

"MJB-1"



**CULTURAL IMPACT ASSESSMENT
TE KĀREWAREWA URUPĀ**

Te Ātiawa ki Whakarongotai Charitable Trust

9 November 2015

“Te toa o te tangata kei runga ko kārewarewa.”
“Man’s valour soars upwards like the falcon.”

1. The author

This Cultural Impact Assessment (CIA) has been written by Mahina-a-rangi Baker; an Environmental Consultant, that has been mandated by Te Ātiawa ki Whakarongotai Charitable Trust to provide CIAs for resource consent and archaeological authority applications. All intellectual property included in this Statement belongs to Te Ātiawa ki Whakarongotai (TAKW).

2. Introduction

a. Te Ātiawa ki Whakarongotai Charitable Trust

Te Ātiawa are recognised as the kaitiaki of the land and water bodies where development proposed by the Waikanae Land Company would be situated. As kaitiaki, they have the responsibility to protect their taonga and waahi tapu and mitigate any negative impact to them. Te Ātiawa ki Whakarongotai Charitable Trust (TAKW) are the mandated iwi authority that represents the interests of tangata whenua of Te Ātiawa in Waikanae. The Trust deals with public issues of local interest through the management of relevant activities including resource and heritage management, and relationships with central and local government.

Different groups within ‘Te Ātiawa’ have their own respective preference for how they refer to themselves. Within this report the collective of tangata whenua and hapū who are referred to as ‘Te Ātiawa’ includes those groups who are sometimes referred to as:

- Te Ātiawa ki Kāpiti
- Te Ātiawa ki Whakarongotai
- Te Ātiawa ki Waikanae
- Ngāti Awa
- Ngāti Awa ki Kāpiti

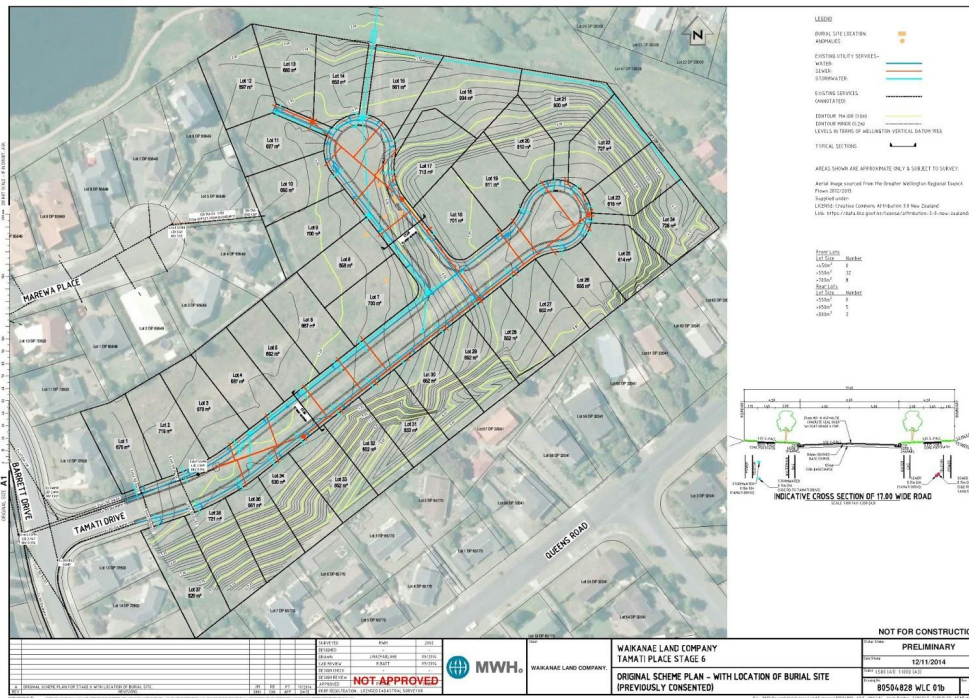
b. Te Kārewarewa Urupā

Waikanae Land Company are proposing to subdivide land centered around Tamati Place. The site is known to contain koiwi (human remains) and is located within the site known to Te Ātiawa as Te Kārewarewa Urupā.

Waikanae Land Company has asked to the author to consider three options for the site:

- leave the koiwi in place and develop the subdivision in accordance with the original scheme plan (Figure 1).
- remove and re-inter the koiwi at a suitable alternative location and develop the subdivision in accordance with the original scheme plan

- provide a Māori reserve on site, leave the koiwi in place and develop the subdivision in accordance with a modified scheme plan (Figure 2).



This CIA will consider these three options and provide recommendations on behalf of TAKW. It will not provide a wider assessment of environmental effects of either of the proposed schemes for the purpose of a resource consent application.

c. Planning Framework

The Resource Management Act 1991 requires local government to:

- manage the use, development and protection of natural and physical resources in a way which enables people and communities to provide for their social, economic, and cultural well-being.
- protect historic heritage from inappropriate subdivision, use and development. Historic heritage includes sites of significance to Māori, including waahi tapu.

The Heritage New Zealand Pouhere Taonga Act 2014 contains a consent process for any work affecting sites associated with human activity that occurred before 1900, such as those identified within the site of the Kārewarewa Urupā. As part of that process, this CIA discusses the significance of the site and makes recommendations on how the modification or destruction of the sites can be avoided, mitigated or remedied.

d. Objectives

This Cultural Impact Assessment:

- present information on the history of the site
- presents information from Te Ātiawa about the values they hold in relation to Kārewarewa Urupā
- assesses the potential effects of the three subdivision options proposed by Waikanae Land Company on these values
- makes recommendations based on this assessment
- presents the overall position of TAKW on the proposed subdivision

e. Intellectual Property

This CIA remains the intellectual and cultural property of TAKW. Use of this Assessment in other circumstances (for example for subsequent resource consent or other applications to do with proposed developments at Tamati Place) must be approved by TAKW in writing.

f. Methodology

This Assessment has been informed by:

- information from previous CIAs conducted on behalf of the iwi
- oral history as provided in consultation with the chair of Te Ātiawa ki Whakarongotai Kaunihera Kaumātua (Kaumātua Council) and other appropriate kaumātua
- Māori land court minutes
- waahi tapu reports, accounts and records
- a meeting with Kārewarewa waahi tapu report researcher Pātaka Moore
- archeological records

- plans provided by the land owner's consultants at MWH Ltd.
- national archives
- advice from Te Ātiawa ki Whakarongotai Charitable Trust Trustees
- Mary O'Keefe's archaeological report

The knowledge presented and used to conduct an analysis in this Assessment includes mātauranga Māori, a knowledge base that explains the Māori experience of the world.¹ A full understanding of the key Māori values and concepts presented and used in the assessment of the proposal is limited by the use of English as the main language of this Assessment.

