

**BEFORE THE ENVIRONMENT COURT
AT WELLINGTON**

ENV-2015-WLG-024

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of applications for resource
consent by Site 10
Redevelopment Limited
Partnership and Wellington City
Council in respect of the area
known as Site 10

**STATEMENT OF EVIDENCE OF MORRIS TE WHITI LOVE
ON BEHALF OF SITE 10 REDEVELOPMENT LIMITED PARTNERSHIP AND WELLINGTON
CITY COUNCIL**

3 JULY 2015



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INTRODUCTION

1. My name is Morris Te Whiti Love.
2. I am the Managing Director of Raukura Consultants, a resource management consultancy specialising in Māori issues.
3. I have the following qualifications and experience relevant to the evidence I shall give:
 - (a) I have a Bachelor of Engineering (Agricultural) degree from University of Canterbury, awarded in 1974, and in the early stages of my career I worked for various local authorities in water and soil engineering roles.
 - (b) I have held roles in central government advising on Māori resource management matters, including with Maruwhenua (which was part of the Ministry for the Environment) and Manatu Māori (which has since been restructured into Te Puni Kōkiri).
 - (c) I am the Chairman of the Wellington Tenths Trust (**Wellington Tenths**), having been elected to that position in November 2012. The Wellington Tenths is a Māori Land-owning trust with land interests in Wellington and the Hutt Valley.
 - (d) My tribal affiliations are to Te Atiawa, Taranaki, Ngāti Ruanui and Ngāti Tama iwi of Taranaki. These iwi (sometimes referred to as Taranaki Whanui) are represented in Wellington by the Wellington Tenths and Port Nicholson Block Settlement Trust (**PNBST**). I provide resource management advice to these two entities from time to time.
4. I am the author of the report entitled "*Cultural Impact Report: Kumutoto Site 10 Development, Kumutoto North*" that formed part of the Assessment of Environmental Effects (**AEE**) lodged in support of the applications (Appendix 7). I was authorised by Wellington Tenths and PNBST to provide this report, which summarises the cultural effects of the applications from the perspective of the Taranaki Whanui.

CODE OF CONDUCT

5. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that

I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise.

SCOPE OF EVIDENCE

6. I have been asked to provide evidence on the cultural effects of the applications for the purposes of these proceedings.
7. I have been providing the applicants with my expertise in relation to Maori cultural effects since September 2014. I have been on one site visit to Kumutoto Site 10 and Site 8, on 23 September 2014.
8. I have relied on the following reports:
 - (a) Nga Waahi Taonga o Te Whanganui a Tara – Maori Sites Inventory of Te Whanganui a Tara, Wellington City Council, 1994;
 - (b) Assessment of the Effects on the Environment – Proposed Development, North Kumutoto Precinct Wellington Waterfront, Urban Perspectives Ltd, November 2014;
 - (c) Archaeological Report on 81-85 Thorndon Quay, Mary O’Keeffe, May 2013; and
 - (d) Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 and Ngati Toa Rangatira Claims Settlement Act 2014.
9. My evidence will cover the following matters:
 - (a) The Maori cultural significance of the site and the area of harbour surrounding the site including any sites of significance.
 - (b) The cultural importance of the streams in the area that traverse under or near the site and discharging into the harbour in the vicinity of the site.
 - (c) The Maori history of the area and the relevant associations with the local Pa and kainga and the importance of the burial ground/urupa in the catchment of the stream discharging near the site.

- (d) The use of the area today by Maori including for various types of waka and for fishing and recreational activities.
- (e) A draft accidental discovery protocol to cover the possible discovery of Maori cultural items on the site.

EVIDENCE

- 10. I prepared the technical report titled "*Cultural Impact Report: Kumutoto Site 10 Development, Kumutoto North*" included as appendix 7 of the AEE for the applications. A copy of the Cultural Impact Report is attached as **Appendix A** of this evidence.
- 11. In summary, the findings expressed in the Cultural Impact Report are:
 - (a) The reconnection of the people of Wellington with te moana o te Whanganui a Tara (the waters of Wellington Harbour) in a positive way is important, not only in terms of Maori culture, but also in terms of the overall culture of the City of Wellington. The Kumutoto stream and its discharge to the harbour are now highly visible to all visitors to this end of the waterfront. The Waipiro Stream and the Tutaenui stream, however, are much less evident from the waterfront, though I do not suggest that the other two streams require any special treatment.
 - (b) The proposed building on the site raises no particular Maori cultural issues in an area where large buildings were the norm for the last 100 years or more. The building's bulk and form raise no particular cultural issues.
 - (c) There is however some possibility that Maori cultural artefacts or archaeological items could be recovered from the site and it would be prudent to have an accidental discovery protocol in place. Although there appears to be no need for a full archaeological examination of the site on the grounds of the possible finding of Maori archaeological material, that may not be the case for all possible archaeological remains. The presence of the old Customhouse would suggest this is likely to be a site of interest archaeologically.
- 12. I confirm that I hold the same views and conclusions as expressed in the Cultural Impact Report.

