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Maitai Flood Protection Works: Queens Gardens Stormwater Pipe

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1.0 Introduction

Tonkin & Taylor on behalf of Nelson City Council are investigating two options for a new stormwater pipe going from Queens Gardens to discharge in the Maitai. Both options go from the north west corner of the gardens. The first option (Route 1) crosses Bridge Street then goes west along the road reserve before turning north to go down the east side of 205 Bridge Street [Halifax Vets], into Ngaire Place and discharging into the Maitai near Riverside Pool. The second option follows the current alignment. It crosses Bridge Street then goes east along the road reserve and discharges on the north side of Aratuna Bridge.

Tonkin & Taylor have asked for high level recommendations on the archaeological potential of the two routes. The background information is brief and does not comprise a full history of the area.

The recommendations are only concerned with archaeological sites and values. It does not consider places or issues of significance to Māori besides these. Cultural issues are the province of Māori.

2.0 Statutory Considerations

Queens Gardens is a Category 2 Historic Place on the New Zealand List. Queens Gardens is also on Appendix 2 of the Nelson Regional Management Plan [NRMP]. Individual local, landscape and heritage trees in Queens Gardens, along Bridge Street in front of Albion Square and at 199 Bridge Street are also on Appendix 2.

There are no other recorded, scheduled or listed historic places or archaeological sites within the route options. Nearby historic places include recorded archaeological sites relating to the colonial era, Albion Square Heritage Area, and historic buildings and structures (including The Suter Art Gallery and Queens Gardens Gates / Pitt Memorial Gates). None of these will be affected.

The importance of Maitahi / Mahitahi / Maitai [Maitai] River and its tributaries to Māori is recognised by Statutory Acknowledgements for Ngāti Kuia, Rangitane o Wairau, Ngāti Koata, Ngāti Rārua, Ngāti Toa Rangitira, Ngāti Tama ki Te Tau Ihu and Te Ātiawa o Te Waka-a-Maui.

3.0 General Background Information

Maitai River was an important place for pre-European and historic period Māori (and is still highly valued). The catchment was a rich food and resource gathering area with forest, river and wetland resources such as inanga (whitebait), harakeke (flax) and tuna (eels). The Eel Pond in the Queens Gardens, a remnant bend of the river, was one particularly important mahinga kai and part of once extensive wetlands. Kāinga and fishing camps to access these resources were along the sides of the river and at the mouth. Small clearings would have been created for cultivation. Māori also used the river as an important access route. The importance of the Maitai River and the Eel Pond to Māori was recognized by Henry Thompson’s selection of sections in that area as Native Tenth’s Reserves in 1842¹. Thompson chose sections along the Maitai including Sections 177, 203 and 205 which are adjacent to the project area.

No archaeological (physical) evidence of the Māori occupation and use of the area was found along the banks of the river during a 2020 upgrade of the Maitai Shared Path; during 2023 kerbing and pavement work in Tasman Street; the 2008 Courthouse development; nor during the redevelopment and extension of the Suter Art Gallery in 2016.

Bridge Street was one of the main streets in New Zealand Company settlement of Nelson and appears on the 1842 survey plan. At the time of initial European settlement, the central flat area of Nelson was covered in toetoe, fern and manuka edged by wetlands and saltmarshes along the river and estuary margins. The remnant area of dense woodland to the east, “The Wood”, was soon cleared. Upper Bridge Street contained many of the company and colonial reserves set aside for administrative and political purposes plus civil and public amenities. What became known as Albion Square was the political centre of the province. Campbell’s School, later incorporated within the Suter Art Gallery, and Queens Gardens (encompassing the Eel Pond) were immediately to the east of the 1860 Provincial Chambers. Private residential and commercial buildings began to appear along Upper Bridge Street from 1842.

Upper Bridge Street was formed in 1842. It was initially a rough dirt road that was later gravelled with local material from a variety of local sources including the Maitai and Boulder Bank, and Port Hills Gravel from the Haven Road sea cliffs. From 1876 – 1877 coal tar (then usually called asphalt)

¹ Mitchell 2004:301-305.

began to be used on the roads and pavements. Over time the roads were widened and formalised with Boulder Bank stone and timber kerbing. The current bridge over the Maitai, the Aratuna Normandy Bridge, was built in 2008. It replaced the 1877 Normandy Bridge which was preceded by a rough footbridge.