3. Consultation

Steve Kerr from MWH Ltd., on behalf of the land owner Waikanae Land Company, made contact with the Trust on the 22 August 2014 to arrange to meet with TAKW and address the issue of the subdivision. The author then met with Steve Kerr on the 29th of September 2014 where it was agreed that this CIA would be produced to assess the proposed subdivision.

4. Significance of Te Kārewarewa

Te Kārewarewa Urupā is located within an old dune belt at the confluence of the Waikanae River and the old course of the Waimeha Stream (or Waimea depending on dialect), north of the Waikanae River and estuary, and east of the Waimeha Stream, in the coastal settlement of current day Waikanae Beach. In the early 1800s Te Ātiawa assumed settlement of the wider area of Waikanae from its original inhabitants as part of the wider migrations of the Ngāti Raukawa and Ngāti Toarangatira peoples in the Kāpiti district.

Settlement at the eastern confluence of the Waikanae and Waimeha has been referred to by three names: Te Kuititanga, Waimeha and Te Kārewarewa. This suggests that either the same settlement was referred to by multiple names, or that three pā, kainga or other cultural features such as mahinga kai and urupā were contiguous to one another. This settlement would have been part of the wider network of pā, kainga and mahinga kai in the Waikanae and Otaihanga area. The lifespans of the pā and mahinga kai sites in the area were influenced by warfare; sites where battle occurred were usually abandoned, particularly where there were a large number of casualties. In accordance with Christian protocols which were followed at the time, the deceased were buried where they fell, and thus the sites were no longer appropriate for occupation or food cultivation and gathering.²

¹ Royal, C., 1998. Te Ao Marama: A Research Paradigm. *Te Ora Rangahau Research and Maori Development*. Presented at Massey University, Palmerston North.

² Moore, P. 2012. *Waahi Tapu Project WTS0318 V2.1* Site Report for: Taewapirau. Confidential copy for Te Āti Awa use.

The following map and photograph are the work of George Leslie Adkin. In both he marks the location of 'Kuititanga pa' at the confluence of the Waikanae and the old course of the Waimeha.

