

**Before Commissioners  
Delegated by Kapiti Coast District Council**

**In the matter of** proposed Plan Change 2 to the Kapiti Coast District Plan

**And** Submissions and further submissions by Waikanae Land Company

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**STATEMENT OF EVIDENCE OF RUSSELL DAVID GIBB**

**10 March 2023**

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## INTRODUCTION

1. My full name is Russell David Gibb.

## QUALIFICATIONS AND EXPERIENCE

2. I am a heritage management consultant and the Managing Director of Geometria Ltd, a role I have held since the company's formation in 2002. Geometria has offices in Auckland, Whangarei and New Plymouth and undertakes heritage consultancy and archaeological research throughout New Zealand, Australia, USA, Antarctica and the Pacific. Our clients include local, regional and national governments, private property owners, commercial entities, and iwi and hapu groups.
3. I have a Bachelor of Science and Master of Science (Honours) degree in Physical Geography from the University of Auckland. I have held Section 17 Archaeologist status under the former Heritage Protection Act 1993 and Section 45 Archaeologist status under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**) to undertake archaeological investigations.
4. I am a member of the New Zealand Archaeological Association and am bound by the Association's Code of Ethics.

## SCOPE OF MY EVIDENCE

5. I have been engaged by Waikanae Land Company (**WLC**) to provide professional advice on matters relating to heritage and archaeology for Part Lot 1 DP 71625, held within record of title WN53B/939 (**the Site**). The Site consists of:
  - 5.1 a 3,902m<sup>2</sup> area on the south-western side of Barrett Drive, known as Stage 4B; and
  - 5.2 a c.31,000m<sup>2</sup> area on the north-eastern side of Barrett Drive, known as Stage 6.
6. On the Stage 4B land, WLC wishes to create 5 new residential lots. WLC engaged me in 2021 to provide an archaeological assessment to support that project. I provided an assessment which is set out in full in the report "Archaeological Assessment of Effects: Waikanae Land Company – Stage 4B Subdivision Part Lot 1 DP 71625", dated 29 June 2021, attached (**Report**) [**appendix RG-1**].

7. For Stage 4B WLC sought an archaeological authority from Heritage New Zealand Pouhere Taonga (**HNZPT**) and resource consents from Kāpiti Coast District Council (**Council**). HNZPT declined the authority and WLC has appealed that decision to the Environment Court. WLC's consent application has also been referred directly to the Environment Court, to be heard with the archaeological authority appeal. I have prepared and filed statements of evidence in those matters, but the substantive hearing has not yet occurred.
8. In the meantime, Council has notified Plan Change 2, which includes a new wāhi tapu listing over the Site.
9. WLC is opposed to the new wāhi tapu listing, and has asked me to provide this evidence covering archaeological assessments of both the Stage 4B and Stage 6 land, to assist the determination of WLC's submissions.

#### **CODE OF CONDUCT**

10. Though this is not a Court hearing, I confirm I have read the Expert Witness Code of Conduct set out in the Environment Court's Consolidated Practice Note 2014, and have complied with it in preparing this statement. This statement is within my area of expertise, except where I state I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express. My assessments also conform with the guidelines for archaeological assessments set out by HNZPT.<sup>1</sup>
11. My Report lists (on pages 1-2) a number of specialist investigations, reports, assessments and witness statements that I considered as part of my assessment.
12. In addition to those materials, I have considered the pre-publication report Kārewarewa Urupā Report of the Waitangi Tribunal, and a number of other reports, documents and statements of evidence relating to WLC's archaeological authority appeal, and its consent application for Stage 4B.

#### **EXECUTIVE SUMMARY**

13. Plan Change 2 proposes a new wāhi tapu listing that encompasses an area formerly known as the 20-acre block (8.0936 hectares) which is

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<sup>1</sup> Heritage New Zealand Pouhere Taonga, 2021. Archaeological Guidelines Series No.2: Writing Archaeological Assessments. Wellington, New Zealand.

claimed by Te Ātiawa ki Whakarongotai to be the Kārewarewa Urupā, a place where dead from the Battle of Kuititanga and known ancestors are said to be buried. Research undertaken for this assessment has revealed that part of the Stage 4B property (at the Barrett Drive end) was previously within the 20-acre area block boundary and all of the Stage 6 development falls within this boundary. This block was designated under the 1968 Horowhenua County District Scheme as "Māori Cemetery" with an underlying residential zoning, this designation having been removed on 10 August 1970 by the County Council on application of the WLC as purchaser from the Māori owners. The original 1896 cemetery designation by order of the Māori Land Court was to set aside a 10 acre area of land for a cemetery, but in 1919 a later Māori Land Court order changed the area to 20 acres. No documentation could be found to verify the reason for this increase.

14. I feel it is important to emphasise that, with regards to archaeology, very little is known about the 20-acre block apart from the burial site R26/456 discovered in 2000 in Stage 6 of a previous WLC development and a small midden (R26/88) with an inaccurate location recorded prior to the WLC initiating development in the area. No other human remains had been discovered during any previous subdivision developments of WLC land (including the development of 28 sections in the Barrett Drive, Marewa Place and Te Ropata Place areas and dedicated roadways being part of the land formerly designated "Maori Cemetery"), nor during the subsequent residential development works undertaken on the land between Stage 6 and the Stage 4B property.
15. Much has been written about the presence of dead from the Battle of Kuititanga within the 20 acre block but no evidence has been presented to support this, and historical research and the archaeological record does not support this. The analysis of the kōiwi (from R26/456) by Dr Tayles identified three individuals of Māori origin and six of European or indeterminate origin, many of which were children.<sup>2</sup> This does not appear consistent with a burial ground of dead warriors from a battle and appears more representative of a burial context associated with an epidemic that took a number of young lives. Without detailed analysis of the kōiwi this is indeterminate and merely conjecture. Furthermore, the context of these burials does not conform to the descriptions or burials of the battle dead

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<sup>2</sup> Exhibit 9 to the evidence of Maurice Rowe.

offered by the primary sources who attended the battlefield immediately after the event.

