surface works will likely disturb and ultimately destroy archaeological sites as defined under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). Archaeological evidence is a non-renewable resource, and therefore activities that disturb or destroy archaeological sites should only be undertaken when it is absolutely necessary. An Archaeological Authority to carry out such activities must be sought from Heritage New Zealand Pouhere Taonga. This is noted in the applicant's proffered conditions. However, the condition incorrectly cites the Historic Places Act 1993 which has been superseded by the HNZPTA.

⁶² Egmont Dixon (2019) p30

⁶³ Archifact (2019) p79

⁶⁴ Proposed Shelly Bay Design Guide (2019) p14

It may also be noted that, while an Archaeological Authority is not required for works that will modify or destroy buildings associated with pre-1900 human activity, “building” is defined under section 6 of the HNZPTA as:

a structure that is temporary or permanent, whether movable or not, and which is fixed to land and intended for occupation by any person, animal, machinery, or chattel.⁶⁵

Therefore, any activity that will modify or destroy a structure that is associated with pre-1900 human activity and *is not intended for occupation* will also require an Archaeological Authority. This may apply to structures on the Shelly Bay redevelopment site.

⁶⁵ HNZPTA section 6

7 Conclusions

The Shelly Bay redevelopment site is one of, if not the most, intact and cohesive collections of World War II base structures in New Zealand. The site has aesthetic, historic, scientific and social values, all of which derive from the physical form of the buildings and structures on the site, and the way in which, together, they form a significant whole.

Part 2 section 6(f), recognises protection of historic heritage from inappropriate subdivision, use, and development as a Matter of National Importance. The RCPWR, RPSWR, and the NZCPS all acknowledge the critical importance of protecting places of historic heritage, and avoiding, mitigating or remedying adverse effects that activities may have on these places. While it is correct that neither the site, nor any of the buildings thereon, are scheduled as heritage items in the Wellington City District Plan, it is not a requirement of the RMA that sites or buildings be scheduled in District Plans in order to be recognised as historic heritage and therefore be subject to protection from inappropriate subdivision, use and development under section 6(f). Furthermore, the heritage values of Shelly Bay are recognised in the District Plan through the provisions of Chapters 33 and 34, and the associated Shelly Bay Design Guide.

The redevelopment of Shelly Bay being proposed by the applicant will be implemented through a Masterplan and Design Guide that allow for the construction of multi-level apartments, townhouses, detached dwellings, commercial/community buildings; installation of public green space, roads and parking; retention of two existing buildings; and relocation of two existing buildings within the site, with three other buildings being considered for relocation, only one of which will be selected.

It is the applicant's contention that the proposed redevelopment of Shelly Bay protects the history of the site and the values associated with the existing buildings,⁶⁶ and that, with the implementation of the Masterplan and Design Guide, it represents an appropriate response to the existing heritage values and historic character attributes of the site.⁶⁷

However, no systematic assessment of the values of the site, or the interrelationship between the buildings and structures thereon, has been made by the applicant.

The Shelly Bay redevelopment site is recognised for its aesthetic, historic, scientific and social values, all of which derive from the physical form and interrelationship of the buildings and structures on and with the site. The completeness of the site, and the connected historic roles that each building fulfilled, are intrinsic to its rarity, representativeness, and authenticity and, therefore, to its heritage significance. The removal of one or more buildings will necessarily diminish that significance; and the higher the number of buildings and structures removed, the greater the loss of significance will be. Approximately 26 buildings and structures have been identified within the redevelopment area, of which 23 are buildings. As the proposal includes demolition or relocation of all-but-two of these buildings, the negative impact on the heritage values of the site as a whole will be considerable, and its significance substantially reduced. This will be compounded by the changes in setting of the site, and changes in setting of the retained and relocated buildings, that will arise from the development. The low scale and density of the site will be lost, and the retained buildings will simultaneously be crowded and dwarfed by the taller and higher density buildings that will surround them.