SUBMISSIONS

13. I wish to address the following matters raised in submission 29 from Ann Louise Mitcalfe.
14. I have reviewed this submission, which expresses concerns around private commercial interests over the principles of community ownership, use and enjoyment, and suggests that Maori interest as a part of the general public will be limited in some way by the proposed development. I do not believe this to be true, and it can be seen from my technical report that there were good cultural reasons that Maori avoided this area and the streams that discharged into the harbour at this point.
15. Access to the water space adjacent to the proposed development is not limited by the development, and in any event, from the Maori cultural perspective, the water space adjacent to the proposed development is not a part of the waterfront for which improved access is sought.

SECTION 87F REPORT

16. I have read the section 87F reports prepared for this matter.
17. I have the following comments on the reports:
 - (a) The Cultural Impact Report I authored in **Appendix A** did not include reference to Statutory Acknowledgements, and in this case to Wellington Harbour. That omission was noted in the section 87F report of Wellington City Council and I concur that reference should have been included. The PNBST was consulted on this matter and were forwarded a copy of summaries of the resource consent application along with the Cultural Impact Report. There were no further issues raised in consultation. For completeness, however, I include the reference in the Port Nicholson Block Settlement Act below.
 - (b) The following excerpts are from the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009. The only purposes of the Statutory Acknowledgement are to—

- (i) require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the Statutory Acknowledgement, as provided for in sections 25 to 27; and
- (ii) require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 29; and
- (iii) enable the trustees and any member of Taranaki Whānui ki Te Upoko o Te Ika to cite the Statutory Acknowledgement as evidence of the association of Taranaki Whānui ki Te Upoko o Te Ika with the relevant statutory areas, as provided for in section 30.

18. It is also noted that since the Cultural Impact Report was written, a further piece of settlement legislation has been passed being the Ngati Toa Rangatira Claims Settlement Act 2014. This too has a Statutory Acknowledgement provision with respect to Wellington Harbour. I have sent a copy of the Cultural Impact Report to Te Runanga o Toa Rangatira for their information and consideration. Ngati Toa responded as follows: “We do not have any objection to what you have done and accept your proposed pathway forward to include our stat[utory] acknowledgements as part of your evidence. Nga mihi, Jennie [Smeaton].”

28 Environment Court to have regard to statutory acknowledgement

(1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustee of the Toa Rangatira Trust is a person who has an interest in proceedings that is greater than the interest that the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.

(2) Subsection (1) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

19. It is of note that there are no Maori sites of significance to Ngati Toa in the vicinity of this proposed development, however there may be discharge to the harbour during construction.

CONCLUSIONS

20. The applications for resource consent to develop the site are unlikely to raise any significant Maori cultural issues. The important stream in the area is the Kumutoto Stream and it is not affected by this proposal. There are two other streams which traverse the area near the site are Tutaenui and Waipiro Streams. The two streams flowed through old burial sites and so the waters became waitapu or areas which could not be used for matters other than those associated with burial rites.
21. More generally, this application does not create any adverse effects as regards the issue of iwi members being able to access the harbour and its environs along with members of the public. The areas of the old wharves remain accessible as does the water space adjacent. Although the area is not heavily used by iwi, there are many places in the vicinity and along the waterfront that are used.
22. The site sits between the two old Pa of Pipitea and Kumutoto. Today on Pipitea Pa the active marae of Pipitea is located on Thorndon Quay and would not be affected by the proposed development. Kumutoto has long since ceased any occupancy of the site, however the area is still culturally important. One of the manifestations of the old Pa is the Kumutoto stream. The mouth of the stream has been 'daylighted'. The Kumutoto stream is also not adversely affected by the proposed development.



Morris Te Whiti Love

3 July 2015

APPENDIX A: Cultural Impact Report: Kumutoto Site 10 Development, Kumutoto North

SEPTEMBER 2014

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Executive summary

The proposal

1. The development proposed for Site 10 on Wellington's waterfront bounded by the roadway at the waterfront entrance opposite Whitmore Street, along to what was Shed 21. The site is currently occupied by surface car parking and a Campervan Park with various facilities such as toilets and showers along with powered parking spaces. In the past a wharf building known as Shed 17 was on the site. The site is also adjacent to the old Wellington to Lyttleton Ferry Wharf (now Waterloo Quay Wharf), the old Eastbourne Ferry Ticket Office building and what is now the Harbour Wharf.
2. This report will also includes the area known as Site 8 beside the East of the Kumutoto Stream which will be landscaped along with the area surrounding the Site 10 building.