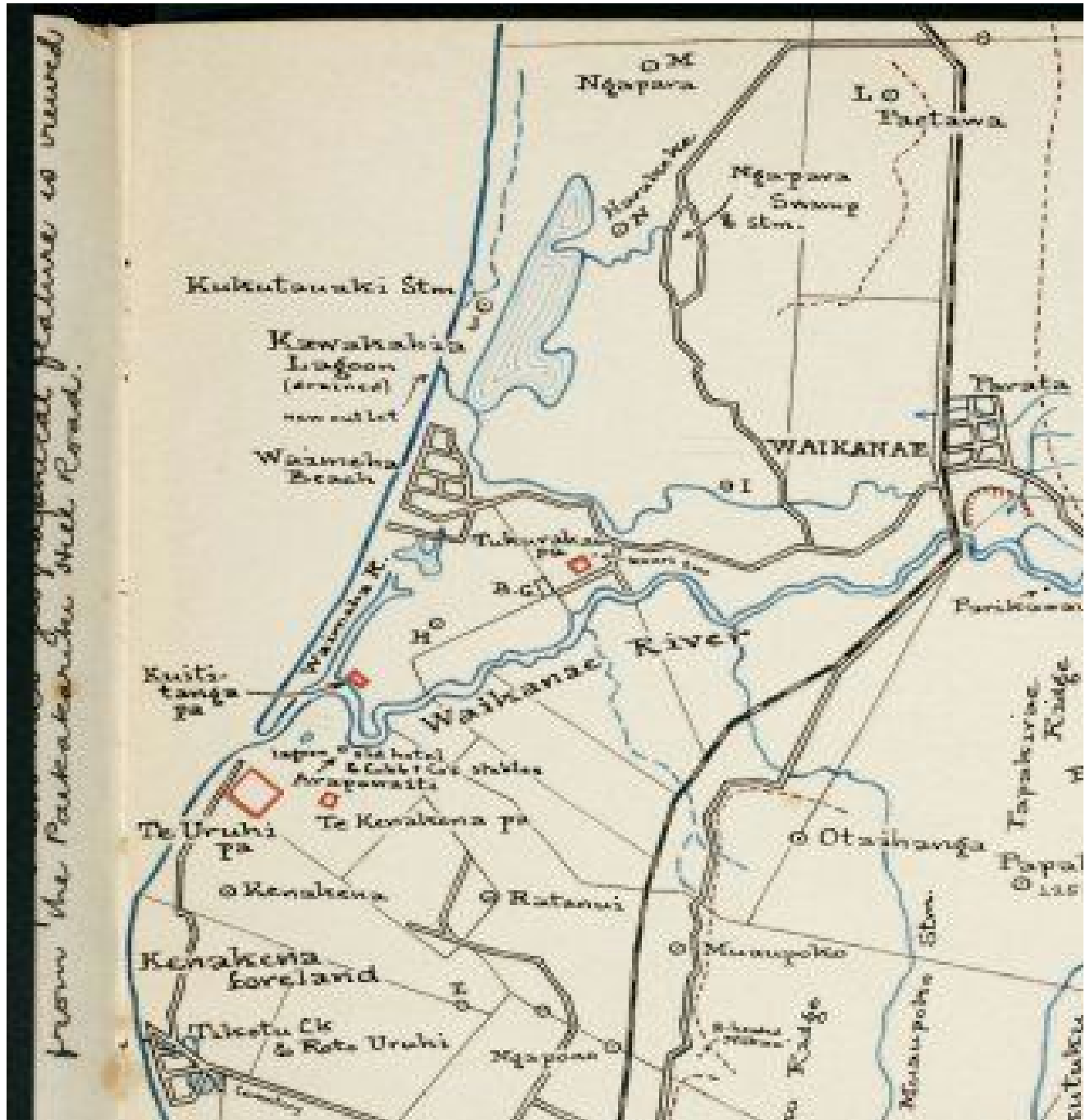


Figure 1: 'Waikanae and Rikiorangi (sic) (1930 - 1940)³

³ National Library NZ reference MS-Papers-6061-05-06

MacLean locates the Waimeha pā on the “north bank of the Waikanae River” in his publication ‘Waikanae, Past and Present’⁶ and tribal accounts locate Waimeha pā as an outpost “within the large cultivation grounds of Ngahuruhuru on the northern side of the Waikanae river (and) stretches west towards the Waikanae river mouth.”⁷

The settlement at Kuititanga lent its name to the battle of Te Kuititanga between Te Ātiawa and Ngāti Raukawa in October 1839 which experts refer to as being “a war of national significance”⁸, and is the most significant in the history of Te Ātiawa due to the key outcome; the establishment of the enduring tribal boundary between Ngāti Raukawa and Te Āti Awa at Kūkūtauākī. Carkeek states that:

‘Waimeha pa at Kuititanga bore the brunt of the attack. A small outpost of the main Ati Awa pa at Kenakena, it was situated at the junction of the Waimea Stream and the Waikanae River....the pa was surrounded. Ati Awa started firing and very shortly a heap of dead were seen lying in front of the pa.’⁹

The battle grounds then spread from Kuititanga north to Kūkūtauākī. All accounts tell of a horrific scene of corpses across the landscape, which would have been buried where they fell. The pā and connected cultivation grounds were thus immediately abandoned.¹⁰ The fallen of Te Kuititanga are the first people where there is recorded evidence of burials in the area of interest, and indicate the area not being considered appropriate for occupation from this time onwards.

The abandonment of this area of settlement and its mahinga kai was significant; its settlement had been celebrated by Te Ātiawa who had not intended to settle when they originally arrived, but did so due to the abundance of food available in the area.¹¹

Following the abandonment of this area and it being deemed waahi tapu, there were a number of burials from in the mid to late 19th century recorded as being there.

Carkeek notes Eruini (or Herewini) te Marau of the hapū Ōtaraua, referring to Waimeha as a burial ground where his mother Te Ripu, or Meturia, is buried, and Hira Maeka referring to Waimea as a burial ground where chieftainess Metāpere Te Waipunahau, daughter of Te Rangihiroa from Ngāti Toarangatira, and mother of chiefs Wiremu Te Kākākura Parata and Hemi Matenga is buried. Wi Parata is recorded saying that his mother was buried in 1853.¹²

Carkeek also refers to the site Kārewarewa.¹³ He notes Wi Parata referring to a village called Kārewarewa “which belonged to his ancestors, Rawiri Toko and Te Pono”, and him claiming

⁶ Maclean, C & J, 1988. *Waikanae, Past and Present*. Whitcome Press, Waikanae. p.18

⁷ Ngaia, B., 2011. Cultural Impact Assessment; The Takamore Trust.

⁸ Ibid 2., 5., 7.

⁹ Ibid 5, p.86-7

¹⁰ Ibid 7.

¹¹ Ibid 5. p.53

¹² Ōtaki Minute Book No.11 of the Māori Land Court. p.196

¹³ Ibid 5. p.161

Kārewarewa was “one of the two places where Te Haukaione resided shortly after the gift of land in the Waikanae district by Te Pehi and Rangihiroa.” Carkeek states that the exact location of Kārewarewa was unknown but refers to Mere Pomare testifying in the Māori Land Court in 1890 that she had one time worked at Kārewarewa and it was on the northern side of the Waikanae River. She described the place as a burial ground and testified that she was aware of the following individuals being buried there:

- Her mother, famous chieftainess Kahe Te Rau-o-te-Rangi. She walked on Te Rauparaha’s migration in 1821, and became renowned for her 7 mile swim from Kāpiti Island to Te Uruhi pā on the mainland where Paraparaumu beach is now, with her child Makere strapped to her back, to raise the alarm when Ngāti Toarangatira were attacked by a war party from the south. She was then one of five women who signed the Treaty of Waitangi at Waikanae/Kāpiti, which is an indication of her mana within the Ngāti Toarangatira and Te Ātiawa tribes.¹⁴
- Ihaia Paihia, his son and wife
- A man named Rangihaeata (not to be confused with Te Rangihaeata, nephew of Te Rauparaha)
- Some of Wi Parata’s ancestors.

She also testifies that Kārewarewa was considered a very tapu place and there were restrictions on the taking of flax or other plants.¹⁵

The name Te Kārewarewa is that which is used by the descendents of Te Ātiawa today to refer to the site at the eastern confluence of the Waikanae and Waimeha. This site includes the Tamati Place subdivision site. It was common that only a few individuals knew the specific location of the graves of significant tūpuna, as there were instances where graves were desecrated to steal taonga buried with the body or the body itself.

There have been three gravestones found in the area of interest at the confluence of the Waikanae and Waimeha for interments between the mid 19th century and 1911. The headstone in Figure 4 was recovered when Te Kārewarewa was initially dredged in the early 1970s, and relocated to the urupā currently used by Te Ātiawa ki Whakarongotai, Te Ruakohatu.¹⁶

Whilst it is difficult to read the inscription of the headstone the author interprets the following:

*“Sacred Memory of
Whakamaharatanga mō te matenga o ‘name’ he tamaiti na George Ashdown Pekamu
(translation: Remembrance for the death of ‘name’, a child of George Ashdown... .. Pekamu)
... .. 21 Hepetema 18???. Ko ōna tau kotahi i te rau(?) i mate ri Otari.”
(translation 21 September 18?? One year old on the (day or year) they died (in Otari?)*

¹⁴ Spragg, E. 2012. Te Rau-te-tangi, Kahe. *The Dictionary of New Zealand Biography*. Te Ara - the Encyclopedia of New Zealand. <http://www.teara.govt.nz/en/biographies/1t73/te-rau-o-te-rangi-kahe>

¹⁵ Ibid 5. p.161

¹⁶ Kaumatua account.