While the Masterplan and Design Guide advocate that the principles of the ICOMOS New Zealand Charter be followed with relation to treatment of the retained and relocated buildings, the overall redevelopment proposal is inconsistent with the Charter. The values of the site and setting, and the interrelationship between the buildings and structures, are not well understood; demolition or adaptation of buildings has been proposed where some already have a functional use; and

⁶⁶ Egmont Dixon (2019) p27

⁶⁷ Archifact (2019) p79

relocations have been proposed for buildings where they are not in imminent danger and where other means of retention do not appear to have been fully explored.

A complete heritage assessment that includes assessment of all of the individual buildings and structures, as well as the site as a whole, is required in order to fully understand, and thereby effectively evaluate, the impact of the proposed redevelopment on heritage values in this case. A comparative analysis with other (existing and former) military base sites would also be relevant to confirm whether the site is locally, regionally or nationally significant.

Based on the information presented, it is concluded that the proposed redevelopment will have significant adverse effects on this historic heritage place that cannot be avoided, remedied or mitigated; and is therefore inappropriate under RMA section 6(f).

It is not the role of this Assessment to make recommendations. In general, given that the applicant refers to implementation of the ICOMOS NZ Charter, it would be appropriate to reconsider how the cultural heritage values of the site, and the buildings thereon, have been assessed and, in doing so, to re-evaluate the extent of relocation, removal and demolition being proposed in line with the Charter's recommendations.

Appendix 1

ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value
(Revised 2010)

ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value

Revised 2010

Preamble

New Zealand retains a unique assemblage of **places of cultural heritage value** relating to its indigenous and more recent peoples. These areas, **cultural landscapes** and features, buildings and **structures**, gardens, archaeological sites, traditional sites, monuments, and sacred **places** are treasures of distinctive value that have accrued meanings over time. New Zealand shares a general responsibility with the rest of humanity to safeguard its cultural heritage **places** for present and future generations. More specifically, the people of New Zealand have particular ways of perceiving, relating to, and conserving their cultural heritage **places**.

Following the spirit of the International Charter for the Conservation and Restoration of Monuments and Sites (the Venice Charter - 1964), this charter sets out principles to guide the **conservation of places of cultural heritage value** in New Zealand. It is a statement of professional principles for members of ICOMOS New Zealand.

This charter is also intended to guide all those involved in the various aspects of **conservation** work, including owners, guardians, managers, developers, planners, architects, engineers, craftspeople and those in the construction trades, heritage practitioners and advisors, and local and central government authorities. It offers guidance for communities, organisations, and individuals involved with the **conservation** and management of cultural heritage **places**.

This charter should be made an integral part of statutory or regulatory heritage management policies or plans, and should provide support for decision makers in statutory or regulatory processes.

Each article of this charter must be read in the light of all the others. Words in bold in the text are defined in the definitions section of this charter.

This revised charter was adopted by the New Zealand National Committee of the International Council on Monuments and Sites at its meeting on 4 September 2010.

Purpose of conservation

1. The purpose of conservation

The purpose of **conservation** is to care for **places of cultural heritage value**.

In general, such **places**:

- (i) have lasting values and can be appreciated in their own right;
- (ii) inform us about the past and the cultures of those who came before us;
- (iii) provide tangible evidence of the continuity between past, present, and future;
- (iv) underpin and reinforce community identity and relationships to ancestors and the land; and
- (v) provide a measure against which the achievements of the present can be compared.

It is the purpose of **conservation** to retain and reveal such values, and to support the ongoing meanings and functions of **places of cultural heritage value**, in the interests of present and future generations.

Conservation principles

2. Understanding cultural heritage value

Conservation of a **place** should be based on an understanding and appreciation of all aspects of its **cultural heritage value**, both **tangible** and **intangible**. All available forms of knowledge and evidence provide the means of understanding a **place** and its **cultural heritage value** and **cultural heritage significance**. **Cultural heritage value** should be understood through consultation with **connected people**, systematic documentary and oral research, physical investigation and **recording** of the **place**, and other relevant methods.

All relevant **cultural heritage values** should be recognised, respected, and, where appropriate, revealed, including values which differ, conflict, or compete.

The policy for managing all aspects of a **place**, including its **conservation** and its **use**, and the implementation of the policy, must be based on an understanding of its **cultural heritage value**.

