

Notes for Ātiawa ki Whakarongotai submission on Plan Change 3 – Kārewarewa urupā

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Summary of topics covered.

I intend to cover a range of matters on behalf of Ātiawa ki Whakarongotai today.

- The history of Kārewarewa urupā, and clarifying any necessary factual information
- The effects of disturbance of Kārewarewa urupā
- Our submissions on the appropriate protections for Kārewarewa urupā
- How the proposed plan change meets its purpose and contributes to a well-functioning urban environment

Section One – History and effects

1. The mature conversation that we would hope to be having, is that given the nature of development that has already occurred, and the need to not inflict any more damage on the people Kāpiti, whether they are tangata whenua with ancestors buried at the urupā, or future residents to find they are living on a burial ground, urupā, cemetery. How do we best manage this area given it is an urupā? How do we best do that in the compact between kāwanatanga, upheld by central and local government, and rangatiratanga, the authority that is held by us as mana whenua, and the community as a whole?
2. Instead, we continue to be distracted by what to us is a nonsensical debate about whether an area that is the site of a battle of national significance, a traditional Māori burial ground, and in later stages, a cemetery for the settler community, is or isn't waahi tapu. Is somehow not a sacred space. It has become clear that this relitigating of facts and a years' long inquiry, has in the past been a tactic deployed to distract us from that more mature, more central question before decisions-makers.
3. The position of the Waikanae Land Company the residents represented by Mr. Petherick, as we are to read it on its face in their submission to this plan change, and the previous Plan Change and court processes, was that the land was set out for supposed future use as a cemetery.
4. By suggesting that in the face of 130 years of us upholding our story on the nature of the land and location of the urupā, is at best, stating that we as tangata whenua who have had 8 generations of unbroken relationship with this land as urupā are wrong and don't know where this urupā is. But additionally, that coincidentally, from the very first action of further development, in installing services, there have been human remains exposed in the land, and there are headstones etc. but somehow no urupā there.
5. We feel the need to say, with the greatest respect for these planning processes, beneath all of us to have to address what to us, is a farcical position.

6. Equally however, we are conscious of the need to ensure that you as decision-makers have the benefit of all the necessary information before you, including that necessary to further clarify any factual information. We are acutely aware that we only have one real opportunity to inform your decision, and the stakes are of the highest significance to us, where we feel the need to ensure there is no question left unanswered. This is our obligation to our people, and to our tupuna who rest in the urupā.
7. We also feel the need to say, in relation to the Waitangi Tribunal Findings on Kārewarewa, that Waitangi Tribunal is a commission of independent inquiry, with inquisitorial functions, chaired in this case by a Chief Judge of the court. The Tribunal is also informed by independent researchers, in this case including an independent expert local government historian, Susan Woodley.
8. We note two key outcomes of the engagement with the evidence in more recent years. The first, the key finding of the Waitangi Tribunal report was:

“In our view, the traditional, historical, and archaeological evidence is clear that this block was an urupā. We have no doubts on that point.”¹
9. The second, coming in the course of the Tribunal hearings, where the Crown also made concessions about its failure to protect the urupā, and we feel the need to note that the Crown would not make these concessions, particularly before settlement, without being well satisfied by their own examination of the evidence.
10. Whilst we naturally welcome those findings, we have had our own plain, firsthand knowledge repeatedly ignored, for 130 years, and we are very cautious about resting on Crown institutions to be the arbiter of what is true and factual - a Crown who is some 123 years late in finally accepting what we have always known.
11. So we feel a responsibility today to provide in our own words, with our own particular emphasis, the history of the urupā.
12. The site is the location of Kūititanga Battle, a battle of national significance in 1839 between Ngāti Raukawa to our north, and our Ātiawa tūpuna. The impacts of this battle were so significant that my elders who lived closer to people who had living memory of it, would not speak its name in any sort of casual dialogue.
13. Many dead were buried where they fell, and the pā and cultivation grounds were immediately abandoned as the site became waahi tapu. The site started to be used as a traditional urupā.
14. Whereas Māori burials at this time, and for some time to come, did not have headstones, there have been headstones recovered at the urupā of Pākehā people from the 1800s. *Slide*
15. It's important to note here that it is not as if the specific individual grave sites were wāhi tapu, but in fact the full area. An analogy I have used in the past that New Zealanders can perhaps relate to, is that it is not as if individual sites within Gallipoli

¹ Waitangi Tribunal, The Kārewarewa Urupā Report, p.7

or Chunuk Bair where bone fragments or remains are discoverable are considered sacred. These places are historical parks and sacred memorial sites. Waahi tapu.