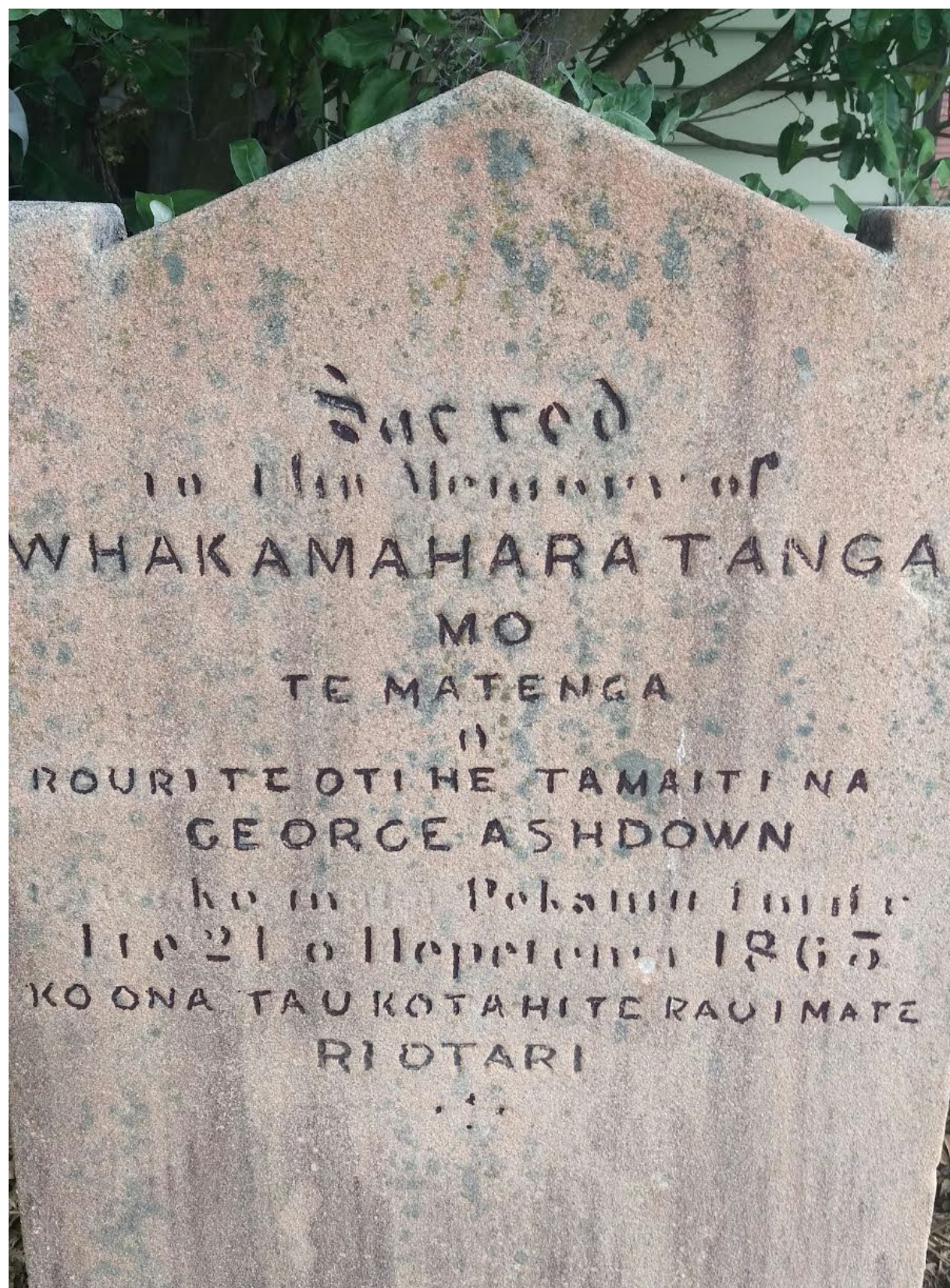


Figure 4: Picture taken by the author on the 17th April 2015 at Te Ruakohatu.

George Ashdown was a settler and whaler who had nine children with Te Ātiawa woman Maata Pekamu, one of which was also called George Ashdown. Maata Pekamu was also known as Raukatauri, Te Runanga Marapeka or Emma. She was the daughter of Tamatuhiata, who was a sister of Kawana Hiangarere of Ngāti Mutunga and Ngāti Kura.¹⁷ It is interesting to note that these are the iwi associated with Waimeha Pā. It is unclear from the headstone what the year of the burial was, however it is clear that the headstone belongs to George Ashdown, a child of George and Maata Pekamu who appeared to have died when they were one year old.

The second and third headstones found in the area of interest are shown in Figure 5 below. These two headstones are also referred to in archaeologist Mary O’Keefe’s report from 2012, however the headstones have been moved and partially restored since the publication of that report and the restoration efforts have provided clarification on the identity of those to which the headstones belonged.



Figure 5: The graves of William Browne and Margaret Maria Durie taken by the author on the 23rd of April 2015 at Te Kārewarewa adjacent to the lagoon.

One appears to belong to a William Browne. Research of William Browne has identified two men associated with Waikanae with this name, father and son, who were sometimes referred to as William Franklin Browne. William Franklin Browne I (1844 - 1911) was a settler born in Barbados who married a Te Ātiawa woman named Ellen Erena Jenkins, daughter of Te Ātiawa woman Pairoke and whaler William Jenkins.¹⁸ William Franklin Brown II was born 1869 but the

¹⁷ <http://www.wcl.govt.nz/maori/wellington/tupunabeckham.html>

¹⁸ MSY-6836 Browne family: Biographical material. National Library of New Zealand

author could not find any information regarding his death. Figure 6 is an image of William the I and II.