The Maitai River from Bridge Street to the mouth was changeable and volatile. It was edged with flax and wetlands. One major re-routing of the river occurred in the late 19th century and it is likely that there were other alterations previous to this. The lower reaches in particular were prone to flooding with the historical flood plan likely to have covered much of the flat land of Central Nelson.

The Maitai river course at Bridge Street was once further to the south. Historic plans and photographs show that up until the 1890s the properties along the Bridge Street frontage were half the depth that they are today. The river bed was immediately behind them. The Maitai changed its course gradually from the mid 1890s. By 1902 it was noted that the old line of Milton Grove along the river's edge "had long obliterated or altered by the changes in the course of the river bed, but with one or two small exceptions there had been accretions rather than erosions ..."² A small amount of land was lost on the true right and land on the true left was created including Riverside, between Bridge and Collingwood Street (where Riverside Pool was built in 1927). An 1897 map of Waimea District including Nelson shows the Maitai as still essentially within the same river bed as the earlier maps from the mid-century (although the date of the actual survey is unlikely to be as late as 1897)³. By 1906 the course of the river had changed to the present course⁴.

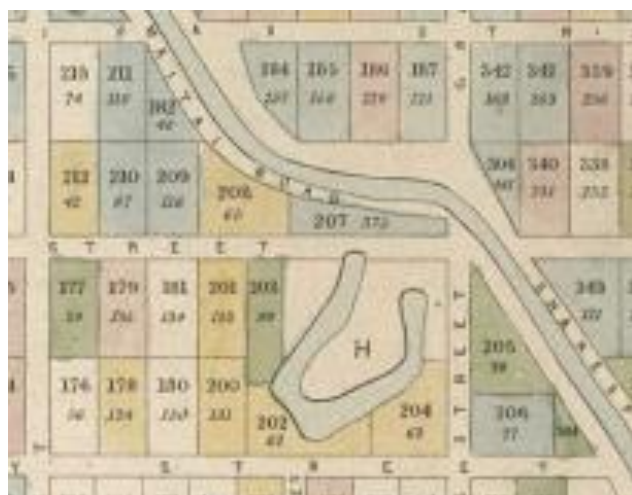


Figure 1: The 1842 route of the Maitai and the New Zealand Company Town Acre numbers.

Detail of "Plan of the town of Nelson approved by Frederick Tuckett, chief surveyor, 28th April 1842" (copy held at National Library). The Tenth's Reserves are in green.

² Nelson Evening Mail, 28 October 1902, Page 2 Maitai Lands and Private Holdings, The Milton Grove Affair.

³ Waimea District. Drawn originally by A. McKellar Wix, Aug. 1897. Plan dated 1918. DPS:tukuroa.natlib.nz:ilsdb:1394743.

⁴ DP271. Held by LINZ.



Figure 2: Plan of the City of Nelson and Tahunanui Town District. NZ Lands & Survey, Wellington. 1923. (www.natlib.govt.nz).



Figure 3: Plan of the City of Nelson and Tahunanui Town District. NZMS16. NZ Lands & Survey, Wellington. 1931 (www.natlib.govt.nz).

Both Route 1 and 2 start in the north west corner of Queens Gardens. This is part of Reserve M of SO112, initially part of the Reserve H, land put aside by the New Zealand Company for a Meat Market⁵. This part was renamed Reserve M in 1856 but is commonly called the Eel Pond Reserve. It still functioned as the Meat Market until the late 1870s – 1880s. At the end of 1886 the Eel Pond Reserve began to be formed into public gardens including shaping of the eel pond. The Queens Gardens were formally opened in 1891.

4.0 Assessment of Effects

4.1 Route 1

The area would have been used by Māori for resource gathering and as a through route. It is believed that it would have once been part of a marginal area between the old river bend of the Eel Pond and the shifting course of the Maitai and unsuitable for permanent occupation or gardening. The nature of the activity that would have occurred in the area would have resulted in limited or dispersed physical remains that are easily destroyed by subsequent activity. It is unlikely that the proposed trenching will

⁵ Brinkman 2005.

adversely affect physical evidence of Māori occupation and use of the area. This opinion is also based on the minor amount of excavation that will occur, the lack of any evidence previously found in the area and the modified nature of the work area (through natural processes and post-1842 activity).