16. No archaeological site has been identified at Stage 4B and there is no persuasive evidence to suggest that any material exists, thus no archaeological values can be assessed. The only archaeological values identified on WLC property are attributed to the burial site R26/456 located within Stage 6 and even though this is a disturbed context – kōiwi in secondary deposition - the archaeological values of R26/456 are still high. However, these values cannot be universally applied across the whole 20 acre block, particularly in the absence of verified proof of extant burials beyond the known burial area and a lack of evidence of other in situ archaeological material.
17. Geophysical surveys since undertaken on the uncompleted WLC Stage 6 development area indicate that some additional human remains could possibly exist in the area to the north of where the remains were uncovered in 2000, but that the area to the southwest of this (towards Stage 4B) is devoid of anomalies that could be interpreted as possible burials.
18. The rectilinear boundary represented in the plan change is not representative of the actual extent of burials as established by the accidental discovery of the kōiwi in Stage 6 and subsequent investigations and research. No explicit spatial extent is currently delineated for site R26/456; the extent simply inferred by the description of the nature of the finds which is recorded in the site record form as "at least nine individuals disturbed during trenching for services in a planned subdivision".
19. A greater spatial extent, to incorporate the area to the north of the known burial/reinterment site where the geophysical surveys indicate potential further burials are located, would truly represent what the archaeological record and research informs us about the area where high archaeological values can be attributed. This area can be protected through the creation of a reserve and would be a more appropriate extent for listing as a wāhi tapu in the proposed Plan Change.

#### **PROCESS FOR ARCHAEOLOGICAL ASSESSMENT**

20. For the Report, the methods used to assess the presence and state of any archaeological remains located within Stage 4B included background research into the history of the area, an overview of land transactions, an

overview of the archaeological context of the wider area and an assessment of the archaeological values of Stage 4B, followed by a physical site visit to inspect Stage 4B for the presence of archaeological material or features.

21. The desktop study examined the following sources:
  - 21.1 NZAA ArchSite database
  - 21.2 Modern aerial photography (c.2000 – 2020)
  - 21.3 Historic aerial photography (c. 1940s onwards)
  - 21.4 Historic survey plans (c.1890 to c.1935)
  - 21.5 Papers Past newspaper records
  - 21.6 DigitalNZ.org historic imagery
  - 21.7 Kapiti Coast District Council district plan
  - 21.8 New Zealand Archives records
  - 21.9 Historical and contemporary texts
  - 21.10 HNZPT Register
22. As per the HNZPT guidelines, "archaeological values relate to the potential of a place to provide evidence of the history of New Zealand. This potential is framed within the existing body of archaeological knowledge, and current research questions and hypotheses about New Zealand's past."
23. The guidelines specify the following matters should be taken into account when assessing archaeological value of a site:
  - "The condition of the site(s).
  - Is the site(s) unusual, rare or unique, or notable in any other way in comparison to other sites of its kind?
  - Does the site(s) possess contextual value? Context or group value arises when the site is part of a group of sites which taken together as a whole, contribute to the wider values of the group or archaeological, historic or cultural landscape. There are potentially two aspects to the assessment of contextual values; firstly the relationship between features within a site, and secondly, the wider context of the surroundings or setting of the site.

- Information potential. What current research questions or areas of interest could be addressed with information from the site(s)? Archaeological evaluations should take into account current national and international research interests, not just those of the author.
  - Amenity value (e.g. educational, visual, landscape). Does the site(s) have potential for public interpretation and education?
  - Does the site(s) have any special cultural associations for any particular communities or groups, e.g. Māori, European, Chinese."
24. The above criteria guide the determination of archaeological value of a site, whereas a cultural values assessment (CVA) (or cultural impact assessment - CIA) documents a mana whenua's cultural values, interests, and associations with an area or natural resource, taking into account the principles of Te Tiriti o Waitangi / Treaty of Waitangi. It recognises the core values, the historic, traditional, cultural, and spiritual relationship of Mana Whenua to the area. A CVA may also assess how a proposed development might impact on the identified cultural values and may contain measures to mitigate the effects of the proposal.
25. As such, a CVA is a document that allows mana whenua to give expression to the cultural values pertaining to an area proposed for development, but it remains the province of archaeology to reflect that expression in an assessment of the archaeological values.
26. This is formalised in the Authority application process which encourages consultation with tangata whenua (s.2.1), for which a CVA is often furnished by tangata whenua to express cultural values.
27. However, s2.2 of the authority application specifies that this consultation and the views expressed are confined to "archaeological sites that are of interest to Māori or Moriori (Chatham Islands)".
28. Archaeological site R26/456 is the closest archaeological site to Stage 4B and will not be affected by the proposed development of Stage 4B.

#### **EXECUTIVE SUMMARY OF STAGE 4B REPORT**

29. My Report provides a general overview of the history of the area relative to Stage 4B by drawing on archival material, land transfer documents and historic maps and plans, and previous reports specific to previous development undertaken in the area by WLC.

30. It also provides advice and recommendations on archaeological matters to WLC with regards the requirements of the Heritage New Zealand Pouhere Taonga Act 2014.
31. This research revealed conflicting views and interpretations of historic events that took place in the area, particularly regarding the Battle of Kūititanga and subsequent burial of dead from the battle, and the location and extent of an urupā named Te Kārewarewa.
32. This research and analysis confirms part of Stage 4B falls within the boundaries of an allotment that was once designated under the 1968 Horowhenua County District Scheme as a cemetery reserve ("Māori Cemetery"), with the designation removed in 1970 by the County Council. No name was formally attributed to the Māori Cemetery at this time.
33. No archaeological material has been recorded or witnessed within Stage 4B.
34. There are no registered Wāhi Tapu within Stage 4B in the HNZPT schedule.
35. No burials are known or recorded within the boundaries of Stage 4B.
36. An area of burials is identified within Stage 6 of a previous development by WLC, located approximately 200m to the north of Stage 4B and recorded as archaeological site R26/456.
37. Three successive geophysical surveys undertaken on the Stage 6 subdivision since the initial discovery of kōiwi in July 2000 have indicated the presence of several possible further burials, with the data indicating that these are all located within close proximity (<10m) to the existing burials. The geophysical data does not however show any indication of any unrecorded burials to the south towards Stage 4B, located some 200m away.
38. No geophysical surveys were undertaken on Stage 4B due to the fact that the area appears to be highly modified since development of the area commenced in the late 1960s, both in terms of earthworks to the upper dune areas adjacent to the completed residential lots, and also with evidence of material being dumped on to Stage 4B.
39. Furthermore, any geophysical anomalies interpreted from the data would ultimately require intrusive ground testing (excavation) to verify the nature of the anomaly.