Site 10 Proposed Building

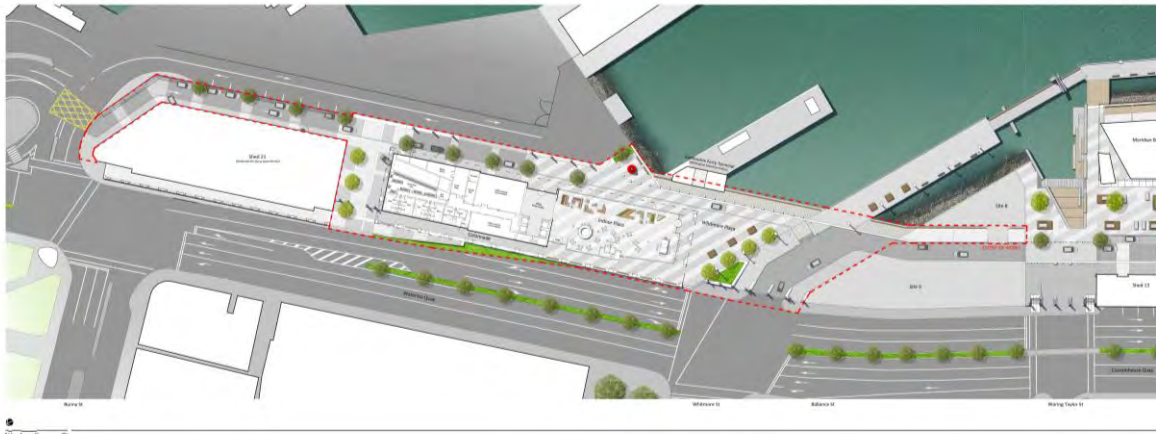
3. The proposal for Site 10 includes a proposal is for a five level building being a ground floor plus 4 levels of office space. It is designed to have many environmentally sustainable characteristics and incorporates international best practice seismic design features including base isolation.
4. Although a single building the design has a number of complementary components, spaces and functions overlapping with the adjacent landscape. Included in the design is a continuation of the Whitmore Plaza, a Creative Business Hub, A Harbour Wharf Link, a Working Gantry and a Quayside Colonnade which provides for a continuous sheltered public walkway from the Whitmore Street gates to opposite the railway station.
5. The building will have piled foundations into land which had been reclaimed from the harbour in the 19th century.



The proposed building from Lambton Harbour with the New Zealand Post building in the background and the old Eastbourne Ferry building in the foreground

Site 8 Landscape Development and Environs

6. Site 8 and the various parts of the hard landscape around Site 10 are also included in the report. Site 8 is a triangular piece of the waterfront bounded to the east by the mouth of the Kumutoto Stream and then approximately on the north by harbour edge next to the Tug Wharf, or what was known as the Ferry Wharf No 2. The area has variously been part of the wharf working space and was adjacent to the four storey Customhouse built in 1902 and demolished in 1969 and later as it is today largely as carparking. The Customhouse was an elegant brick building with Romanesque arches.
7. Site 8 is across the service lane while Site 9 is on Customhouse Quay. Site 9 is outside this report.
8. The surrounding paved area has been largely either parking space or access roads.



This drawing shows the footprint of the Site 10 building and the environs including Site 8 beside the daylighted Kumutoto Stream.

Maori History of the North Kumutoto Area

9. One of the key features of this area for Maori were the three streams that had flowed through the area from the hills behind, what was to become the town of Wellington. Kumutoto Stream provided food and water for Kumutoto Pa and flowed from where the University and Botanic Gardens are now located down to The Terrace and out through what is now Woodward Lane and under Waring Taylor Street to arrive in the harbour between Site 8 and the Meridian Building.
10. Tutaenui Stream originally flowed from around the hill on which the Bolton Street cemetery was located and flowed down beside Bowen Street to the harbour. Tutaenui had long been associated with burials and the matters associated with the dead.
11. The Waipiro Stream flowed down through what is now Parliament Grounds and ended up around where the Cenotaph is located. It too was not seen as a stream associated with the life giving essence that was a feature of Pipitea and Kumutoto Streams. The Kumutoto, Tutaenui and Waipiro streams had to be extended through the reclamations. The Waipiro Stream discharges under the wharves between the Waterloo Quay Wharf and the Harbour Wharf. The Tutaenui Stream discharges near Site 8 and the Kumutoto Stream has an impressive exit to the harbour just east of Site 8.