The effect of the proposed work on the built heritage, historic values and plantings of Queens Gardens is outside my expertise. This should be addressed by a conservation garden or/and built heritage expert, and an arborist. With consideration to archaeological values, Brinkman (2005) provides useful details of what was in this area as do historic photographs and plans. Early photographs such as that reproduced in Figure 7 indicate that in the early days of European settlement, the Eel Pond butted against Bridge Street. The pond was reshaped in 1889 and a concrete kerb placed by 1908⁶. A concrete path between Tasman Street and the Suter (running parallel to Bridge Street) was built in the 1890s. There appears to be no historic buildings within the proposed stormwater route. Pre-1900 and early 1900s landscaping features may be affected by any trenching within Queens Gardens.

Any trenching within Bridge Street may encounter historic road and pavement layers, some of which may be intact pre-1900 material. Also possible could be historic rubbish deposits and items. It is not known whether any pre-1900 infrastructure will be affected by the trenching. There is no evidence of any pre-1900 pipes and drains on the TopoftheSouthMaps services layer but this is not always correct.

Route 1 goes down the eastern side of 205 Bridge Street then west before heading down Ngaire Place. There are a number of existing service trenches in the area. Ngaire Place (and Ngaire Lane) was named in 1996 after the notable Nelson swimmer Ngaire Galloway nee Lane⁷. 205 Bridge Street was within Town Acre 207 or the neighbouring Town Acre 208. Buildings and structures were on the Bridge Street frontage of these sections by the 1850s. They included successive cordial factory and breweries⁸. The pipe line route goes down the eastern side of one of these properties which was the site of various cordial, aerated water and beer manufacturers between 1857 and 1969. This was then demolished and a new building built on 205 Bridge Street.

⁶ Brinkman 2005:23.

⁷ <https://www.theprow.org.nz/people/ngaire-lane/>

⁸ Packer 1995.

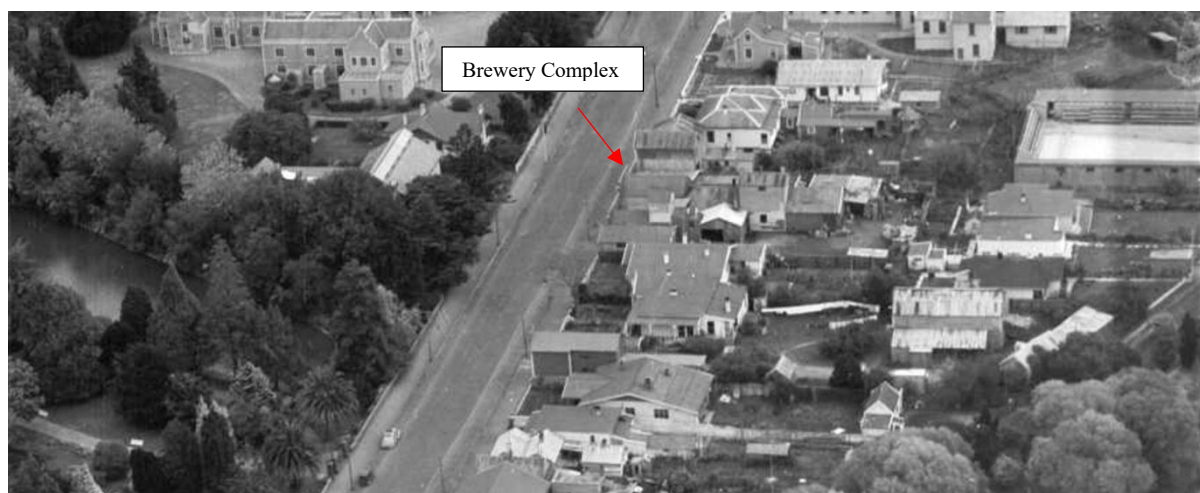


Figure 4: April 1947. Detail of “Queen's Park, Nelson, including Bridge Street.” Whites Aviation Ltd: Photographs. Ref: WA-06802-F. Alexander Turnbull Library, Wellington, New Zealand. /records/30644167