3. Indigenous cultural heritage

The indigenous cultural heritage of **tangata whenua** relates to **whanau**, **hapu**, and **iwi** groups. It shapes identity and enhances well-being, and it has particular cultural meanings and values for the present, and associations with those who have gone before. Indigenous cultural heritage brings with it responsibilities of guardianship and the practical application and passing on of associated knowledge, traditional skills, and practices.

The Treaty of Waitangi is the founding document of our nation. Article 2 of the Treaty recognises and guarantees the protection of **tino rangatiratanga**, and so empowers **kaitiakitanga** as customary trusteeship to be exercised by **tangata whenua**. This customary trusteeship is exercised over their **taonga**, such as sacred and traditional **places**, built heritage, traditional practices, and other cultural heritage resources. This obligation extends beyond current legal ownership wherever such cultural heritage exists.

Particular **matauranga**, or knowledge of cultural heritage meaning, value, and practice, is associated with **places**. **Matauranga** is sustained and transmitted through oral, written, and physical forms determined by **tangata whenua**. The **conservation** of such **places** is therefore conditional on decisions made in associated **tangata whenua** communities, and should proceed only in this context. In particular, protocols of access, authority, ritual, and practice are determined at a local level and should be respected.

4. Planning for conservation

Conservation should be subject to prior documented assessment and planning.

All **conservation** work should be based on a **conservation plan** which identifies the **cultural heritage value** and **cultural heritage significance** of the **place**, the **conservation** policies, and the extent of the recommended works.

The **conservation plan** should give the highest priority to the **authenticity** and **integrity** of the **place**.

Other guiding documents such as, but not limited to, management plans, cyclical **maintenance** plans, specifications for **conservation** work, interpretation plans, risk mitigation plans, or emergency plans should be guided by a **conservation plan**.

5. Respect for surviving evidence and knowledge

Conservation maintains and reveals the **authenticity** and **integrity** of a **place**, and involves the least possible loss of **fabric** or evidence of **cultural heritage value**. Respect for all forms of knowledge and existing evidence, of both **tangible** and **intangible values**, is essential to the **authenticity** and **integrity** of the **place**.

Conservation recognises the evidence of time and the contributions of all periods. The **conservation** of a **place** should identify and respect all aspects of its **cultural heritage value** without unwarranted emphasis on any one value at the expense of others.

The removal or obscuring of any physical evidence of any period or activity should be minimised, and should be explicitly justified where it does occur. The **fabric** of a particular period or activity may be obscured or removed if assessment shows that its removal would not diminish the **cultural heritage value** of the **place**.

In **conservation**, evidence of the functions and intangible meanings of **places** of **cultural heritage value** should be respected.

6. Minimum intervention

Work undertaken at a **place** of **cultural heritage value** should involve the least degree of **intervention** consistent with **conservation** and the principles of this charter.

Intervention should be the minimum necessary to ensure the retention of **tangible** and **intangible values** and the continuation of **uses** integral to those values. The removal of **fabric** or the alteration of features and spaces that have **cultural heritage value** should be avoided.

7. Physical investigation

Physical investigation of a **place** provides primary evidence that cannot be gained from any other source. Physical investigation should be carried out according to currently accepted professional standards, and should be documented through systematic **recording**.

Invasive investigation of **fabric** of any period should be carried out only where knowledge may be significantly extended, or where it is necessary to establish the existence of **fabric** of **cultural heritage value**, or where it is necessary for **conservation** work, or where such **fabric** is about to be damaged or destroyed or made inaccessible. The extent of invasive investigation should minimise the disturbance of significant **fabric**.

8. Use

The **conservation** of a **place** of **cultural heritage value** is usually facilitated by the **place** serving a useful purpose.

Where the **use** of a **place** is integral to its **cultural heritage value**, that **use** should be retained.

Where a change of **use** is proposed, the new **use** should be compatible with the **cultural heritage value** of the **place**, and should have little or no adverse effect on the **cultural heritage value**.

9. Setting

Where the **setting** of a **place** is integral to its **cultural heritage value**, that **setting** should be conserved with the **place** itself. If the **setting** no longer contributes to the **cultural heritage value** of the **place**, and if **reconstruction** of the **setting** can be justified, any **reconstruction** of the **setting** should be based on an understanding of all aspects of the **cultural heritage value** of the **place**.