16. As evidenced in the Tribunal report, there were repetitive attempts from 1896 to 1919 to have the urupā partitioned from 1896 to 1919. Suzanne Woodley's Local Government report notes that:

*'The minutes do not state that the partition was to be used in the future for a cemetery. The minutes state that the area was 'to be set apart' for a cemetery, or in the 1905 minutes, reserved or cut out for a 'certain' urupā.'*²

She also notes that the presence of two headstones on the land was discounted by the Waikanae Land Company.

17. The grandfather of Tūtere Parata, the named claimant for WAI 1945, Natanahira Parata stepped out the boundary of the final block that was surveyed for the urupā, Natanahira's grandmother having been buried there.
18. The first Crown records of a cemetery being at the land, beyond the initial portion was in the Waikanae River Archive of records held by the Manawatū Catchment Management Board in 1957. *Slide*
19. It then appears in the Waikanae District Scheme Map with its cemetery designation 1968. *Slide*
20. The urupā lands were vested with the Māori Trustee in 1968, unbeknown to most of the iwi on the apparent signature of a small minority of owners, and on the advice that "this was not the urupā block"³
21. The Māori Trustee then sold the land to the Waikanae Land Company in 1969
22. The WLC applied to the Horowhenua County Council to remove the Māori Cemetery designation.
23. Submitters from Ātiawa in opposition to designation removal: *Slide*
- "Te Aputa Kauri told the Council that 'it was the resting place of many persons connected with the early history of Waikanae,' Sylvia Tamati objected stating that this land was the 'burial place of my tribal ancestors.' Johnson Te Puni Tamati Thomas filed an objection stating: 'My ancestors fought, died and are buried in this cemetery and tapu ground.' 'Jillian Simmonds also objected, stating that the land was tapu and she had 'ancestors and relatives buried in this Māori Cemetery'"*⁴
24. Maurice Rowe's submission on behalf of the Waikanae Land Company to the Horowhenua County Council meeting for the 8th of July 1970 was that an urupā isn't an appropriate use for the land. *Slide*
25. Council made the decision to lift the designation on the basis of incorrect information.

² Woodley, p.657

³ Tribunal Report reference

⁴ Tribunal Report reference

26. The decision involved no cultural or archaeological assessment, and this is despite the Wellington Archaeological Society having written to Maurice Rowe at the WLC in 1969 advising them that there were signs of archaeological features on the land.⁵
27. This is the point at which the Crown has conceded that they failed to intervene to protect the urupā, which “led to the desecration of the urupā and was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.”⁶
28. The absence of any scheduling or designation since 1970 until now is not evidence of an absence of current value. It is evidence of a historically flawed process
29. Development of the urupā then proceeded from 1970 in the uncovering and destruction of some human remains, including through the use of a dredge

“About 350,000 cubic metres of dredged material from the adjacent wetland was dumped on top of it, followed by further modification and the construction of streets and houses on more than half of the urupā block. This was very serious for the kaitiaki, especially for those whose ancestors were buried there.”⁷

30. Accounts from our kaumātua include witnessing earth from the urupā with visible kōiwi being combined with dredge material that was ground up and sprayed back over the land.
31. This brings us to another red herring in the arguments put by opposing submitters. References are made to one grave site, only three headstones etc. Firstly, this map, from O’Keeffe’s 2012 Archaeological Assessment, shows a Geophysical survey done in 2003. *Slide*
32. The Anomalies in red indicate possible burial sites, objects or voids which may be grave related. But more importantly, the nature of the earthworks in the 1970s were such that the solid material in the earth were ground up to a size that would make them undetectable by a geophysical survey. For us, these maps, who treat our ancestors as anomalies, as somehow unexpected presence in the land, are completely detached from the contextual history of the treatment of this land.
33. If we fast forward to 2000, we know that when the 11 individuals graves were exposed, it was not actually the Waikanae Land Company that contacted the officials, as they were legally obliged to do. There was a young Māori man on the digger, who called his grandfather, asking for help, which is how our people were eventually contacted, as well as the authorities.
34. From our perspective, the history speaks to one of denial or disregard for the reality of Kārewarewa.
35. There are in fact photographs of these damaged and exposed skeletons, on file at Pouhere Taonga, Heritage New Zealand which our lawyers discovered in their research to support our Tribunal Claims. These are photographs that we would never participate in sharing, as for us these photographs were a further unnecessary indignity that objectifies the remains of those that should have been left in peace.