40. With the exception of the human remains uncovered in 2000, no other archaeological sites have been recorded during development in the wider area undertaken by WLC.
41. The research concluded, based on the evidence assembled, that the archaeological potential of Stage 4B was low.
42. However, I also recommended that an authority be sought from HNZPT as a precaution in case archaeological remains were uncovered during earthworks for the development. This did not relate to the possibility of uncovering kōiwi, but to the possibility of uncovering middens, and was purely precautionary, to avoid the risk of earthworks being halted for a significant time in the event of a discovery.
43. Since the Report was completed, HZNPT has declined the archaeological authority application. HZNPT's decision is now under appeal, but I address the key matters raised in that decision in the course of this statement.

#### **HISTORIC HERITAGE**

44. PC2 has proposed the inclusion of Kārewarewa in Schedule 9 – Sites and Areas of Significance to Māori in the Kapiti Coast District Council district plan.
45. The spatial extent of Kārewarewa urupā in PC2 is largely a replication of the cadastral boundaries of the previous 20 acre cemetery reserve designation as set out by the Māori Land Court in 1918.
46. Kārewarewa has, however, not been added to the HNZPT register.

#### **Extent of historic heritage**

47. Defining the extent of historic heritage proximate to the Site is problematic. Events associated with the Battle of Kūititanga form the basis for much of what has been interpreted as historic heritage relative to the Site and the immediate hinterland.
48. The Battle of Kūititanga is generally described in the historical texts as being fought from Waikanae to the Kukutauaki Stream and over the dunes between—a distance of over 12 kilometres as the crow flies.
49. Furthermore, primary accounts of those killed from the battle widely vary as to the location and form of burial, and number of dead interred. Some

accounts recount the dead buried where they fell, or buried amongst the sandhills, while others reference a mass or common grave(s).

50. No explicit burial ground location was ever recorded with various approximate locations recorded from the primary accounts. Dieffenbach and Wakefield who were aboard the *Tory* and visited the battle site the next day do not provide a location for a mass burial site.
51. In her CIA prepared for the Stage 6 area in 2015,<sup>3</sup> Dr Baker states that the area of historic settlement at the confluence of the Waikanae and Waimeha rivers where part of the battle took place has been referred to as Te Kūititanga, Waimeha and Te Kārewarewa. She suggests this either refers to one settlement known by multiple names, or several spatially or culturally distinct entities.
52. The use of the name Kārewarewa emerged in the late 19th century. Te Ātiawa now attribute the name to Ngarara West A14B1 – formerly designated as a Māori Cemetery. Te Ātiawa suggest that some of the dead from the Battle of Kūititanga are interred here, along with other ancestors.
53. However, known burials within the wider WLC development area are restricted to the small area within Stage 6, located in the same general location as 'graves' were noted in an 1898 surveyor's notebook. The Stage 6 burials were discovered during development in 2000. The remains found were assessed by Dr Tayles, before being re-interred on site.
54. It is not known whether these kōiwi are actually associated with burial practice associated with the battle victims.
55. The Stage 6 burials do not conform to the descriptions offered by the primary sources such as Wakefield<sup>4</sup> who noted, "...they buried their fallen enemies on the field of battle; adhering, however, in some degree to the native superstitions, by burying a stock of tobacco and pipes", or Dieffenbach<sup>5</sup> who noted "...they buried [Raukawa], depositing them in one common grave, together with their muskets, powder, mats, &c", or Williams<sup>6</sup> who recalled "they buried [Raukawa] with military honours, with

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<sup>3</sup> Exhibit 15 to the evidence of Maurice Rowe.

<sup>4</sup> Wakefield 1845:124

<sup>5</sup> Dieffenbach 1843:104

<sup>6</sup> Williams cited in Smith 1910:555

their garments, muskets, ammunition, etc., not reserving to themselves anything which had belonged to them."

56. Apart from wood found with these burials, interpreted by Dr Tayles as representing the remains of coffins, no material culture/artefacts were recorded from the kōiwi discovery.
57. Two gravestones were discovered in the burial location, and another found in the lagoon during dredging which could possibly be from this location. These have been identified as belonging to Durie (died 1848) and Browne (died 1852), while the third belonged to Ashdown (died 1865).
58. There is no substantive evidence that burials from the Battle of Kuititanga are located within the 20-acre block.
59. Kuititanga Pā (also known as Waimea/Waimeha Pā) was located some 340m from the southern boundary of the Ngarara West A14B1. One burial (R26/311) is recorded near this site.
60. Accounts of other burial contexts in the area include:
  - 60.1 An event in 1851 when Wirimu Kingi sent a large contingent of his people back to Waikanae to disinter the bones of their dead and repatriate them back to Waitara.<sup>7</sup> The location of this event is unknown.
  - 60.2 Thorpe (formerly Forbes)<sup>8</sup> recalls the removal of kōiwi from a parcel of land off Te Moana Rd that were reinterred elsewhere in a cemetery. No number of kōiwi is noted in the report. Te Moana Rd is over 700m from the northern boundary of Ngarara West A14B1.
  - 60.3 It has been said elsewhere by Dr Baker that significant tūpuna are buried at the Site including the mother of Te Kākākura, Metapere Waipunahau and Kahe Te Rau-o-te-Rangi. However, there are conflicting accounts regarding the burial of Metapere Waipu and Kahe Te Rau-o-te-Rangi. Wi Parata (Te Kākākura) gave evidence in the NLC that his mother Metapere Waipunahau died in 1853 at Kāpiti but was brought back to "Waikanae" to be buried.<sup>9</sup> Mere Pomare gave evidence in the NLC that Kahe Te Rau-o-te-Rangi

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<sup>7</sup> Carkeek 1965:90 citing Taylor Journal 12 August 1851.

<sup>8</sup> Ngarara West Urupā A14B1 file note Susan Thorpe on burials at Tamati Place.

<sup>9</sup> Carkeek 1965 and 10 Otaki minute book 170).

was buried at “Kārewarewa”, but the Dictionary of New Zealand Biography<sup>10</sup> records that others say she is buried at Kapiti or Paekākāriki (unfortunately no citation is provided for this).