10. Relocation

The on-going association of a **structure** or feature of **cultural heritage value** with its location, site, curtilage, and **setting** is essential to its **authenticity** and **integrity**. Therefore, a **structure** or feature of **cultural heritage value** should remain on its original site.

Relocation of a **structure** or feature of **cultural heritage value**, where its removal is required in order to clear its site for a different purpose or construction, or where its removal is required to enable its **use** on a different site, is not a desirable outcome and is not a **conservation** process.

In exceptional circumstances, a **structure** of **cultural heritage value** may be relocated if its current site is in imminent danger, and if all other means of retaining the **structure** in its current location have been exhausted. In this event, the new location should provide a **setting** compatible with the **cultural heritage value** of the **structure**.

11. Documentation and archiving

The **cultural heritage value** and **cultural heritage significance** of a **place**, and all aspects of its **conservation**, should be fully documented to ensure that this information is available to present and future generations.

Documentation includes information about all changes to the **place** and any decisions made during the **conservation** process.

Documentation should be carried out to archival standards to maximise the longevity of the record, and should be placed in an appropriate archival repository.

Documentation should be made available to **connected people** and other interested parties. Where reasons for confidentiality exist, such as security, privacy, or cultural appropriateness, some information may not always be publicly accessible.

12. Recording

Evidence provided by the **fabric** of a **place** should be identified and understood through systematic research, **recording**, and analysis.

Recording is an essential part of the physical investigation of a **place**. It informs and guides the **conservation** process and its planning. Systematic **recording** should occur prior to, during, and following any **intervention**. It should include the **recording** of new evidence revealed, and any **fabric** obscured or removed.

Recording of the changes to a **place** should continue throughout its life.

13. Fixtures, fittings, and contents

Fixtures, fittings, and **contents** that are integral to the **cultural heritage value** of a **place** should be retained and conserved with the **place**. Such fixtures, fittings, and **contents** may include carving, painting, weaving, stained glass, wallpaper, surface decoration, works of art, equipment and machinery, furniture, and personal belongings.

Conservation of any such material should involve specialist **conservation** expertise appropriate to the material. Where it is necessary to remove any such material, it should be recorded, retained, and protected, until such time as it can be reinstated.

Conservation processes and practice

14. Conservation plans

A **conservation plan**, based on the principles of this charter, should:

- (i) be based on a comprehensive understanding of the **cultural heritage value** of the **place** and assessment of its **cultural heritage significance**;
- (ii) include an assessment of the **fabric** of the **place**, and its condition;
- (iii) give the highest priority to the **authenticity** and **integrity** of the **place**;
- (iv) include the entirety of the **place**, including the **setting**;
- (v) be prepared by objective professionals in appropriate disciplines;
- (vi) consider the needs, abilities, and resources of **connected people**;
- (vii) not be influenced by prior expectations of change or development;
- (viii) specify **conservation** policies to guide decision making and to guide any work to be undertaken;
- (ix) make recommendations for the **conservation** of the **place**; and
- (x) be regularly revised and kept up to date.

15. Conservation projects

Conservation projects should include the following:

- (i) consultation with interested parties and **connected people**, continuing throughout the project;
- (ii) opportunities for interested parties and **connected people** to contribute to and participate in the project;
- (iii) research into documentary and oral history, using all relevant sources and repositories of knowledge;
- (iv) physical investigation of the **place** as appropriate;
- (v) use of all appropriate methods of **recording**, such as written, drawn, and photographic;
- (vi) the preparation of a **conservation plan** which meets the principles of this charter;
- (vii) guidance on appropriate **use** of the **place**;
- (viii) the implementation of any planned **conservation** work;
- (ix) the **documentation** of the **conservation** work as it proceeds; and
- (x) where appropriate, the deposit of all records in an archival repository.

A **conservation** project must not be commenced until any required statutory authorisation has been granted.

16. Professional, trade, and craft skills

All aspects of **conservation** work should be planned, directed, supervised, and undertaken by people with appropriate **conservation** training and experience directly relevant to the project.

All **conservation** disciplines, arts, crafts, trades, and traditional skills and practices that are relevant to the project should be applied and promoted.