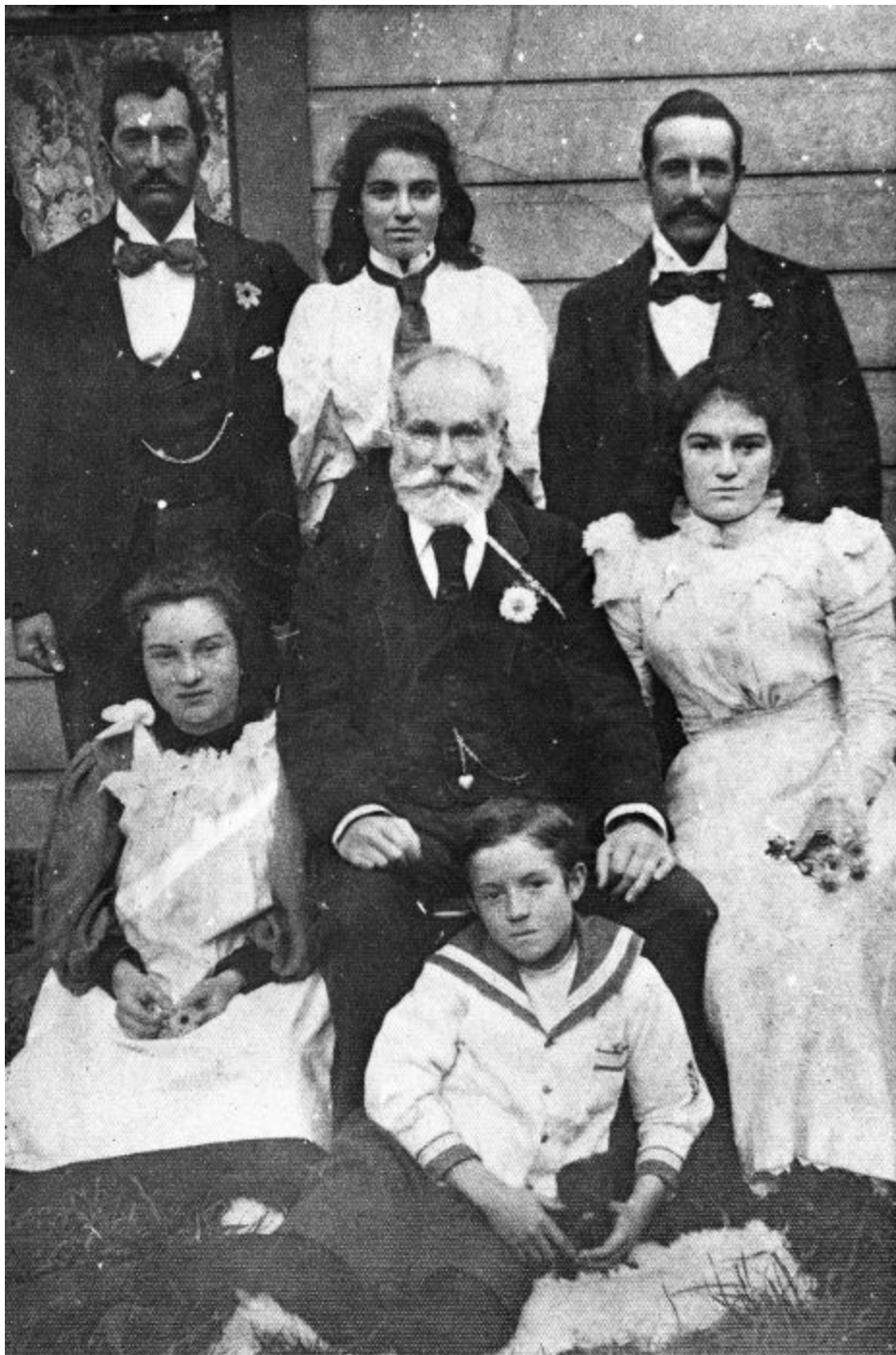


Figure 6: William Franklin Browne I, centre, and some of his children including William Franklin Brown II, back right.¹⁹

¹⁹ Wanhalla, Angela, 2013. *Matters of the heart; A history of interracial marriage in New Zealand*. Auckland University Press: Auckland

The information on the new headstone 'Drowned 1852 40 years' is not consistent with any information that can be found on the father and son. The date is too early for the death of either of these men. The date has possibly been interpreted incorrectly, or the headstone could be of a person that was connected to William Browne, for example a wife or child.

The final headstone belongs to Major David Durie's daughter Penelope Durie who drowned in the river near Kārewarewa in 1848.

Since Te Kuititanga and subsequent burials in the area, Te Kārewarewa has been regarded as an urupā and a waahi tapu by members of Te Ātiawa. The author interviewed several kaumātua and members of the iwi. Some recalled the path they would take as children and adults to reach the river mouth, which would cross Te Kārewarewa. They had been told as children that it had been a battleground, that there were people buried there, and that it was waahi tapu and they knew to not take anything from that site. Several iwi members gave accounts of kōiwi being occasionally exposed and visible in the area of interest in their youth. They were instructed to leave them where they found them. One kaumatua however, recalled that her brother had the responsibility of occasionally collected any kōiwi that were highly exposed to take back to another urupā, Takamore, for interment.

Summary of Section 4:

At the time of settlement in the 1830s, the area at the eastern confluence of the Waikanae and Waimeha River, which includes the site of the Tamati Place subdivision, consisted of a network of pā sites and mahinga kai. This area came under attack at the Battle of Te Kuititanga, which is regarded the most significant battle in the history of Te Ātiawa in the Kāpiti Coast area. There were many who lost their lives and were buried where they fell. The area was then no longer appropriate for occupation of food cultivation and was thus abandoned and deemed waahi tapu. From the mid 19th century the site has been used as an urupā. Several very significant tūpuna of Te Ātiawa are recorded as being buried there, as well as Pākehā that had some connection to Te Ātiawa. Te Kārewarewa is still regarded as an urupā and waahi tapu.