12. Sites 8 and 10 were closely associated with the activities of both Pipitea Pa and Kumutoto kainga. Much of the traditional Maori association however was with the treatment and burial of the dead and this persisted with the arrival of the Town of Wellington starting in 1840 and continuing that association to the present time.
13. This is an area with strong association with the Te Atiawa/Taranaki Whanui ki te Upoko o te Ika and the hapu of Ngati Te Whiti. Ngati Te Whiti and the rangatira, Wi Tako Ngatata were synonymous with Kumutoto and lived to see the Pā near where the Terrace meets Woodward Lane, be overtaken by the burgeoning new Town of Wellington. Kumutoto was the centre of the flax industry in early colonial Wellington with the flax being shipped across Queens Wharf.
14. The Sites 8 & 10 are associated with Pipitea Pā in particular the tauranga waka (waka landing site) known as Waititi Landing.



15. Pipitea Pa was first established by Ngati Mutunga on Haukawa kawa later to be known as Thorndon Flat. When Ngati Mutunga and Ngati Tama migrated to the Chatham Islands the people of the Te Atiawa hapu of Te Mate Hou occupied the Pa and were in residence when the New Zealand Company representatives arrived in 1839. The gardens of the Pa extended across Haukawa kawa including Parliament Grounds.
16. The specific cultural and environmental impacts of the proposed development are examined for the site in the context of this part of Wellington's waterfront. This development will impact on the visual environment of both Te Whanganui a Tara/Wellington Harbour and the City that has developed on the reclamations from the foreshore and seabed that Te Atiawa/Taranaki Whanui ki te Upoko o te Ika held prior to the arrival of the New Zealand Company in 1839.

The Cultural Impact of the Developments

17. Because the Site 10 area of the waterfront is reclamation, there are no wāhi tapu or urupā directly in the area. The urupā for Kumutoto Pa were in part what is now Bolton Street Cemetery, or with the relocated graves from The Terrace motorway. There were certainly burials in the un-reclaimed land around what is now lower Bowen Street/Cenotaph area. The area however was close to the two Pa of Pipitea and Kumutoto and the area would have been heavily used by the people of the Pa prior to colonisation and reclamation.
18. The site with its proximity to Lambton Harbour could mean issues of water quality in the harbour could be affected by construction or perhaps even runoff from the building. With appropriate conditions of consent it is unlikely that there would be any construction runoff into the harbour. The building itself will be designed with stormwater managed to ensure no adverse effects on the harbour.
19. With careful design and planned usage of the area this development can have a positive cultural impact by including various features that recognise the ancestral connection with the area (including reference to the former pā site), and in particular the stream.
20. The building follows the tradition of Wharf Buildings in the vicinity particularly the old Customhouse and the wharf Sheds 13 and 11.

21. This is not an area frequented by waka today. Waka Ama in and around Lambton Harbour are currently located at the Wharewaka on Taranaki Wharf and at Oriental Beach. They, like the traditional waka tete and waka taua tend to frequent the eastern side of the harbour away from the commercial shipping and the various ferries. This development should have no impact on waka as used today.
22. This is not an area of the harbour that is or was fished for cultural reasons.
23. The landscaping for the area particularly of Site 8 is likely to be influenced by the presence of the bold 'kina sculpture' on the edge of the Kumutoto Stream mouth and the hard landscape of wharf and rock riprap.
24. The foundation works for the building involve pile foundations in a grid across the site. Some of the old foundations for the old Customhouse are still present and will be linked to the new foundation grid. Because there will be only limited excavation of the existing reclaimed ground

Reclamation History of the area

25. Some of the reclamation of these areas happened as late as 1970 but the area of Site 10 was probably reclaimed in 1901 behind a large concrete seawall. The construction of the Customhouse in 1902 must have followed closely on the reclamation.



26. In 1862 “Soil for filling in the different reclamations was obtained from the hillside at the rear of the Quay [Lambton Quay] sections, Kumutoto [Woodward Street] to Boulcott Street.”¹ This coincided with the driving of the first piles for Queen’s Wharf. Mulgan states: “Queen’s Wharf [was] first used in 1862, a structure 350 feet wide, with two tees of 75 feet, at a cost of £16,000.”² The wharf was progressively extended in both width and length to cater for growing port demands, and for gaining deeper water for larger ships, until 1896, “Queen’s Wharf extensions provided an increase of berthage space of 600 feet linear.”³
27. It is noted that for Maori the severance from connection with the harbour started with the first harbour reclamations in 1852. The eventual exit of Māori from the area and the final severance of Maori interest occurred with the sale of Maori land in Woodward Lane to the Congregational Church in 1889. The waterfront then moved quickly to the role it would play for over a century as commercial wharf with little or no public (or Maori) involvement as the area was secured by high cast iron fences and security gates. By this time Māori had long gone from the area only returning as labourers on the wharves from their homes in Petone and the other dormitory suburbs. It is interesting to note that Kumutoto Pā and the developing Queen’s Wharf served the flax trade.