17. Degrees of intervention for conservation purposes

Following research, **recording**, assessment, and planning, **intervention** for **conservation** purposes may include, in increasing degrees of **intervention**:

- (i) **preservation**, through **stabilisation**, **maintenance**, or **repair**;
- (ii) **restoration**, through **reassembly**, **reinstatement**, or removal;
- (iii) **reconstruction**; and
- (iv) **adaptation**.

In many **conservation** projects a range of processes may be utilised. Where appropriate, **conservation** processes may be applied to individual parts or components of a **place** of **cultural heritage value**.

The extent of any **intervention** for **conservation** purposes should be guided by the **cultural heritage value** of a **place** and the policies for its management as identified in a **conservation plan**. Any **intervention** which would reduce or compromise **cultural heritage value** is undesirable and should not occur.

Preference should be given to the least degree of **intervention**, consistent with this charter.

Re-creation, meaning the conjectural **reconstruction** of a **structure** or **place**; replication, meaning to make a copy of an existing or former **structure** or **place**; or the construction of generalised representations of typical features or **structures**, are not **conservation** processes and are outside the scope of this charter.

18. Preservation

Preservation of a **place** involves as little **intervention** as possible, to ensure its long-term survival and the continuation of its **cultural heritage value**.

Preservation processes should not obscure or remove the patina of age, particularly where it contributes to the **authenticity** and **integrity** of the **place**, or where it contributes to the structural stability of materials.

i. Stabilisation

Processes of decay should be slowed by providing treatment or support.

ii. Maintenance

A **place** of **cultural heritage value** should be maintained regularly. **Maintenance** should be carried out according to a plan or work programme.

iii. Repair

Repair of a **place** of **cultural heritage value** should utilise matching or similar materials. Where it is necessary to employ new materials, they should be distinguishable by experts, and should be documented.

Traditional methods and materials should be given preference in **conservation** work.

Repair of a technically higher standard than that achieved with the existing materials or construction practices may be justified only where the stability or life expectancy of the site or material is increased, where the new material is compatible with the old, and where the **cultural heritage value** is not diminished.

19. Restoration

The process of **restoration** typically involves **reassembly** and **reinstatement**, and may involve the removal of accretions that detract from the **cultural heritage value** of a **place**.

Restoration is based on respect for existing **fabric**, and on the identification and analysis of all available evidence, so that the **cultural heritage value** of a **place** is recovered or revealed. **Restoration** should be carried out only if the **cultural heritage value** of the **place** is recovered or revealed by the process.

Restoration does not involve conjecture.

i. Reassembly and reinstatement

Reassembly uses existing material and, through the process of **reinstatement**, returns it to its former position. **Reassembly** is more likely to involve work on part of a **place** rather than the whole **place**.

ii. Removal

Occasionally, existing **fabric** may need to be permanently removed from a **place**. This may be for reasons of advanced decay, or loss of structural **integrity**, or because particular **fabric** has been identified in a **conservation plan** as detracting from the **cultural heritage value** of the **place**.

The **fabric** removed should be systematically **recorded** before and during its removal. In some cases it may be appropriate to store, on a long-term basis, material of evidential value that has been removed.

20. Reconstruction

Reconstruction is distinguished from **restoration** by the introduction of new material to replace material that has been lost.

Reconstruction is appropriate if it is essential to the function, **integrity**, **intangible value**, or understanding of a **place**, if sufficient physical and documentary evidence exists to minimise conjecture, and if surviving **cultural heritage value** is preserved.

Reconstructed elements should not usually constitute the majority of a **place** or **structure**.

21. Adaptation

The **conservation** of a **place** of **cultural heritage value** is usually facilitated by the **place** serving a useful purpose. Proposals for **adaptation** of a **place** may arise from maintaining its continuing **use**, or from a proposed change of **use**.

Alterations and additions may be acceptable where they are necessary for a **compatible use** of the **place**. Any change should be the minimum necessary, should be substantially reversible, and should have little or no adverse effect on the **cultural heritage value** of the **place**.

Any alterations or additions should be compatible with the original form and **fabric** of the **place**, and should avoid inappropriate or incompatible contrasts of form, scale, mass, colour, and material.