#### **Unknown location and extent of Kārewarewa urupā**

61. The decision by Kāpiti Coast District Council to create a new wāhi tapu listing seems to have been based on the notion that there is a *possibility* of encountering kōiwi or other material related to the urupā known as Kārewarewa. This hypothetical ‘what if’ is not supported by archaeological evidence across the whole area. No burials are known to be on Stage 4B and no archaeological sites are recorded within the boundaries of, or within close proximity to, that area. The known burials are located within the Stage 6 Wi Kingi Place development area. Aside from the geophysical survey results (discussed below in paragraphs 73–76) and ensuing interpretation that indicates a slightly larger area of burials in this location, there is no documented historical or empirical evidence that records further burials within the boundaries of Stage 6.
62. Council's apparent rationale for proposing the new wāhi tapu listing seem to be predicated on the belief or acceptance that the Kārewarewa Urupā is delineated by the boundaries set aside as a 20 acre block by order of the Māori Land Court in 1920, the title for this parcel being Ngarara West A14B1. These boundaries were later designated under the 1968 Horowhenua County District Scheme as a cemetery reserve (“Māori Cemetery”), with the designation removed in 1970 by the County Council. It should be noted that no name was formally attributed to the Māori Cemetery designation at this time.
63. It has been said elsewhere on behalf of Ātiawa ki Whakarongotai that the decision to lift the cemetery designation (in 1969) was made in the absence of any archaeological or historical assessments. It should be noted that there are no records concerning the decision to impose the cemetery designation either, so it is unknown whether that decision was informed by archaeological or historical assessments.
64. The requirements for archaeological or historical assessments would have been driven by the local bodies administering the consent process.
65. Essentially in 1969 when the cemetery designation was removed, professional archaeological consultancy was in its infancy and

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<sup>10</sup> <https://teara.govt.nz/en/biographies/1173/te-rau-o-te-rangi-kahe>.

commercial archaeology in New Zealand was anything but, with archaeology generally being undertaken by passionate amateurs or as academic research.

66. The name Kārewarewa as a naming convention specifically related to Ngarara West A14B1 does not appear in the contemporary vernacular until sometime during the 2000s, and this was after the discovery of kōiwi in Stage 6. Prior to this the name Kārewarewa is mentioned during the 1890 Māori Land Court Hearings but with no specific location given.
67. There is no citation for the name Kārewarewa in either the 1896<sup>11</sup> or 1918<sup>12</sup> Māori Land Court orders to set aside land for a cemetery/urupā. The original order was for 10 acres to be set aside, which was changed to 20 acres in the 1918 order and the reasons for this are not recorded. The language used in the 1896 order stated that “the object in dividing up this land is to set apart a portion of it for a cemetery”, which tends to suggest that this was for a new cemetery, rather than an existing one. However, the existence of headstones first dating from 1848 (Durie) located in the general area around the kōiwi discovery (recorded as archaeological site R26/456) establishes that some burials had occurred by that date.
68. My interpretation of the court orders and subsequent partitioning of Ngarara West A14B1 for an urupā/cemetery is that this was done to provide for an extended cemetery reserve for future use, encompassing the existing burial area as revealed by the headstones.
69. According to the local historian Carkeek the exact location of Kārewarewa is not known. Carkeek (1965: 115-116) noted that Wi Parata referred to it as a village which belonged to his ancestors Rawiri Toko and Te Pono. Mary Pomare testified at the Ngarara Hearing in April 1890 that Kārewarewa was on the northern side of the Waikanae River and that she once worked there. This was contested by Wi Parata who testified that Kārewarewa belonged to him but is not now in his occupation and that he never saw Pomare or her husband (Inia) working there (ibid).
70. Other than the geophysical surveys which I discuss in the next sections, archaeological evidence supporting the presence of an urupā within the block Ngarara West A14B1 is limited to archaeological site R26/456, the burial site discovered during development works in Stage 6 of the wider WLC development area, gravestones located in the same area, and a

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<sup>11</sup> Otaki Māori Land Court Minute Book 31:147.

<sup>12</sup> Wellington Minute Book 21:396.

surveyors notebook notation from 1896 depicting the location of three 'graves' in approximately the same location as the discovered burial site.

71. As I have indicated above, no explicit spatial extent is delineated for site R26/456; the extent simply inferred by the description of the nature of the finds. The location for this is an accurate geographic coordinate set on screen by the recorder of the site, Mary O'Keeffe.
72. No mention of the name Kārewarewa is made on the New Zealand Archaeological Association site record form for R26/456.

### **Geophysical Surveys**

73. Three geophysical surveys undertaken in the Stage 6 area - ground penetrating radar (**GPR**) in 2003 and 2019<sup>13</sup> and geomagnetic survey in 2017<sup>14</sup> - have provided further interpretation of the subsurface disturbance and possible burials locations. Notably these are all within close proximity to the known burial area and show clear indication of undisturbed areas within Stage 6 towards Stage 4B. The two GPR surveys covered the full extent of Stage 6 while the geomagnetic survey focused on the eastern extent of the property.
74. The geophysical survey results have interpretative value in the sense that they identify areas where there has been sub-surface disturbance and areas where the ground has no disturbance. The experience and ability of the geophysicist in interpreting and attributing these anomalies to certain forms of disturbance (anthropogenic/ possible burials etc) is a valid interpretive tool.
75. The ground truthing of geophysical survey results via a test pit<sup>15</sup> gave veracity to the interpretation of the site's geomorphology and anthropogenic induced change, and confirmation of the interpretation of undisturbed strata within the wider burial area (R26/456). These results validated the surveyor's interpretation of the subsurface as represented by the assembled data.
76. The result from the test pit validated the pre-test hypothesis proffered by Dr Bader and explicitly demonstrated that the use of geophysics in this environment is a useful tool for determining sub-surface disturbance, and the interpretation of the test pit data can be extrapolated across the

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<sup>13</sup> Exhibits 11 and 14 to the evidence of Maurice Rowe.

<sup>14</sup> Bader 2018: Exhibit 13 to the evidence of Maurice Rowe.

<sup>15</sup> Bader 2018: Exhibit 13 to the evidence of Maurice Rowe.

survey area to infer cross-site subsurface patterning and provide guidance to assess archaeological risk or potential across the Site.