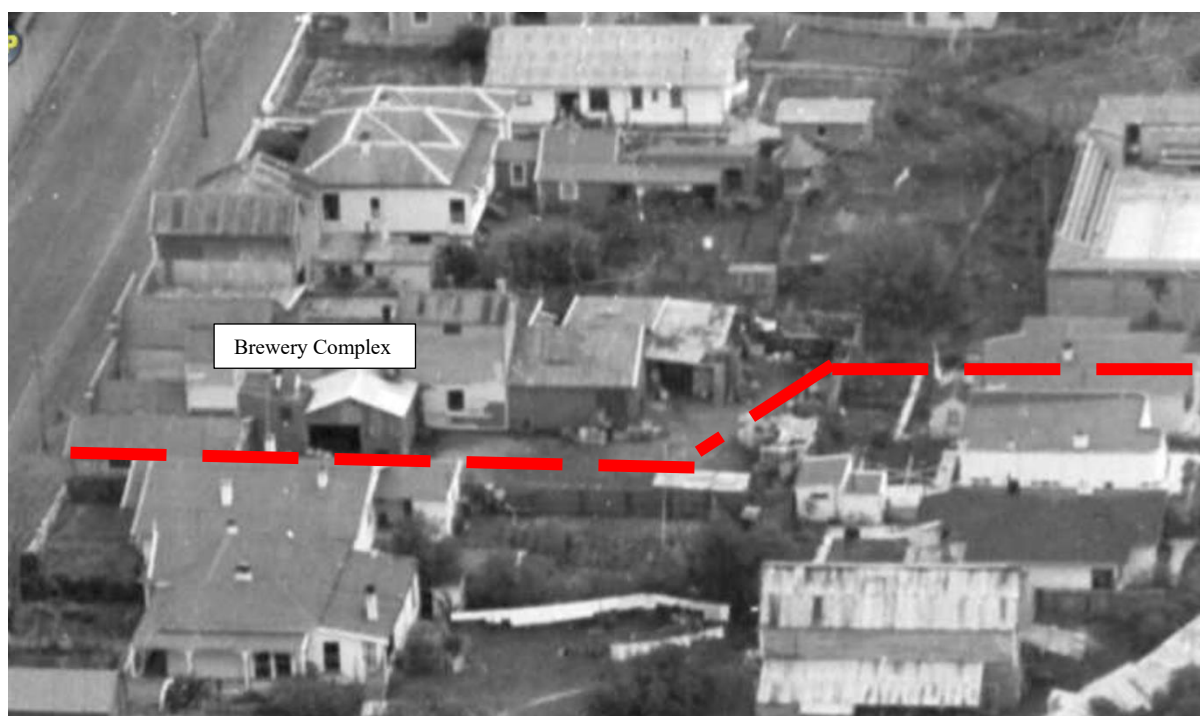


Figure 4a: Detail of above photograph. The approximate proposed stormwater route is indicated.

It was not until the river changed its course that the land behind 205 Bridge Street, including Ngaire Place, was formed from the river bed. This would have been most likely about 1900-1902. The pot hole that was dug at the rear of Halifax Vets shows evidence of this reclamation. Underneath the 70 mm asphalt and 330 mm base layer was a mixed deposit of ash, clinker, gravel, historic rubbish and food waste (oyster shell, ceramic and glass pieces, cut beef bone). The assemblage could not be precisely dated but was common late 19th – early 20th century material. The layer was ca.600 mm thick at a depth of 400 mm below the ground surface. Underneath this was gravel and soil to the base of the hole.

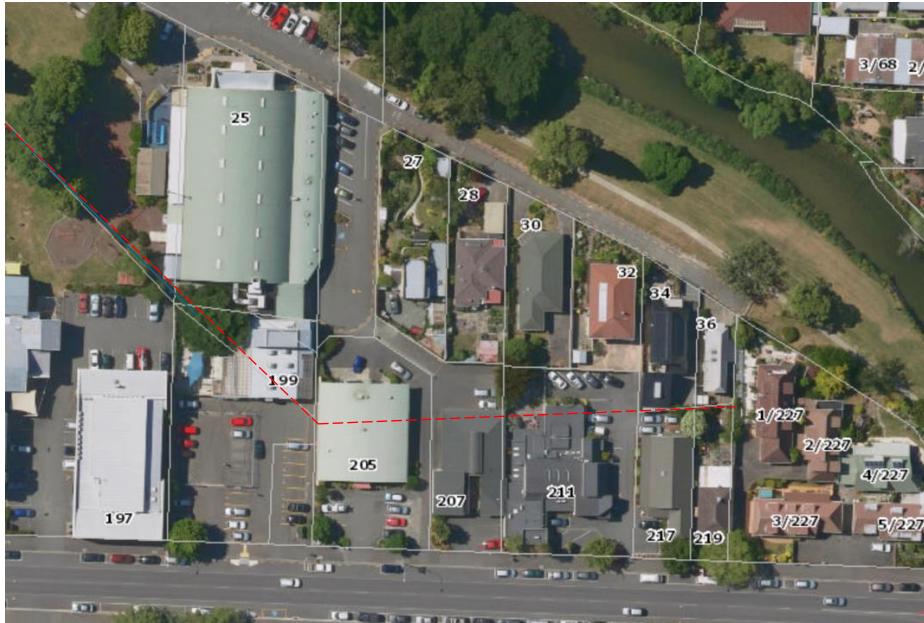


Figure 5: Approximate line of the old river edge (indicated by red dotted line). This is based on the 1923 plan.