5. Development of Te Kārewarewa Urupā

By the end of the 19th century, settlers and the government were pressuring tangata whenua for land, and the Native Land Court at the time facilitated the creation of land title, and thus the partitioning of tangata whenua land into individual title.

The map below, from April 1890, shows how the 'Ngārara West A' block, which covered much of current day Waikanae and Paraparaumu, was partitioned. Te Kārewarewa is situated in the 260 acre land block 'Ngārara West A14'. The map also lists the landowners of the block, who

As land continued to be partitioned and sold, in 1896 members of Te Ātiawa applied to the Māori Land Court for Te Kārewarewa to be partitioned from the larger Ngārara West A14 block and recognised as an urupā. The Māori Land Court minutes recorded that:

The area on being ascertained to be deducted proportionately from the acreage allotted to each owner.

Cultural Impact Assessment: Te Kārewarewa Urupā

residue to be vested also in all the owners. The part intended for a cemetery to be made absolutely inalienable.

2 Orders £7

Names of owners

<i>Tutere (Te) Matau</i>	<i>M</i>
<i>Tamihana Te Karu</i>	<i>M</i>
<i>Pare Tawhara</i>	<i>F</i>
<i>Patiana Tuterangi</i>	<i>M</i>
<i>Hira Maeka</i>	<i>M</i>
<i>Hone Ngāpaki</i>	<i>M</i>
<i>Uinga Ngāpaki</i>	
<i>Ropata Ngāpaki</i>	<i>M</i>
<i>Wi Rititona</i>	<i>M</i>
<i>Rākapa Te Puke</i>	<i>F</i>
<i>Takarangi Te Puke</i>	
<i>Mata Te Hawe</i>	
<i>Unaiki Parata</i>	<i>F</i> ²⁰

The partition order was made as above but it appears that for the partition order to be completed, the land needed to be surveyed to determine the boundaries of the urupā block. It is important to note that the original partition order intended the urupā to be made absolutely inalienable.

By 1905, it appears the necessary survey had yet to be carried out, as on the 6th of February Raniera Erihana went back to the Māori Land Court on behalf of the owners of Ngārara West A14 to make another application for ‘a partition to cut out a certain urupā’. The Court then referred to the original 1896 partition order and stated this order would be complete once a survey of the land was carried out:

“Ngārara West A, Sec.14

- Appn. for Partn.

- Appt/ Raniera Erihana

Raniera Erihana ex that what is desired by the owners, on whose behalf he made the appn, is a partn. to cut of a certain “urupā” - Explained position.

Court determined that Judge Mackay made partn cutting out “urupā” - See Ōtaki Vol. No.31, pp147/8 - What is wanted is a survey to enable those orders to be completed. This appn is not (required?) and will therefore be dismissed.

Application dismissed accordingly.”²¹

²⁰ Ōtaki Minute Book No.31 of the Māori Land Court. pp.147-8

²¹ Wellington Minute Book No.13 of the Māori Land Court, 6 February 1905

The necessary survey must have been completed by October 1920, as by this time the Department of Land and Surveys New Zealand map below shows a 20 acre block where Te Kārewarewa Urupā is located, and at the site determined in the original partition order from 1896; in between the Western boundary for block 15 and the Waimeha.