Adaptation should not dominate or substantially obscure the original form and **fabric**, and should not adversely affect the **setting** of a **place** of **cultural heritage value**. New work should complement the original form and **fabric**.

22. Non-intervention

In some circumstances, assessment of the **cultural heritage value** of a **place** may show that it is not desirable to undertake any **conservation intervention** at that time. This approach may be appropriate where undisturbed constancy of **intangible values**, such as the spiritual associations of a sacred **place**, may be more important than its physical attributes.

23. Interpretation

Interpretation actively enhances public understanding of all aspects of **places** of **cultural heritage value** and their **conservation**. Relevant cultural protocols are integral to that understanding, and should be identified and observed.

Where appropriate, interpretation should assist the understanding of **tangible** and **intangible values** of a **place** which may not be readily perceived, such as the sequence of construction and change, and the meanings and associations of the **place** for **connected people**.

Any interpretation should respect the **cultural heritage value** of a **place**. Interpretation methods should be appropriate to the **place**. Physical **interventions** for interpretation purposes should not detract from the experience of the **place**, and should not have an adverse effect on its **tangible** or **intangible values**.

24. Risk mitigation

Places of **cultural heritage value** may be vulnerable to natural disasters such as flood, storm, or earthquake; or to humanly induced threats and risks such as those arising from earthworks, subdivision and development, buildings works, or wilful damage or neglect. In order to safeguard **cultural heritage value**, planning for risk mitigation and emergency management is necessary.

Potential risks to any **place** of **cultural heritage value** should be assessed. Where appropriate, a risk mitigation plan, an emergency plan, and/or a protection plan should be prepared, and implemented as far as possible, with reference to a conservation plan.

Definitions

For the purposes of this charter:

Adaptation means the process(es) of modifying a **place** for a **compatible use** while retaining its **cultural heritage value**. **Adaptation** processes include alteration and addition.

Authenticity means the credibility or truthfulness of the surviving evidence and knowledge of the **cultural heritage value** of a **place**. Relevant evidence includes form and design, substance and **fabric**, technology and craftsmanship, location and surroundings, context and **setting, use** and function, traditions, spiritual essence, and sense of place, and includes **tangible** and **intangible values**. Assessment of **authenticity** is based on identification and analysis of relevant evidence and knowledge, and respect for its cultural context.

Compatible use means a **use** which is consistent with the **cultural heritage value** of a **place**, and which has little or no adverse impact on its **authenticity** and **integrity**.

Connected people means any groups, organisations, or individuals having a sense of association with or responsibility for a **place** of **cultural heritage value**.

Conservation means all the processes of understanding and caring for a **place** so as to safeguard its **cultural heritage value**. **Conservation** is based on respect for the existing **fabric**, associations, meanings, and **use** of the **place**. It requires a cautious approach of doing as much work as necessary but as little as possible, and retaining **authenticity** and **integrity**, to ensure that the **place** and its values are passed on to future generations.

Conservation plan means an objective report which documents the history, **fabric**, and **cultural heritage value** of a **place**, assesses its **cultural heritage significance**, describes the condition of the **place**, outlines **conservation** policies for managing the **place**, and makes recommendations for the **conservation** of the **place**.

Contents means moveable objects, collections, chattels, documents, works of art, and ephemera that are not fixed or fitted to a **place**, and which have been assessed as being integral to its **cultural heritage value**.

Cultural heritage significance means the **cultural heritage value** of a **place** relative to other similar or comparable **places**, recognising the particular cultural context of the **place**.

Cultural heritage value/s means possessing aesthetic, archaeological, architectural, commemorative, functional, historical, landscape, monumental, scientific, social, spiritual, symbolic, technological, traditional, or other **tangible** or **intangible values**, associated with human activity.

Cultural landscapes means an area possessing **cultural heritage value** arising from the relationships between people and the environment. **Cultural landscapes** may have been designed, such as gardens, or may have evolved from human settlement and land use over time, resulting in a diversity of distinctive landscapes in different areas. Associative **cultural landscapes**, such as sacred mountains, may lack **tangible** cultural elements but may have strong **intangible** cultural or spiritual associations.

Documentation means collecting, **recording**, keeping, and managing information about a **place** and its **cultural heritage value**, including information about its history, **fabric**, and meaning; information about decisions taken; and information about physical changes and **interventions** made to the **place**.