#### **Lack of archaeological discoveries elsewhere on WLC land**

77. WLC undertook substantial earthworks when it commenced development of the wider area in the 1970s, including dredging and forming the lagoon reserve to form the Waimanu Lagoon and Marina. It has been said elsewhere on behalf of Ātiawa ki Whakarongotai that kōiwi were excavated within this sand, which were then redistributed as spoil in areas of the development that required fill.
78. The assumption that because earthworks were undertaken then kōiwi must have been disturbed is unproven. I am not aware of any recorded evidence of these purported events to WLC, HNZ, the New Zealand Police, or any statutory bodies.
79. Apart from burial site R26/456 – accidentally discovered about 19 years after the dredging commenced and not within the area dredged – no bone material (complete or fragments) has been reported across the WLC properties despite extensive site works and residential development.
80. According to McFadgen<sup>16</sup> the lagoon was excavated with a floating suction dredge that pumped material from the bed of the lagoon and discharged it onto the south-eastern lagoon shore.<sup>17</sup>
81. Floating suction dredges work like an underwater vacuum cleaner with a hose hanging off the front that sucks up streambed material and delivers it to a sluice box floating on the dredge. Heavy materials are caught in the sluice box and the lighter material is transported from the dredge to a barge or deposited to shore via a conveyor. The pump intake is screened so fish and rocks cannot get sucked into the motorized pump. Suction is created in a special venturi-tube in between the main suction hose and the sluice box.
82. When discussing the burial context Dr Baker has previously contended<sup>18</sup> that there is "...evidence to suggest that the kōiwi are 'clustered' as they have been moved there in previous earthworks" and that "[the]

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<sup>16</sup> McFadgen 2001.

<sup>17</sup> James Hutchison pers. Com cited in McFadgen 2001.

<sup>18</sup> Baker 2015:21: Exhibit 15 to the evidence of Maurice Rowe.

'clustering' of the kōiwi does not give any information about the actual extent of burials."

83. There is no evidence to support this assertion. O'Keeffe's report in 2017<sup>19</sup> identified the extent of dredged material deposited within Stage 6 and the test pit dug by Bader<sup>20</sup> near to the burial site provided an interpretation of the undisturbed soil strata near to the burial area which validated the assumption that the burials were in a primary deposition context when discovered.
84. Ms Thorpe proposed no such hypothesis of clustering of kōiwi in her evidence to the District Court, or in any correspondence with WLC.
85. There is no archaeological record for Kārewarewa Urupā. The site record for burial site R26/456, located within WLC Stage 6, has no reference to Kārewarewa Urupā.

#### **Nexus of archaeological and cultural value evidence**

86. It is for others to give evidence of cultural value, and I acknowledge that Ātiawa ki Whakarongotai have given evidence elsewhere that they consider the cultural value of the 20 Acre Block (including R26/456) to be high. However, cultural values and archaeological values are inherently assessed differently.
87. It appears that the high cultural (intangible) value claimed by Te Atiawa has its genesis in their interpretation and belief of a wider extent of burials within the 20-acre block associated with both the Battle of Kuititanga and of known interred ancestors (the tangible element), whereas the archaeological evidence suggests otherwise as there are no other recorded burials and only one other recorded archaeological site. The potential for other burials has been identified but this is restricted to a small area contiguous with the known burial site R26/456. This is at odds with the basis of the cultural claims that places an overarching high value on the whole 20-acre block, whereas the archaeological values - with the exception of the two recorded sites and identified likely extent that encompasses the possible expanded burial area - cannot be assessed across the rest of Stage 6 due to the absence of archaeological evidence but are assumed to be low given the geophysical survey results.

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<sup>19</sup> O'Keeffe 2017.

<sup>20</sup> Bader 2018: Exhibit 13 to the evidence of Maurice Rowe.



88. The rectilinear boundary represented in the plan change is not representative of the actual extent of burials as established by the accidental discovery of the kōiwi in Stage 6 and subsequent investigations and research.
89. Site R26/456 is a disturbed burial context where the kōiwi that were discovered have been reinterred in the same location after first having been removed from the site for analysis. The burials do not provide a definitive link to the Battle of Kuititanga and there is no other physical archaeological evidence on the site that confirms a link to the Battle of Kuititanga. The fact the kōiwi included six young children points away from it being a battle burial ground. There was nothing in Dr Tayles' report or Ms Thorpe's observations that provide evidence of a connection to battle as one might reasonably expect (e.g., a musket ball deformed by impact and associated injuries to bone observed at R26/231). Moreover, there is nothing in Dr Tayles' report that dates the kōiwi. Rather, Ms O'Keeffe concluded that there was nothing to enable dating the kōiwi beyond the fact they are 'post contact'.<sup>21</sup>
90. Rather there is a simple spatial association between the former land parcel Ngarara West A14B1 which is located within a wider extent of the battlefield site, which is reported as extending from Waikanae to the Kukutauaki Stream and some distance inland. This battlefield site is not recorded as an archaeological site or listed on the Heritage NZ List / Rārangī Kōrero.
91. As such, site R26/456 is not an archaeological site of national significance and neither it nor Kārewarewa Urupā are recorded on the Heritage NZ List / Rārangī Kōrero – the national heritage register.
92. It has been suggested elsewhere on behalf of Ātiawa ki Whakarongotai that burials are located across Kārewarewa Urupā because the whole area has been consecrated and used as an urupā. There is no documented or physical evidence to prove that this activity occurred beyond the known burial area.
93. It has been said elsewhere on behalf of Ātiawa ki Whakarongotai that that the Waitangi Tribunal's report identifies Kārewarewa as a historically significant burial site where those who died at Kuititanga were buried. I understand WLC were not a party to the Tribunal hearing and consequently were not afforded the opportunity to make submissions

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<sup>21</sup> O'Keeffe 2012: Exhibit 12 to the evidence of Maurice Rowe.

regarding the archaeological record, or the science undertaken to progress knowledge of the site, such as the full geophysical survey programme and the implications of this data towards the interpretation of Kārewarewa as a burial place for the dead from the Battle of Kuititanga. As such, from an archaeological perspective I have concerns about the veracity of the Tribunal's conclusions given the absence of this evidence during the hearing.