¹ From Transactions of the New Zealand Institute Volume 55 pp 700 -720: Early Reclamations and Harbour works of Wellington by Herbert Baillie 28 August 1924, p 713

² Mulgan, Alan, 1939, *The City of the Strait*, A H Reed Wellington, p193

³ From Transactions of the New Zealand Institute Volume 55 pp 700 -720: Early Reclamations and Harbour works of Wellington by Herbert Baillie 28 August 1924, p 717



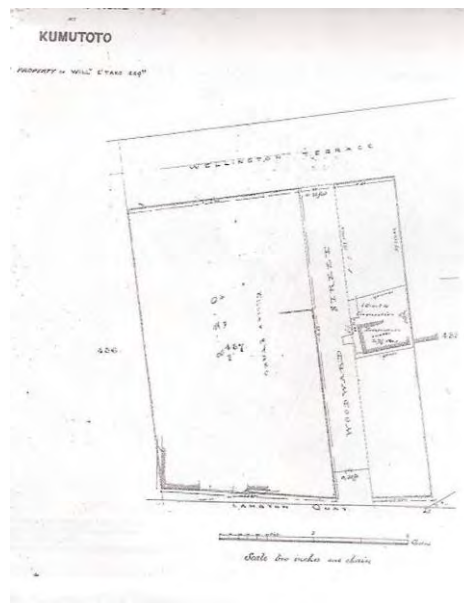
Queen's Wharf circa 1910, Note the flax bales in the foreground and Shed 6 on the inner tee. ATL 45210 ½

28. Although Māori fishing ventures would have set out from this area it was of no special importance as a fishing spot. Te Whanganui a Tara/Wellington Harbour was an important fishery for Te Atiawa/Taranaki Whanui around the harbour with fishing waka located at Te Aro Pā, Kumutoto and Pipitea. Each of these areas had beaches where waka were drawn up.



Kumutoto Pa

29. The land associated with Kumutoto Pā was given to those who held and maintained those rights in Te Whanganui a Tara, now principally recognised as the Te Atiawa hapu of Ngati Te Whiti, through ahi kā rights.
30. Kumutoto Pā was a significant urban pā site with unimpeded foreshore prior to reclamation.
31. Kumutoto Stream was a source of fresh water (wai Māori) and food prior to enclosure and pollution. The stream extended around Salamanca Road and drains the Victoria University area of Kelburn.
32. The gardens of Kumutoto were further into the hinterland extending to the present Botanical Gardens.
33. The urupa or burial grounds were located around the present Bolton Street cemetery area.
34. The area of Lambton Harbour known as Kumutoto was the seabed of Kukumutoto Pa, with landing places for waka at the foreshore which is now Lambton Quay.



Town acre 487 part awarded to Wi Tako Ngatata of Kumutoto Pa

Pipitea Pā

In association with Port Nicholson Block Settlement Trust and Wellington Tenth's Trust

35. Pipitea Pā was established by Ngāti Mutunga in 1824 on the flats called Haukawakawa on the shores of Te Whanganui a Tara (Wellington Harbour). Later known as Thorndon, this area stood at the heart of the new colonial settlement of the Port Nicholson Block.
36. Ngati Mutunga along with Ngati Tama and Te Atiawa had migrated south from Taranaki to escape the uncertainty arising as Waikato tribes moved into their rohe. When the Taranaki people arrived, Te Whanganui a Tara was occupied by hapu of Ngati Ira and other iwi. The incoming Taranaki hapū took over the western coast of the harbour, building Pipitea Pa on Haukawakawa and occupying land from Korokoro (Petone) as far south as Owhiro Bay. Ngāti Mutunga were not to stay and 10 years later they were preparing to migrate again, voyaging to Wharekauri (the Chatham Islands, or Rekohu to Moriori) on the sailing ship *Rodney* in 1835. The later migrating Ngā Motu tribes of Te Atiawa, from around modern New Plymouth, had gone to the Wairarapa, then returned to Te Whanganui a Tara where the hapū of Te Matchou/Ngāti Hamua were to occupy Pipitea Pā.
37. Pipitea Pā extended over much of Haukawakawa with extensive gardens spreading to what are now Parliament grounds and up to the Botanic Gardens. Ngati Tama had kainga at Tiakiwai (now off 191 Thorndon Quay) and Raurima near the corner of Hobson Street and Fitzherbert Terrace.
38. The foreshore of Pipitea Pa not only gave its name (the clear view of the pipi beds) but was the place fishing venture spread out from around the harbour and further afield. Pipitea was located adjacent to the Pipitea Stream and the rich lands surrounding which were extensively gardened. The harbour connected Pipitea to the other Pa around the harbour.