⁵ Section 22 of Rowe’s evidence in Court affidavit

⁶ Tribunal Report reference

⁷ Tribunal report reference

36. The destruction of the urupā, and the disturbance and treatment of those buried at the urupā has set in train intergenerational trauma, as our people grapple with the reality that we and our ancestors have not been afforded the respect and reverence for our dead that others in this country are. The cultural effects of this are of the highest order of severity. We feel diminished and dehumanised as a people.
37. We stand with all those of previous generations to say that our relationship to our urupā and our ancestors warrants protection and the development of Kārewarewa urupā must stop.
38. We know it is also not just us that are effected when there are no regulatory mechanisms in place to manage the values present at Kārewarewa. Residents, who through no fault of their own, have found themselves in the unfortunate circumstance of living on top of a cemetery, have contacted our iwi over the years for support when they have encountered remains themselves on their properties and felt deeply aggrieved that they've purchased a property with this history. Discovery of skulls etc
39. And so, the proposed Plan Change provides an effective mechanism to provide for a better functioning urban environment in the context of this extremely challenging history.

Part Two – Appropriate protections for a well-functioning urban environment

40. I've attempted to set out the nature of our relationship with the wāhi tapu, and the need for a protective mechanism to be put in to recognise and provide for this. With this planning context in mind, in our submission it is a relationship:
to protect and care for the cultural value and sacredness of the site.
41. Slide on Heritage guidance of inclusion of heritage in District Plans.
42. Process of drafting these Wāhanga was in accordance with this guidance. Done in partnership. First identifying waahi tapu, then categorising them. Many years of work.
43. Being urupā puts us in Wāhanga 1-3 and being parekura or battlefield puts us exclusively in 1 for the entire block. 1 being for a high level of protection.
44. Ātiawa supported an extremely pragmatic approach by supporting the proposal to have the developed area in Wāhanga 2, because it is developed. This provides for a reasonable level of development. We felt that this was a way of protecting the residual cultural value in the land itself, for example things that people might encounter, and a mechanism to retain our relationship to the urupā, by including this regulatory trigger.
45. We have some experience in managing development in relation to what is now a Wāhanga Tahī site, but a few years before it was scheduled as such. In the specific example I'm thinking of, this case study was utilised to inform the development of the Wāhanga definitions in the Proposed District Plan back in 2018. In the case of the Waimeha Neighbourhood Development Plan for a large subdivision also in Waikanae, it included Taewapirau urupā where there was also known and documented burial. In that case, we worked with respectful and rather progressive planners, who upon identifying this history, approached us as an iwi. They had in fact been in communication with us as an iwi from the earliest concept development stages for their development. This enabled us to convene the necessary expertise, to inform decision-making on the part of the landowner as to the best approach to their development, so as to not erode or extinguish our relationship with that particular

urupā and waahi tapu. There probably isn't merit in looking at precisely what the development outcomes were of the site, because they were slightly different in nature and context but the principle of engagement is one thing that informed the policy intent of the Wāhanga, including how to distinguish between different levels of protection.

46. The policy intention underpinning the Wāhanga, and particularly Wāhanga Tahi, was that development wasn't prevented, but was to provide a policy and rule framework that would ensure particularly section 6(e) of RMA could be recognised and provided for. For sites of this nature, ie urupā and battlegrounds, which have this nature of relational values for Māori, the regulatory framework must provide a means for Māori to continue their relationship to these sites. As set out earlier, this means Māori may have the ability to care and protect the sacredness of urupā and battlegrounds. The context of what this looks like, is obviously different from site to site, but the principle is the consistent factor. And this principle based approach, is also the most effective way to deal with the contextual reality, that various wāhi tapu, including urupā and battlegrounds, sit outside the ownership of Māori, or the Crown, and furthermore often as the consequence of dubious means. Forgetting for a moment, the emotion sitting behind our position. It is our submission that the Wāhanga Tahi, and other Wāhanga provisions, is the most effective tool, to balance these two, at times challenging realities of the utmost sacred to the collective, and the private property rights. This tool effectively provides a pathway, where those two realities can coexist. In principle, Wāhanga Tahi does not in any way, prevent development. It is the most appropriate provision for Kārewarewa urupā. We are not asking that it is applied to redress the wrong approaches of the approaches of the past. It is our submission that its adoption would be the first naturally just approach the kāwantanga has taken with regard to its responsibilities to the urupā.
47. The alternatives. First the idea of a Special Cemetery Zone. Again from a more practical perspective, it was our understanding that typically these zonings are made by or with the support of the landowner. That is not feasible in this instance. We are also conscious this creates very concrete limitations on landowners, and has different effects on the community.
48. Regarding the potential for any or all of the site to be a lower protected Wāhanga. We think the provisions of the wāhanga as recommended are most appropriate.
49. With regards to my colleague Mr Brett Osborne's submission. We acknowledge his submission in its entirety, and its contemplation of options, particularly as a professional who has worked with our iwi through other waahi tapu matters. Unsurprisingly we agree on the Wāhanga Tahi, but respectfully do not agree on the option to utilise ADP to manage the effects to our relationship with Kārewarewa. Having had vast experience of many use in the use and drafting of standard ADPs in this district, the policy intent behind that mechanism is in the title. Its purpose is where a discovery is by accident, and in a context where there is a level of acceptance that there will be some modification or destruction to waahi tapu or archaeological sites. They are a tool to be applied, after that modification or destruction has happened. It is our submission that both in terms of our values, and the need to protect the well-being of the community, the most effective tool, is one which as much as possible avoids these effects from occurring, in a proactive manner. In this context, once a coffin is exposed, the damage has been done.
50. We do not believe a lower Wāhanga protection status would be appropriate than Wāhanga 2 as indicated, the crux of it is there needs to be the ability to decline consents for new buildings. Again, not to redress any past grievance, but on the