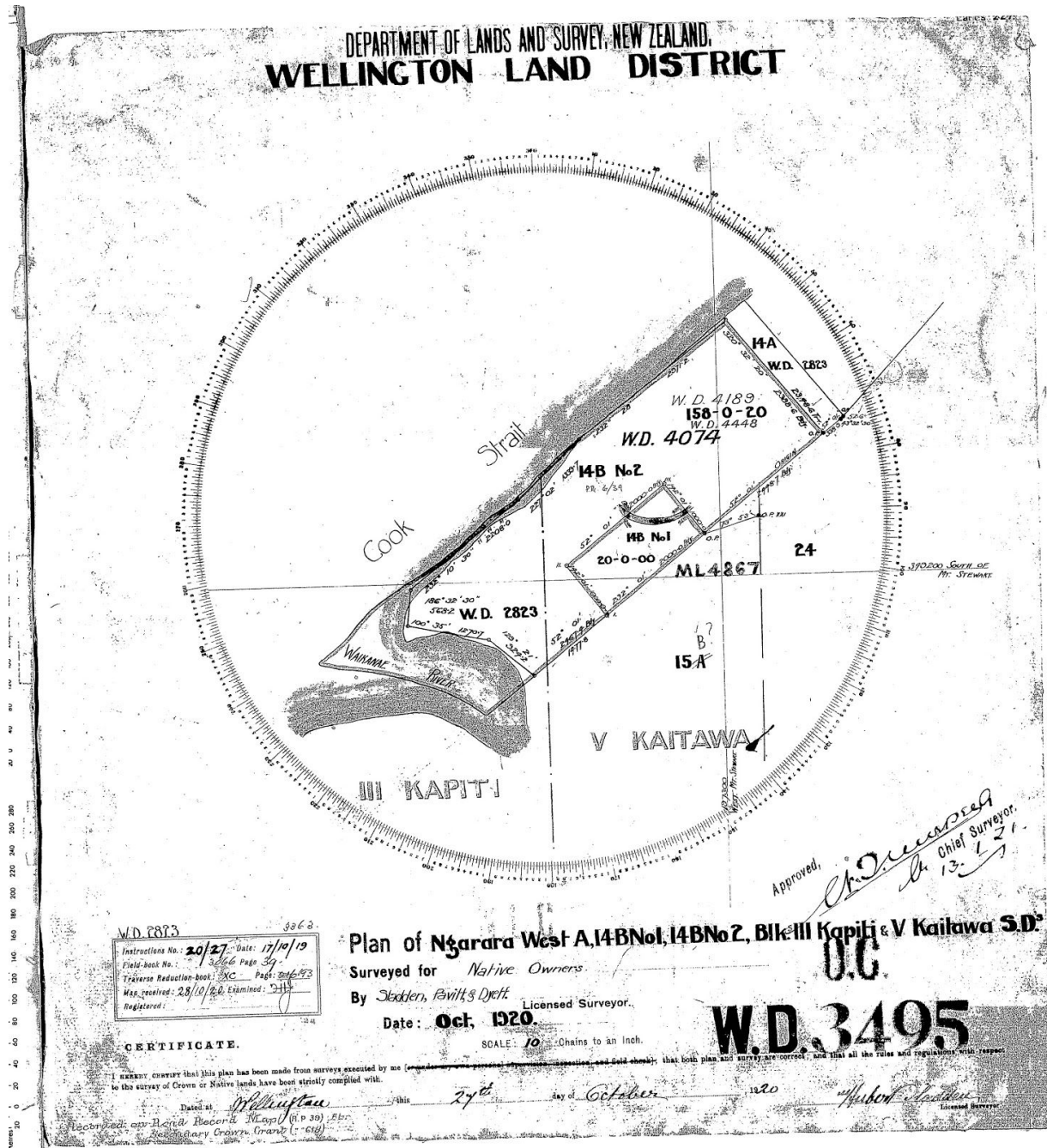


Figure 8: Plan of Ngarara West A, 14B No 1, 14B No 2. W.D. 3485

From the map it appears that the original block 14 has been split into three blocks: 14A, a 75

acre block which was partitioned as payment to surveyors for an outstanding survey lien,²² (it is not clear if this was to pay for the survey of the urupā or another part of the block); 14B1, the 20 acre block of urupā, and; 14B2, the remaining larger 158 acre block.

By this time, the New Zealand Cemeteries Act 1908, defined 'every place of burial not being a cemetery' as a 'burial-ground' and subject to all regulation and protections of accordingly. The Act also stated that:

*'the managers of burial-grounds shall have all the rights, powers, and duties by this Act granted to or imposed upon Trustees of cemeteries, and the provisions of this Act relating to cemeteries shall, as far as applicable, mutatis mutandis, apply in respect of such Managers and burial-grounds.'*²³

In 1953, two pieces of legislation were introduced in New Zealand which further increased the rate of alienation of land from Māori. The Māori Trustee Act 1953, established the Māori Trustee, a government appointed agent of the Crown, to act as sole agent for owners of Māori land. Under this act, Māori owned land was forced into the management of the Māori Trustee if Māori owners did not have an 'appropriate' ownership structure. The Māori Affairs Act 1953, forced Māori owners who had shares in land, to sell them to the Māori Trustee, if the individual shares were worth less than £25, and allowed the Māori Land Court to vest any 'uneconomic interests' in Māori Land in the Trustee for administration. The Māori Trustee would then sell these shares to 'a preferred class of alienees'.²⁴

By the 1960s the Māori Trustee had assumed management and administration of Te Kārewarewa land block 14BNo1 on behalf of the owners.

Figure 9 below shows that by 1968, there was still recognition of Te Kārewarewa being a burial-ground, or in fact a cemetery. The District Planning Map clearly marks the area of the land block Ngārara West A 14B1 as a 'Māori cemetery'.

However, by the 1960s the Waikanae Land Company (WLC), which had been established to develop land at Waikanae Beach, was proposing a marina and residential subdivision in the area within which Te Kārewarewa was located. In 1969 despite objection by Te Ātiawa to the sale and use of the land for anything other than urupā, and the original partition order for the

²² Wellington Minute Book No.15 of the Māori Land Court, 21 May 1906

²³ The Cemeteries Act, 1908. New Zealand Government

²⁴ Boast, R. 'Te tango whenua - Māori land alienation - 20th-century developments', Te Ara - the Encyclopedia of New Zealand, updated 22-Sep-12.

<http://www.teara.govt.nz/en/te-tango-whenua-maori-land-alienation/page-9> ; Kingi T., 2008. Māori land ownership and land management in New Zealand. *Making Land Work; Volume two, Case studies on customary land and development in the Pacific*. Commonwealth of Australia: Canberra. p. 146

land block making it clear that the land block was to be inalienable, the Māori Trustee sold Te Kārewarewa to the WLC.²⁵



Figure 9: Part of Waikanae County Town and Horowhenua County District Scheme District Planning Map 1968

By this time, the Burial and Cremation Act 1964 had adopted the same definitions for cemeteries and burial-grounds as the Cemeteries Act of 1908. The Act states that cemeteries cannot be legally alienated or diverted to an alternative use, except by an Act of Parliament.

The sale of Te Kārewarewa urupā by the Māori Trustee was therefore illegal and this forms part of the Waitangi Tribunal Treaty of Waitangi claim for the tangata whenua of Te Ātiawa, as it breached their tino rangatiratanga to one of their most culturally significant and sacred sites, and ultimately led to its desecration.

On purchasing the land the WLC then applied to the Horowhenua County Council on the 17th of October 1969, via the Waikanae County Town Committee (WCTC) to have the cemetery designation removed. The WLC attempted to undermine the cemetery status of Te Kārewarewa

²⁵ Moore, P., 2014. Site Report for Kārewarewa Urupā WTS0319A (v0.3). *Waahi Tapu Project*. On behalf of Te Ātiawa ki Whakarongotai for Kāpiti Coast District Council. p. 19

urupā, denying that it existed. They submitted a letter from the Māori Land Court, dated 23.9.69, claiming that when the block of land was partitioned in 1919 it said in the minutes that the partition was for the purpose of cutting out a graveyard, not protecting an existing one, and since there had been no subsequent action for the purposes of a cemetery, in the Court's records it remained ordinary Māori freehold land.

However, as Section 4 outlines, there is clear and indisputable evidence that Te Kārewarewa is an urupā and had been used for burials long before 1919. It is clear that the efforts by landowners and members of Te Ātiawa to ensure the land block was partitioned and given cemetery designation, were made to protect those buried there, not to reserve the land for future use as an urupā.

The County Clerk, Mr J.H. Hudson, submitted that an application in 1918 to designate the land block as a Māori cemetery was incomplete. The tangata whenua of Te Ātiawa also opposes the suggestion that the designation did not exist, as the Horowhenua County District's own scheme shows the designation very clearly.