Tangata Whenua of Te Whanganui a Tara Today

39. In its report the Waitangi Tribunal made the following statement with respect of the tangata whenua status in the part of Wellington.
40. The Tribunal found that:

- a. At 1840, Māori groups with ahi kākā rights within the Port Nicholson block (as extended in 1844 to the south-west coast) were Te Atiawa at Te Whanganui a Tara and parts of the south-west coast; Taranaki and Ngāti Ruanui at Kumutoto; Ngāti Tama at Kaiwharawhara and environs and parts of the south west coast; and Ngāti Toa at Heretaunga and parts of the south-west coast. These groups also had take raupatu over the remainder of the Port Nicholson block.⁴

41. The main tangata whenua group around the harbour today are from various hapū of Te Atiawa. They originate largely from Ngā Motu (New Plymouth) in Taranaki. At Kumutoto however the people were predominantly from the Ngāti Te Whiti hapu of Te Atiawa. These peoples' descendants are beneficial owners in the Wellington Tenth's Trust and are also eligible to the members of the Port Nicholson Block Settlement Trust (Taranaki Whanui ki te Upoko o te Ika). Te Atiawa-Taranaki whanui generally represented by the two Trusts today.

Ngati Toarangatira

42. Although Ngati Toa are based in Porirua they have settlement interests in Wellington Harbour as does the Port Nicholson Block Settlement Trust (Taranaki Whanui). Ngati Toa do not have any particular sites in this vicinity, but their interests are otherwise similar to those of Taranaki Whanui. Ngati Toa Rangatira are represented by Te Runanga o Toa Rangatira Incorporated.

Background to North Kumutoto

⁴ Waitangi Tribunal, *Te Whanganui a Tara me Ōna Takiwā*: Report on the Wellington District, 2003, p 479

43. The Kumutoto Pā reserve created by McCleverty⁵ had full foreshore frontage, surveyed down to the low water mark. The Pā reserve was subdivided in the 1860s, and many lots were sold in the 1870s. It appears the main way in which the Kumutoto Māori lost ownership of the foreshore was through the sale of the Kumutoto Pā lots with harbour frontage. However, those few Māori who still owned harbourside lots at Kumutoto in June 1874 lost their rights to the foreshore as a result of the Crown grant of 70 acres of foreshore and seabed to the Wellington City Council.⁶
44. Kumutoto and Pipitea were two of the largest Pā in the town of Wellington and were guaranteed to Māori by both Spain and McCleverty. If Māori were to have any chance of participating in and benefiting from the development of Wellington, it was essential that they retain these important sites in the heart of thy city. But this did not happen. The fate of this land, and of the communities that once lived on it, therefore merits examination in some detail. What emerges very clearly is the failure of the Crown to protect the interests of the Kumutoto and Pipitea communities or to assist them to remain in the town. On the contrary, it appears that officials wanted to see Māori removed from the town, and they encouraged the alienation of this land in order to bring it about.⁷
45. When Taranaki hapū, Ngāti Mutunga and Ngāti Tama arrived in the inner or Lambton Harbour circa 1824/1825 they found no permanent residents. Tangata whenua iwi however were occupying the Hutt Valley or Heretaunga and the Eastern Shore south to Pencarrow. The incoming hapū took over the inner harbour and first occupied an area stretching south from Korokoro (Petone) to include control over land as far south as Owhiro Bay. The principal inner Harbour settlements developed at Te Aro, Kumutoto and Pipitea.

⁵ Deeds Index Volume 1, p306 – Received for registration 11 March 1848

⁶ Waitangi Tribunal, *Te Whanganui a Tara me Ōna Takiwā*: Report on the Wellington District, 2003, p 469

⁷ *ibid*, p 336

46. Kumutoto Pā can be viewed with some considerable significance because it became a centre for the gathering and processing of flax by Europeans between 1831 and 1834.
47. One of these Europeans David Scott told William Spain's Land Commission which began its hearings in May 1842 that he and the other Europeans working at Kumutoto only left after 1834 because of a fear of the possible disruptive consequences that could arise from the battle of Haowhenua. This battle took place in 1834 on the Kapiti Coast at Waikanae. For Ngāti Mutunga and Ngāti Tama, and Māori around Raukawa Moana in general, there was also considerable unease as a result of the Haowhenua battle.
48. With reports coming back from Māori returning from the Chathams (Wharekauri) that showed it was a more favourable place to live than Whanganui-a-Tara it was resolved by Ngāti Mutunga and Ngāti Tama that their hapū would migrate there en masse in 1835. They carried this out by commandeering the brig Rodney from Te Whanganui-a-Tara in late October 1835 and moving in two heke, one after the other in the following month of November. Before they left all the hapū met on Matiu and the land was gifted to Te Atiawa/Taranaki hapū. Pomare Ngatata and Ngāti Mutunga burned all their buildings and fences at Kumutoto as a sign of their determination to leave permanently and turned their rohe rights over to Ngāti Te Whiti. The leadership at Kumutoto shifted to Ngatata-i-te-Rangi and Wī Tako Ngatata, his son. At the time of Haowhenua and the Wharekauri heke Ngatata-i-te-Rangi and Rauakitua settled Ngāti Tupaia at Te Aro Pā.
49. Ngatata-i-te-Rangi was an old man when the New Zealand Company arrived in 1839/1840. A cultivation area that now forms the bulk of the Botanical Gardens fronting Glenmore Street and Section 487 that is now bisected by Woodward Street were allotted to the Kumutoto Pā people in substitution for the original Pā on The Terrace. Section 487, initially for the Ngāti Te Whiti hapū, was eventually Crown granted to Wī Tako Ngatata who bought out his Ngāti Te Whiti hapū interests in 1886⁸.