Fabric means all the physical material of a **place**, including subsurface material, **structures**, and interior and exterior surfaces including the patina of age; and including fixtures and fittings, and gardens and plantings.

Hapu means a section of a large tribe of the **tangata whenua**.

Intangible value means the abstract **cultural heritage value** of the meanings or associations of a **place**, including commemorative, historical, social, spiritual, symbolic, or traditional values.

Integrity means the wholeness or intactness of a **place**, including its meaning and sense of **place**, and all the **tangible** and **intangible** attributes and elements necessary to express its **cultural heritage value**.

Intervention means any activity that causes disturbance of or alteration to a **place** or its **fabric**. **Intervention** includes archaeological excavation, invasive investigation of built **structures**, and any **intervention** for **conservation** purposes.

Iwi means a tribe of the **tangata whenua**.

Kaitiakitanga means the duty of customary trusteeship, stewardship, guardianship, and protection of land, resources, or **taonga**.

Maintenance means regular and on-going protective care of a **place** to prevent deterioration and to retain its **cultural heritage value**.

Matauranga means traditional or cultural knowledge of the **tangata whenua**.

Non-intervention means to choose not to undertake any activity that causes disturbance of or alteration to a **place** or its **fabric**.

Place means any land having **cultural heritage value** in New Zealand, including areas; **cultural landscapes**; buildings, **structures**, and monuments; groups of buildings, **structures**, or monuments; gardens and plantings; archaeological sites and features; traditional sites; sacred **places**; townscapes and streetscapes; and settlements. **Place** may also include land covered by water, and any body of water. **Place** includes the **setting** of any such **place**.

Preservation means to maintain a **place** with as little change as possible.

Reassembly means to put existing but disarticulated parts of a **structure** back together.

Reconstruction means to build again as closely as possible to a documented earlier form, using new materials.

Recording means the process of capturing information and creating an archival record of the **fabric** and **setting** of a **place**, including its configuration, condition, **use**, and change over time.

Reinstatement means to put material components of a **place**, including the products of **reassembly**, back in position.

Repair means to make good decayed or damaged **fabric** using identical, closely similar, or otherwise appropriate material.

Restoration means to return a **place** to a known earlier form, by **reassembly** and **reinstatement**, and/or by removal of elements that detract from its **cultural heritage value**.

Setting means the area around and/or adjacent to a **place** of **cultural heritage value** that is integral to its function, meaning, and relationships. **Setting** includes the **structures**, outbuildings, features, gardens, curtilage, airspace, and accessways forming the spatial context of the **place** or used

in association with the **place**. **Setting** also includes **cultural landscapes**, townscapes, and streetscapes; perspectives, views, and viewshafts to and from a **place**; and relationships with other **places** which contribute to the **cultural heritage value** of the **place**. **Setting** may extend beyond the area defined by legal title, and may include a buffer zone necessary for the long-term protection of the **cultural heritage value** of the **place**.

Stabilisation means the arrest or slowing of the processes of decay.

Structure means any building, standing remains, equipment, device, or other facility made by people and which is fixed to the land.

Tangata whenua means generally the original indigenous inhabitants of the land; and means specifically the people exercising **kaitiakitanga** over particular land, resources, or **taonga**.

Tangible value means the physically observable **cultural heritage value** of a **place**, including archaeological, architectural, landscape, monumental, scientific, or technological values.

Taonga means anything highly prized for its cultural, economic, historical, spiritual, or traditional value, including land and natural and cultural resources.

Tino rangatiratanga means the exercise of full chieftainship, authority, and responsibility.

Use means the functions of a **place**, and the activities and practices that may occur at the **place**. The functions, activities, and practices may in themselves be of **cultural heritage value**.

Whanau means an extended family which is part of a **hapu** or **iwi**.

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This revised text replaces the 1993 and 1995 versions and should be referenced as the *ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value* (ICOMOS New Zealand Charter 2010).

This revision incorporates changes in conservation philosophy and best practice since 1993 and is the only version of the ICOMOS New Zealand Charter approved by ICOMOS New Zealand (Inc.) for use.

Copies of this charter may be obtained from

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