94. It has been suggested elsewhere on behalf of Ātiawa ki Whakarongotai that the use of geophysics to determine the presence of the wāhi tapu is a red herring because the history held by Ātiawa Ki Whakarongotai has long recorded the status of the area as a wāhi tapu and identified various burials, including of particular individuals.
95. This is a fallacy as the geophysical surveys have not been undertaken to determine the presence of wāhi tapu. Wāhi tapu can have both tangible and intangible qualities. The tangible elements (where they exist) can generally be observed by both tangata whenua and others, whereas the intangible values are likely to only be assessed or determined by tangata whenua.
96. The surveys have been conducted to determine the presence of an archaeological site and to apply the best available science to determine the nature and extent of that site. For this environment, and with the underlying geomorphological characteristics of a coastal dune environment, geophysics was deemed a suitable application and an indispensable step in the assessment process to progress the submission of an archaeological authority where it is a requirement to investigate and present evidence pertaining the archaeological and historical aspects of the site, regardless of whether this may seem objectionable to some parties. This approach is consistent with international current best practice and provides a more robust defence of the interpretation of the archaeological resource.
97. When I began my involvement with WLC in 2020 I attempted to consult with Ātiawa Ki Whakarongotai and requested by email, sent by Mr Kerr<sup>22</sup>, for a meeting so I could initiate contact and have direct engagement with Dr Baker to gain a better understanding of her and Ātiawa Ki Whakarongotai's knowledge and views on the site. This was declined by Dr Baker.

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<sup>22</sup> September 9 2020.

98. Nonetheless I have read the CIA and incorporated findings from this in my archaeological assessment for Stage 4B. Whilst I cannot comment on cultural matters or matters related to tikanga, I have commented on aspects of the CIA regarding uncorroborated and unsubstantiated historical accounts that I do not consider to be correct or balanced, and provided where possible as much relevant information to support my research and findings.
99. It is important to recognise that the archaeological assessment deals with the archaeological aspects whereas the CIA addresses iwi concerns. I clearly state in my assessment the views of Ātiawa from their CIA.

#### **Values of Stage 4B and Stage 6**

100. I have determined that there are no archaeological values associated with Stage 4B and this is because there is no archaeological site recorded within Stage 4B to assess said values. I have however assessed that there is some archaeological potential within Stage 4B and that my assessment places this at the low end of the scale.
101. I have not provided a formal archaeological assessment for the Stage 6 area but my assessment for Stage 4B has reviewed the history and archaeological background of Stage 6 to provide context to the proposed Stage 4B development.
102. The recorded archaeology of Stage 6 is limited to the recorded site R26/456.
103. Apart from R26/456, no archaeological sites have been recorded during previous subsurface disturbance within Stage 6 during development earthworks.
104. Archaeological values can be attributed to site R26/456 but not for the rest of the Stage 6 where no known archaeological material is recorded.
105. A visual assessment of the Stage 6 property revealed no archaeological material.
106. There is conflicting evidence between Ms O'Keeffe' and Ms Forbes' interpretation of shell recorded at the site. Certainly there is a lack of corroborative evidence from both parties regarding their interpretations of middens at the site.

107. Shell dated by Ms O'Keeffe provides a date beyond the accepted date of Polynesian colonisation of Aotearoa whereas Ms Forbes did not date or analyse any shell from purported middens.
108. Middens or some other form of possible archaeological evidence being discovered on the rest of Stage 6 cannot be discounted.
109. That said, middens are the most common archaeological site type recorded in the wider area, and throughout New Zealand.
110. There is no archaeological evidence to support the thesis that this area is the resting place of dead from the Battle of Kūititanga.
111. There is potential for hitherto undiscovered in situ burials as indicated by a series of geophysical surveys undertaken at Stage 6, and these are located around and to the north of the known burial area.
112. The geophysical survey results also indicate in general that over the rest of Stage 6 there is no or at best low levels of anthropogenic disturbance, suggesting low archaeological potential.
113. The process of dealing with kōiwi is managed through conditions set out in the HNZ authority and in most cases guided by a site instruction or archaeological management plan (**AMP**), which is written specifically for the property and usually signed off by HNZ prior to commencement of works. An AMP defines the roles and responsibilities of the various parties involved with the site development and includes sections such as general on-call procedures, including those that are specific to kōiwi discoveries. This may include guidance as to the designated place (on or off site) where remains will be reinterred in accordance with the wishes of the tangata whenua.
114. Furthermore, in the event of a kōiwi discovery there is an opportunity for the landowner and tangata whenua to discuss what to do with the kōiwi, regardless of whether an AMP is in place. In my experience it is more often the case that kōiwi are removed from a site and reinterred at a local urupā or location that is not disclosed by tangata whenua, but this is not always the case.
115. An example of the accidental discovery of kōiwi that was retained in situ occurred in the Waikanae Beach area in 2002 at 102 Weggery Drive where a burial (R26/311) was found during earthworks for a garage.

Following this discovery, it was decided to leave the burial in situ and lay the concrete floor.

116. It is necessary to clarify the difference between archaeological values and archaeological potential. HNZ has provided guidelines setting out criteria that are specific to assessing archaeological values (2019: 9–10).<sup>23</sup> The archaeological values of sites relate mainly to their information potential, that is, the extent to which they can provide evidence relating to local, regional, and national history through the use of archaeological investigation techniques, and the research questions to which the site could contribute. The surviving extent, complexity and condition of sites are the main factors that influence their ability to provide information through archaeological investigation. By contrast, archaeological potential is an assessment of the potential for archaeological deposits to be found and is derived from the known archaeological and historical record of the location and immediate environs, as well indicators such as the topography of the site and the level of anthropogenic or natural change to the landform.
117. I cannot comment on how Ms O'Keeffe assessed Stage 6 when she was engaged by WLC but note she has stated in evidence before the Waitangi Tribunal with specific reference to Tamati Place (the burial location), that she considered; "the archaeological values to be of less significance than what I understand are the cultural and traditional values of the site."<sup>24</sup>
118. I concur with this statement and would apply it to the rest of Stage 6 in the areas where the available data indicates a general lack of subsurface anthropogenic change and attributable archaeological material, suggesting a lower probability of finding anything of high archaeological value.

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<sup>23</sup> HNZPT. 2019. Writing Archaeological Assessments. Heritage New Zealand Pouhere Taonga.

<sup>24</sup> O'Keeffe 2019 at [25].

119. Conversely, the potential for further kōiwi to be found in the area contiguous and north of the known burial location indicates higher archaeological values would be attributed. In this instance I would advocate a precautionary approach that encourages avoidance and preservation of the potential burial area.