The History of Reclamations and other activities in the area

⁸ Deeds Index Volume 87, p881 – registered 20 November 1886

50. Reclamation pushed the foreshore out into the harbour in a series of steps starting from the original foreshore running around what is now Lambton Quay. Reclamations started around 1852, such was the pressure on land particularly in the vicinity of the Thorndon Flats. Some of the early reclamations were 'private' and in this area small reclamations were done by Foresters in 1864 and Joseph and Company in 1865. Work commenced on the section of reclamation between Panama Street to North of Waring Taylor Street in 1866 comprising some 13 acres to be ear-marked for the Provincial Government Buildings by a Mr Tonks. In the meantime pollution of the harbour was an issue as many drains, privies, and cess pools discharged into the streams or drains directly to the harbour. Complaints were made that the reclamations were blocking the discharge of the drains to the harbour!

- a. In 1873 Mr Mantell was most distressed by the state of Wellington's drains around the centre of town, especially the Kumutoto street which drain was a very offensive institution and showed a percentage of unhealthy matter a great deal larger in proportion to anything customary not only in water which was wholesome to drink but even to wash with⁹.

51. There was further reclamation in the area associated with the first Wellington Provincial Railway.

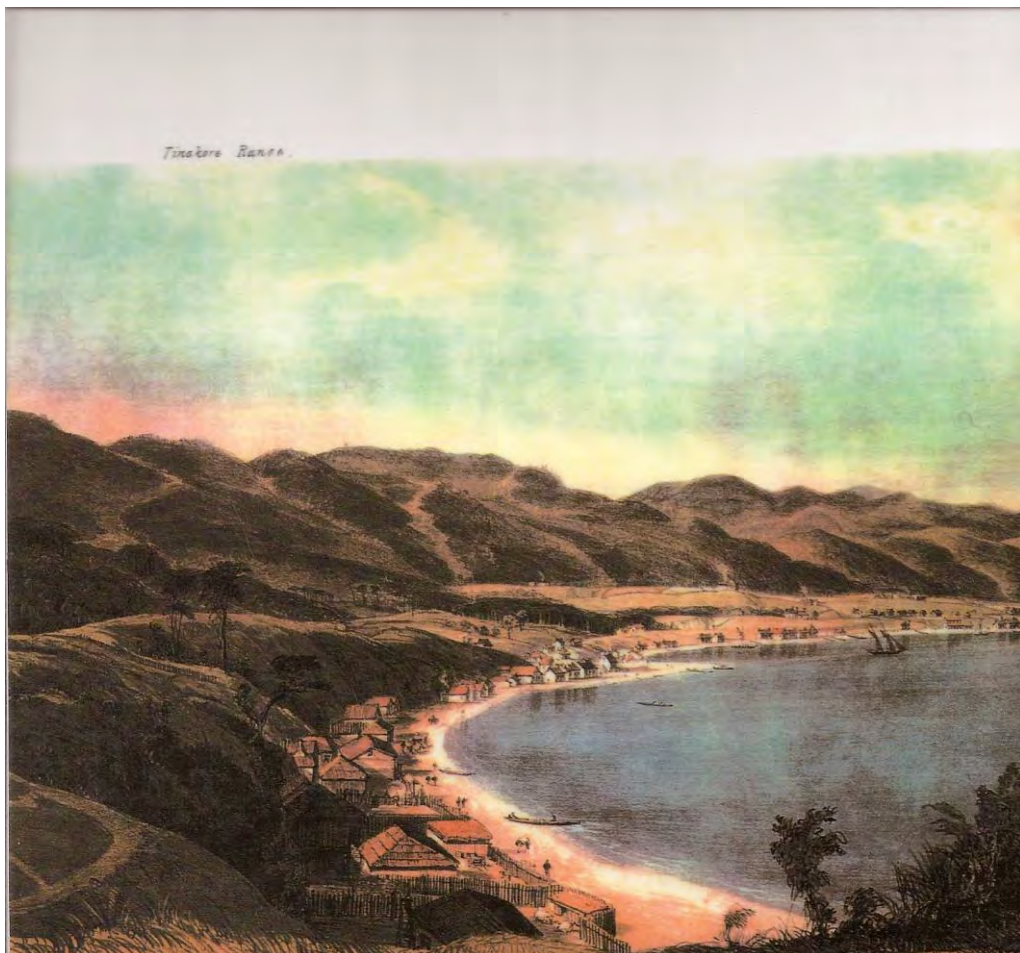
Wellington City Council Reclamation Plans