The WCTC received a letter of submission on behalf of the iwi regarding the decision. The letter was written by Mrs T.A. Kauri who was a direct descendent of the original owners of block 14. She stated her objection to the application to remove the status, stating that she had several ancestors buried at Te Kārewarewa.

Despite this the WCTC resolved:

"to promulgate a Change to the District Scheme to lift the designation to enable the land to be subdivided..."

Once publicly advertised the Horowhenua County Council held a hearing on the decision in May 1970 where the same submission was again received. Mrs T.A. Kauri submitted that:

"We regard the cemetery block as sacred ground...I have ancestors buried in this cemetery. It is tapu land. It is the resting place of many persons connected with the early history of Waikanae."

Despite this opposition the County Council approved the revocation of the cemetery designation.²⁶ The lifting of the cemetery status by the Horowhenua County Council of Te Kārewarewa also forms part of the Waitangi Tribunal Treaty of Waitangi claim for the tangata whenua of Te Ātiawa due to the County Council's lack of protection of the rights of Te Ātiawa. The lifting of the designation by the County Council is also in breach of Section 21 of the Burial and Cremation Act 1964 which forbids local authorities from making use of any land comprised in a cemetery for any other purpose.

²⁶ Horowhenua County Council Hearing of Objections to Proposed Change No.3, 25 May 1970.

Maclean then provides an account of the WLC proceeding with the development of the land which involved removing 350,000 cubic yards of sand, including koiwi, from the Waimeha swamp and lagoon area and filling the sandhill area to create a flat landscape.²⁷ Author of Te Kārewarewa Urupā Waahi Tapu report interviewed various members of Te Ātiawa in his research, who also gave accounts of bulldozers and dredges finding koiwi at this time. They describe this work as 'abhorrent' and having great effect on certain people. Kaumatua Tony Thomas explained that whilst he seldom speaks of the events, it is something that needs to be remembered by the community. These local accounts recalled that many koiwi remained buried, and others were moved within the slurry by trucks to other areas where fill was needed. It is not possible to ascertain specifically which parts of the urupā were affected by the changes as the natural dune system was highly modified during this initial dredging period.²⁸ The block was modified again in 1990 and 1999, by re-contouring the ground surface of the subdivision. Much of Te Kārewarewa urupā has now had residential properties built on it. This is a substantive grievance for Te Ātiawa.

The 'Tamati Place' property, along with the lagoon area, are the only parts of Te Kārewarewa that are not developed. In 2000 the WLC dug trenches for services along the centrelines of the proposed roads of Tamati place and Wi Kingi Place. Kōiwi of at least nine individuals were exposed. A ground penetrating radar survey was undertaken on the site in 2002 and located what the archaeologist report has referred to as a cluster of anomalies that may be further burials.²⁹

It has been extremely traumatic for the tangata whenua of Te Ātiawa to have their urupā desecrated in this way, and the remains of potentially some of their most significant tūpuna exposed and disrespected.

The wider community has also been affected by the desecration of Te Kārewarewa urupā. Local kaumātua have recalled in interviews that six or seven times they have been contacted by Pākehā members of the public that reside in and around the part of the urupā that is already developed, to conduct karakia as a result of experiencing some form of adverse effect that they attributed to living on or near the urupā. One resident apparently remarked that had they known it was an urupā they would never have bought property there and subjected their family to those adverse effects, however financially they were now unable to move.

²⁷ Ibid 6.

²⁸ Ibid 2. p.24

²⁹ O'Keefe, M. 2012. Tamati Place - archaeological issues; Report to Waikanae Land Company and New Zealand Historic Places Trust. Heritage Solutions: Wellington

6. Te Ātiawa ki Whakarongotai Charitable Trust position

It is incomprehensible to the tangata whenua of Te Ātiawa that the Waikanae Land Company can still try and argue that Ngārara West A 14B1 is not an urupā. Members of TAKW have been on record since 1896 consistently testifying that it is an urupā and a waahi tapu. This evidence has been ignored through the County Council Hearing process in 1970, and is not adequately addressed in the Waikanae Land Company's archaeological report 'Tamati Place - archaeological issues.' by Mary O'Keefe. TAKW challenges the use of this report by the Waikanae Land Company to make comment on the overall heritage and cultural status of the site. The report has unintentionally excluded significant aspects of evidence, most significantly, the strong evidence of the use of the site as urupā. The uncovering of headstones and exposing of kōiwi on the site in the 1970s and again in 2000, and the detection of anomalies in the GPR survey are further irrefutable evidence of the use of the land as urupā.

The suggestion by the WLC and the archaeologist that the burials are localised at one part of the site, and hence the rest of the site is not significant and does not require protection is outrageous to TAKW. The whole site has been consecrated by Te Ātiawa as urupā, and given the scale of ongoing modification of the site since the 1970s, there is evidence to suggest that the kōiwi are 'clustered' as they have been moved there in previous earthworks. The 'clustering' of the kōiwi does not give any information about the actual extent of burials. TAKW understands that as dredging was used on the site, that many kōiwi may have been processed by the dredge and sprayed across the land block and are no longer in tact. Further to this, TAKW believes that the specific location of human remains is not relevant in ascertaining the protection that the site as a whole warrants.

TAKW believes that the sale and desecration of Te Kārewarewa urupā has been an attempt to systematically deny and extinguish the historical and cultural connection they have to land and the wider area.

7. Conclusion

TAKW maintains that Te Kārewarewa warrants full protection from any further development in accordance with its values as:

1. An archaeological site, of high national cultural and heritage significance, due to the site being the location of Te Kuititanga Battle, a war of national significance, and;
2. A waahi tapu tuturu and urupā, a resting place of many significant tupuna and persons connected with the early history of Waikanae.

TAKW is vehemently opposed to the three proposals made by Waikanae Land Company on the development of the site, and appeals to Heritage New Zealand and the landowners to halt the extinguishment of their rights and seek resolution to this issue in partnership with TAKW and the Kāpiti Coast District Council.