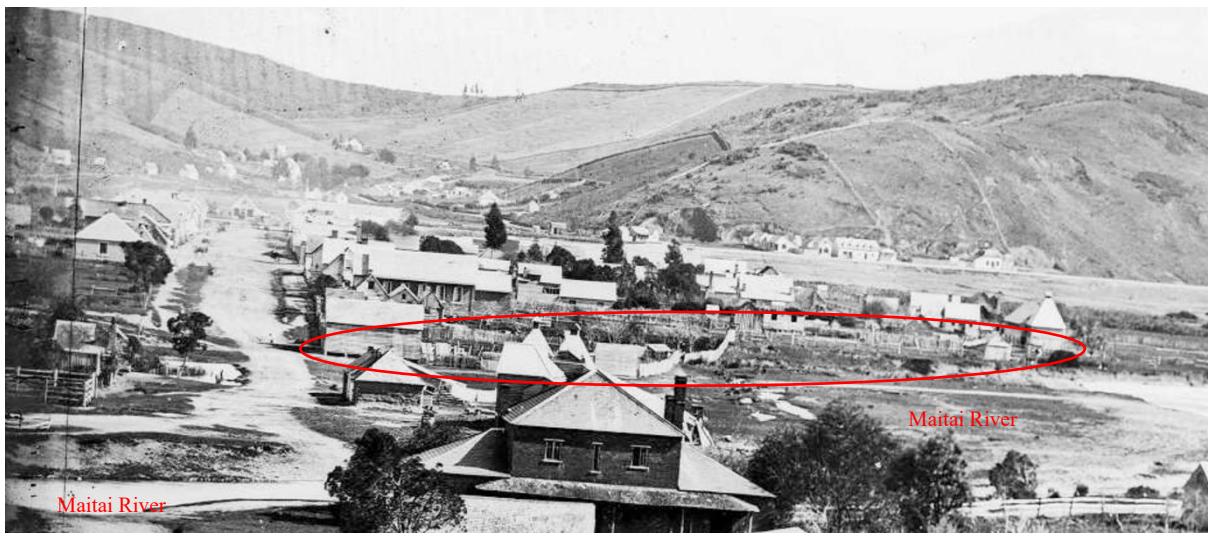


Figure 6: Bridge Street in 1859. The Maitai is in the foreground. The present course of the Maitai cuts through the right of the large low-lying basin which would have filled up at high tide. The approximate area of concern is ringed.

Part 2 of a 2 part panorama of Nelson, looking west from Sharp's house. Meluish, William, 1823-1888

:Negatives. Ref: 10x8-1114-G. Alexander Turnbull Library, Wellington, New Zealand. /records/22750152



Figure 6: The Maitai and Bridge Street in the early 1860s. The Eel Pond is visible with the Matthew Campbell School (incorporated into The Suter) and Provincial Government buildings to the rear. Cropped photograph. Nelson Provincial Museum C939.

Trenching between Bridge Street and the Maitai is not expected to encounter any significant archaeological material. Other services have been installed throughout the area as well as 20th century demolition and rebuilding. About two thirds of the route is within the pre-1900 Maitai River bed which was reclaimed ca.1902. Insubstantial structures would have been in this area pre-1900 but unlikely to have survived later reclamation and modification. There may be evidence of pre-1900 rubbish deposits and structural evidence, and likely to be post-1900 reclamation fill, rubbish deposits and structural evidence. Prior to organized municipal rubbish collections, domestic and industrial waste was often buried in a convenient patch of vacant land or thrown into the nearest waterway.