---

**Russell Gibb**

10 March 2023

# RG-1

Archaeological Assessment of Effects:  
Waikanae Land Company - Stage 4B Subdivision  
Part Lot 1 DP 71625

29 June 2021

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Commissioned by: Waikanae Land Company  
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## Executive Summary

Waikanae Land Company Limited (WLC) proposes to develop a 5 lot residential subdivision (Stage 4B) that is situated within a larger area of land from which WLC has previously developed approximately 200 residential sections since 1969 and created extensive internal reserve and lagoon areas. Research undertaken for this assessment has revealed that:

- A small portion of the Stage 4B property (at the Barrett Drive end) was previously part of a 20 acre area (8.0936 hectares) which was designated under the 1968 Horowhenua County District Scheme as “Maori Cemetery” with an underlying residential zoning, this designation having been removed on 10 August 1970 by the County Council on application of the WLC as purchaser from the Maori owners.
- The local Iwi Te Atiawa ki Whakarongotai asserts that the former Cemetery designation relates to an urupa called Te Karewarewa.
- The Cemetery designated area was originally to be set aside as a 10 acre area as per an 1896 Maori Land Court order to set aside an area of land for a cemetery, but in 1919 a later Maori Land Court order changed the area to 20 acres. No documentation could be found to verify the reason for this increase.
- There are no known burials within the vicinity of the Stage 4B property.
- Human remains were uncovered in July 2000 during development works on the WLC Stage 6 development and are located approximately 200m to the north of the Stage 4B property which is separated physically from the Stage 6 area by Barrett Drive. No further development work has been undertaken on the Stage 6 area, and since that time WLC has been consulting with Iwi concerning the area.
- Geophysical surveys since undertaken on the uncompleted WLC Stage 6 development area indicate that some additional human remains could possibly exist in the area to the north of where the remains were uncovered in 2000, but that the area to the southwest of this (towards Stage 4B) is devoid of anomalies that could be interpreted as possible burials.
- No human remains were discovered during any previous subdivision developments of WLC land (including the development of 28 sections in the Barrett Drive, Marewa Place and Te Ropata Place areas and dedicated roadways being part of the land formerly designated “Maori Cemetery”), nor during the subsequent residential development works undertaken on the land between Stage 6 and the Stage 4B property.
- With the exception of the human remains uncovered in 2000 – recorded as site R26/456 by the New Zealand Archaeological Association – no other archaeological sites have been recorded during development undertaken by WLC in the area beginning circa 1970.
- The archaeological potential of the Stage 4B property has been assessed as low.
- While the local Iwi asserts that the former Cemetery designation area relates to an urupa called Karewarewa, historical data indicates that the location of Karewarewa is in fact unknown. That data identifies Karewarewa with burials associated with the Battle of Kuititanga, but also indicates that this battle took place over a wide ranging area extending from south of the Waikanae River to the Kukutauaki Stream near Otaki in the north.
- The burials discovered in 2000 in the Stage 6 area did not have the characteristics of battle scene burials with accompanying weapons or other typical battle scene items, but were European style burials. Osteological analysis of the remains identified two individuals of Maori origin with the ethnicity of the other seven inconclusive.
- The spatially associated headstones found in the area bore European names, one being of William Browne who died in 1852 aged 40, and the other being of Margaret Maria Durie who died in



Wellington Hospital aged three in 1848 of Whooping Cough and was the daughter of Major David Durie, the Inspector of Police stationed at Waikanae from 1847 to 1851.

Although the old boundary of the area previously designated “Maori Cemetery” encroached into part of the Stage 4B property, there is no evidence that human remains were ever interred in this area, and the lineal boundary of the former Cemetery designation reflects the delineation of land according to European cadastral survey, rather than the setting out of customary boundaries. Furthermore the available evidence indicates that only known area of burials relates to the area within the Stage 6 development. This along with the lack of archaeological features proximate to the area supports the assessment of the Stage 4B property as having low archaeological potential.

Nonetheless, it is recommended that WLC make an application to Heritage New Zealand Pouhere Taonga under section 44(a) of the NZHPTA for the Stage 4B development. This is not a legal requirement but a precautionary advice note to eliminate potential delays if archaeological material is encountered, and permit archaeological mitigation if required. Furthermore WLC, or an appointed representative, should continue to attempt to engage with Te Atiawa ki Whakarongotai as part of their consultation towards a Heritage New Zealand Pouhere Taonga authority application.

*Quality Information*

Document: Archaeological Assessment of Effects: WLC Stage 4B  
Ref: 2020-141  
Date: 30 June 2021  
Prepared by: Russell Gibb

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File ref.: 2020\_141/WLC/Stage 4B Assessment

## Contents

1.0 Introduction.....	1
1.1 Location .....	2
1.2 Proposed Development .....	3
2.0 Statutory Requirements.....	5
2.1 The Heritage New Zealand Pouhere Taonga Act 2014.....	5
2.2 The Resource Management Act 1991 .....	5
3.0 Methodology.....	6
4.0 Background.....	6
4.1 Development History .....	6
4.1.1 Previous Iwi Consultation.....	12
4.2 Environment .....	12
4.3 Traditional History.....	14
4.4 Subdivision and Survey of the Ngarara Block. ....	18
4.4.1 Ngarara West A 14 .....	19
4.4.2 Subdivision of Ngarara West A Section 14A .....	23
4.5 Archaeological Context .....	28
4.5.1 Previous Archaeological Research .....	31
4.5.2 Proximate Pa Sites.....	37
4.5.3 Burial Grounds.....	44
4.5.4 Other Heritage Sites and Features.....	47
4.6 Karewarewa.....	47
4.7 Historic Aerial Imagery.....	51
4.8 Geophysical Surveys.....	56
4.9 2001 and 2012 Archaeological Assessments.....	63
5.0 Results .....	67
5.1 Constraints and Limitations .....	69
6.0 Archaeological Values .....	69
7.0 Assessment of Effects .....	70
8.0 Discussion .....	70
9.0 Conclusion and Recommendations .....	72
10.0 References.....	74