52. Wellington City Council was established in 1867 under the Municipal Corporations Act 1867. The Act defined the City of Wellington according to the Plan of the Town of Wellington annexed to the Crown Grant of the New Zealand Company, dated 27 January 1848 and included:

⁹ R A McClean, *Te Whanganui a Tara Foreshore Reclamations Report*, Waitangi Tribunal, 1997, pp 141- 142

- a. certain portions of the Harbour of Wellington as are comprised in a certain Crown Grant thereof dated the 18th October 1855 subject to the exceptions hereinafter mentioned and also the Town Belt, the Canal and Basin and the Public Reserves belonging to the Crown or Provincial Government or granted to the Superintendent by the Grant dated 18th of October 1855 by Thomas Gore Browne the late Governor of the Colony and grant in confirmation thereof so long as any such land or any part thereof shall remain undisposed of or such as are reserved for public purposes.

53. In other words the boundaries of the Town of Wellington did not extend over the reclaimed and un-reclaimed lands of the 1855 Grant, but this part of the harbour remained in possession of the Provincial Government and the Crown¹⁰.



¹⁰ R A McClean, *Te Whanganui a Tara Foreshore Reclamations Report*, Waitangi Tribunal, 1997, pp 144- 145

54. In 1875 the Provincial Councils were disbanded and the era of Provincial reclamation came to an end. Under the Abolition of Provinces Act 1875, the foreshore reserve granted in 1855 became vested in the Crown, and the Public Works Department finished the large reclamation of 46 acres which reached Pipitea Point in late 1876.



Site 8 today with the Kumutoto Stream and the Meridian Building

Concluding Comment

55. The reconnection of the people of Wellington with te moana o te Whanganui a Tara (the waters of Wellington Harbour) in a positive way is important, not only in terms of Maori culture, but also in terms of the overall culture of the City of Wellington. The Kumutoto stream and its discharge to the harbour is now highly visible to all visitors to this end of the waterfront. The Waipiro Stream and the Tutaenui stream however, are much less evident from the waterfront. This report does not suggest that the other two stream require any special treatment.

56. The proposed building on Site 10 raise no particular Maori cultural issues in an area where large buildings were the norm for the last 100 years or more. The buildings bulk and form raise no particular cultural issues.

57. There is however some possibility that Maori cultural artefacts or archaeological items from the site and it would be prudent to have an accidental discovery protocol in place. A draft protocol is attached to this report. Although there appears to be no need for a full archaeological examination of the site on the grounds of the possible finding of Maori archaeological material, that may not be the case for all possible archaeological remains. The presence of the old Customhouse would suggest this is likely to be a site of interest archaeologically.

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Appendix I – Draft Accidental Discovery protocol

If any archaeological site(s) are uncovered during physical works, the Project Manager will require the contractor to adopt the following protocol.

Evidence of archaeological sites can include oven stones, charcoal, shell middens, ditches, banks, pits, and old building foundations, artefacts of Māori and European origin or human burials.

1. Work shall cease immediately at that place.
2. The contractor must shut down all machinery, secure the site and advise the Project Manager.
3. The Project Manager shall advise representatives of Port Nicholson Block Settlement Trust and the New Zealand Historic Places Trust (see below for contact details).
4. If skeletal remains are uncovered, the Project Manager will also advise the Police.
5. Port Nicholson Block Settlement Trust or their representatives will organise a site inspection by the appropriate tangata whenua advisors.
6. If as a result of this initial investigation there is a need for an appropriate ceremony the Iwi Authority representatives will arrange for that process at the Project's expense.
7. Materials discovered will be removed by the Iwi responsible for the tikanga appropriate to their removal and preservation, or re-interment.
8. Works affecting the archaeological site shall not resume until the NZ Historic Places Trust, the Police (if skeletal remains are involved) and Iwi Authority representatives have each given the appropriate approval for work to continue.

Contact details are:

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|--|---|
| <u>Port Nicholson Block Settlement Trust</u> P O Box 12164, Wellington Tom Jamison Phone: 04 4723872 Cell: | <u>Wellington Tenth Trust</u> <u>PO Box</u> <u>Morrie Love</u> <u>Phone: 04 9013332</u> <u>Cell</u> |
| <u>Heritage New Zealand</u> PO Box 19 173 Wellington Phone: 04 802 0003 | |

Appendix II – Native reserves – Heaphy 1870



Block Plan of Wellington City showing Native Reserves – Charles Heaphy 1870 ATL