4.2 Route 2

Route 2 follows the existing stormwater pipe route. Even if the trench is widened it is unlikely to modify any archaeological evidence with the exception of possibly pre-1900 road and pavement layers and historic rubbish deposits and items. This opinion is based on the minor amount of excavation that will occur, the lack of any evidence previously found in the area, modified nature of the work area (through natural processes and post-1842 activity). and the nature of the activity that occurred in the area and the type of physical evidence resulting from that use. No archaeological evidence was found along the Maitai River path when it was upgraded in 2020.

5.0 Conclusion

The two proposed new stormwater pipe routes are expected to have minor, if any, effects on archaeological evidence. This opinion is based on the small scale of the work, the location, the previous modifications in the area, archival research and prior archaeological work in the area. If any archaeological evidence is encountered it is most likely to be of low archaeological value, for

example, pre-1900 road and pavement layers, possibly reclamation material and historic rubbish deposits. The Eel Pond and the Maitai catchment have high cultural significance; however, it is unlikely that the work will adversely physical evidence of the Māori use of the area.

The possibility of archaeological evidence being uncovered during site works can be appropriately managed by a robust accidental discovery protocol⁹. It is expected that iwi will also have particular requirements. Contractors should be briefed prior to earthworks commencing as to the archaeological potential of the area, legal requirements, the accidental discovery protocol and any tikanga protocols that iwi specify.

As a reminder, all archaeological sites are protected under the provisions of the *Heritage New Zealand Pouhere Taonga Act 2014* in so far as that approval must be gained from Heritage New Zealand before an archaeological site can be modified, damaged or destroyed. This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The finding of taonga / artefacts is subject to legal requirements outlined in the *Protected Objects Act 1975*. If pre-1900 and in an unmodified context they also fall under the archaeological provisions of the *Heritage New Zealand Pouhere Taonga Act 2014*.

As general advice, if any archaeological material is uncovered during works (e.g. midden, hangi, taonga / artefacts, historic rubbish pits and bottle dumps, historic reclamation layers (recognisable by historic artefactual and industrial material), historic structural evidence and historic foundations), work should cease in the vicinity of the remains and an archaeologist (and iwi if a Māori site(s)) contacted immediately in order to assess and record the remains. An archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* will be required if archaeological material is uncovered (pre-1900 physical evidence of human activity) and cannot be avoided. This may result in delays to the site work.

6.0 Bibliography

Brinkman, E. 2005. A Study of the Queens Gardens. Nelson's Heritage. Unpublished report.

Packer, R. 1995. *A History of Nelson's Early Manufacturers – Their Wares and Containers*. Nelson Bottle & Collectables Club (Inc.) Project. Printing by Copyart, Richmond, Nelson.

Young, A. 2020. Maitai Shared Path: Archaeological Assessment. Unpublished report for NCC.

⁹ The standard Heritage NZ ADP is attached. The project archaeologist can be contacted in the first instance instead of the Heritage NZ archaeologist. Iwi may have their own ADP.

Young, A. 2024. Bridge to Better Stage 1 & 2: Water Ring Main Installation Upper Bridge St, Collingwood St, Tasman St & Halifax St. Unpublished report for NCC.

Web based resources.

www.archsite.org.nz

www.digital.nz

www.heritage.org.nz

www.natlib.govt.nz

www.nelson.govt.nz

www.govt.nz/treaty-settlement-documents

www.nelsonmuseum.co.nz

www.paperspast.natlib.govt.nz

www.retrolens.co.nz

[www. shape.nelson.govt.nz](http://www.shape.nelson.govt.nz)

<https://smartmaps.marlborough.govt.nz/smmaps/>

www.theprow.org.nz

www.topofthesouthmaps.co.nz



HERITAGE NEW ZEALAND
POUHERE TAONGA

Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol

This protocol does not apply when an archaeological authority issued under the Heritage New Zealand Pouhere Taonga Act 2014 is in place.

In the event that an unidentified archaeological site is located during works, the following applies;

1. Work shall cease immediately at that place and within 20m around the site.
2. The contractor must shut down all machinery, secure the area, and advise the Site Manager.
3. The Site Manager shall secure the site and notify the Heritage New Zealand Archaeologist. Further assessment by an archaeologist may be required.
4. If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (*Heritage New Zealand Pouhere Taonga Act, Protected Objects Act*).
5. If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 shall apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.
6. Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.
7. Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
8. Heritage New Zealand will determine if an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* is required for works to continue.

It is an offence under S87 of the *Heritage New Zealand Pouhere Taonga Act 2014* to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or consent has been issued under the Resource Management Act.

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