basis that the community understands that any further development completely erodes our relationship that part of the urupā.

51. We also note that of several wāhi tapu in the District Plan, including urupā, Kārewarewa would be one of the few that has a polygon associated with a surveyed boundary. so as to not include any properties that are not certainly a part of the waahi tapu.

Concluding statements

52. The story of WLC has constantly changed, misrepresentation of truth. You've heard that Mr Rowe and his company fundamentally express a view in 1970 that it is of no consequence that there is a cemetery at Kārewarewa, because in his view, a Māori cemetery is "not an appropriate way of dealing with the land". The story was then, there's no way of knowing it's an urupā. And in its submission to this Plan Change they contest it is an urupā.
53. The story of Ātiawa has remained constant and unchanging:
- a. This site is part of a battleground.
 - b. This site contains deliberate burials, evidenced in headstones, and sadly eventually the burials themselves including those in coffins.
 - c. This site was surveyed by Natanahira Parata, son of Wi Parata, grandson of Metapere Waipunahau, buried at Kārewarewa
54. All human life is sacred, and all people are deserving of the basic decency that their remains are undisturbed. I think a lot in particular about the rangatira, Kahe Te Rau-o-te-Rangi, and my tupuna Metapere Waipunahau, the mother of Eruini Te Marau, Te Tupe o Tū. These women embodied the term mana wāhine as rangatira of their time, and remain so in ours. They were celebrated, at times greatly feared, and their views and actions were critical in determining the course of our collective history.
55. Their mana resonates across generations to today. What would have happened to Ngāti Toa were it not for the epic swim by Kahe across the channel that now bears her name? What would have come of the peace between Ātiawa and Ngāti Raukawa were not for the Tatau Pounamu of Eruini te Marau's marriage. Would Te Āti Awa have maintained a stronghold as mana whenua in Waikanae and Paraparaumu were it not for the mana of Metapere Waipunahau, We also must not forget that the progeny of these women is also significant from a national perspective. There is no Te Kākāura (Wi Parata) without Metapere Waipunahau, and there is no Maui Pomare without his grandmother Kahe Te Rau-o-te-Rangi. These are the mothers of our nation of Ātiawa ki Whakarongotai.
56. And yet, all that has transpired at Kārewarewa sends a signal that it does not matter who you are, what you have achieved, or what you may represent to society as a whole. If you are Māori, you will never be safe, even in your time of what should be eternal rest. It has been acceptable that these women's remains could be exhumed, and then further degraded in ways that are difficult to think and speak about. This is not 100 years ago, not 50 years ago, it is today. In 2026, it can still be acceptable for developers to suggest they might exhume bodies of our ancestors. And we still have to sit here with the knowledge that there is no guarantee this will be prevented from happening. This is the reality that we live with as Māori. It is truly exhausting.
57. We acknowledge the Kāpiti Coast District Council, particularly their staff, and their leaders, for demonstrating the value in confronting our very challenging history. This work, sits in a vast minority of resource management endeavours that contemplates

what it is to meet the foreseeable needs of future generations of New Zealanders, when our most fundamental needs as Māori, to be treated with humanity, are considered a part of that future.

58. We humbly ask the Panel to provide their direction and support for this endeavour.