## Figures

Figure 1: Location of the Waikanae Land Company Stage 4B development – Part Lot 1 DP 71625 (red outline), Waikanae Beach (Source: Google Earth 2020). .....	2
Figure 2: Stage 4B – Proposed subdivision plan (Source: Landlink 2020).....	3
Figure 3: Stage 4B – cut/fill and roading plan (Source: Landlink 2020). .....	4
Figure 4: Plan of Ngarara West A14B2B3 (CT 7A/1139). Source: Land Information New Zealand. ....	7
Figure 5: Waikanae County Town – 1968 Horowhenua County District Scheme: Map No. 4 showing the “Maori Cemetery” block designation. Source: Horowhenua County Council. ....	8
Figure 6: Boundaries of landholdings acquired by the Waikanae Land Company ca1968-70. ....	9
Figure 7: Planned stages of development by the Waikanae Land Company since 1989, including the proposed Stage 4B (shaded brown) with the boundary of Ngarara West A A14B1 outlined in red. 10	
Figure 8: Planned stages of development by the Waikanae Land Company since 1989 showing developed infrastructure and road names within the subdivision (Ngarara West A A14B1 block outlined in red). .....	10
Figure 9: View looking south down the unformed Tamati Place with Wi Kingi Place to the right (centre). 11	
Figure 10: Sketch map of the southern end of the dune belt along the Kapiti Coast. Source: McFadgen 1997: Figure 3. ....	13
Figure 11: Key pa sites, cultivation grounds and territorial markers as derived from historical sources and archaeological evidence.....	14
Figure 12: ML 504 (1890), Plan of the Ngarara Block. Source: Quickmap 2020. ....	18
Figure 13: Section of SO13444 (1890) ‘Sketch Map - Ngarara Block’ showing Ngarara West A14 and owners. Source: Quickmap. ....	20
Figure 14: ML 1491 (1898) Plan of part of Ngarara West A, Kapiti and Kaitawa Survey Districts. Source: Quickmap. ....	21
Figure 15: Plan showing location of graves from field book 2140. Source: Land Information New Zealand. ....	22
Figure 16: ML 1935 (1907) showing the subdivision of Ngarara West A14 to partition off section 14C as per the MLC Order. ....	24
Figure 17: ML 2823 (1915) showing Ngarara West A14 A-C. ....	26
Figure 18. ML 3495 (1920) Plan of Ngarara West A14B1 and A14B2.....	27
Figure 19: ML4074 (1928) Subdivision plan for Ngarara West A 14B2A and 14B2B 1-3. ....	28
Figure 20: Recorded archaeological sites proximate to Part Lot 1 DP 71625 (Stage 4B – shaded red). Source: ArchSite 2020.....	30
Figure 21: Smart’s site distribution map. Source: NZAA SRF R26/32.....	30
Figure 22: Beckett’s location map showing the pa and midden sites he investigated. Source: Beckett 1957. ....	31
Figure 23: View of Kenakena Pa, Waikanae ca.1840s. Source: Gilfillan, John Alexander, 1793-1863. Gilfillan, John Alexander, 1793-1864 :Wai-Kanae Pa and Kapiti. [Before 1847]. Downes, Thomas William :Old Whanganui. Hawera, W. A. Parkinson, 1915. Ref: PUBL-0066-141. Alexander Turnbull Library, Wellington, New Zealand. <a href="#">/records/23206108</a> .....	39
Figure 24: Sketch plan of Kenakena Pa ca.1847. Source: Collinson, Thomas Bernard, 1822-1902. Collinson, Thomas Bernard, 1822-1902 :[Map of Waikanae Pa in 1846 or 1847?] Pah. Church. Jenkins. Bare sand.. Collinson, Thomas Bernard 1822-1902: Seven years service on the borders of	

the Pacific Ocean, 1843-1850. Ref: A-292-055. Alexander Turnbull Library, Wellington, New Zealand. <a href="#">/records/22774901</a> . .....	39
Figure 25: Section of Carkeek's <i>Map 4. Main Waikanae coastal area north of the Waikanae River showing the location of Ngahuruhuru</i> . (location highlighted by red arrow) Source: Carkeek 1965. ....	41
Figure 26: Section of SO 11036 (1872) showing the location of Ngahuruhuru. ....	41
Figure 27: Section of Adkins map of Waikanae-Reikorangi Area. Source: MS-Papers-6061-05-08. Alexander Turnbull Library. ....	42
Figure 28: Carkeek's <i>Map 4. Main Waikanae coastal area north of the Waikanae River</i> . Source: Carkeek 1965. ....	43
Figure 29: Carkeek's <i>Map 5. Paraparaumu coastal area from Waikanae to Wharemauku</i> . Source: Carkeek 1965. ....	43
Figure 30: Location of Kenakena, Arapawaiti and Waimea Pa as recorded by archaeological evidence in relation to the Stage 4B subdivision property. ....	44
Figure 31: Location of burials recorded in the New Zealand Archaeological Association ArchSite, proximate to the WLC Stage 4B proposed development. Source: ArchSite 2021. ....	46
Figure 32: Screen shot of the Proposed Kapiti Coast District Plan (Appeals Version 2018) on which no designations are shown for historic places or areas, or waahi tapu in or proximate to the Stage 4B development area. Source KCDC ePlan – accessed 1 March 2021. ....	47
Figure 33: Results of the G.P.R Geophysical Services survey. Source: G.P.R. Geophysical Services. The dashed red square has been added by the author of this report to show the area of inset for Figure 34 below. ....	59
Figure 34: Inset from Figure 33 showing "Discovered Burial Area". Source: G.P.R. Geophysical Services. ....	59
Figure 35: Results of the Archaeology Solutions survey. Source: Archaeology Solutions Ltd. ....	60
Figure 36: Results of the Southern Geophysical surveys. Source: Southern Geophysical Ltd. ....	61
Figure 37: Looking west from the entrance to the Stage 4B site with dune ridge in the background. ....	68
Figure 38: Looking east from atop the dune ridge. ....	68
Figure 39: Looking east from atop the dune ridge with entrance from Barrett Drive indicated. ....	69

## Tables

Table 1: List of owners and land allocation following the 1890 subdivision of Ngarara West A14 .....	20
Table 2: NZAA sites proximate to the subject property .....	29
Table 3: Summary of the cultural and environmental history of the Kapiti-Horowhenua subregion for the last 900 years. (Source McFadgen 1997: 24) .....	32
Table 4: Recorded burial sites proximate to the subject property. ....	45
Table 5: Landscape change in the subject area ca 1942 – present. ....	51

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## 1.0 Introduction

Geometria have been engaged by Waikanae Land Company Limited (WLC) to undertake an archaeological assessment of effects (AAE) for the proposed subdivision of Part Lot 1 DP 71625, located at Barrett Drive, Waikanae Beach. The proposed subdivision is a small five lot development titled 'Stage 4B' by WLC, who have been developing several blocks of land in the area since 1969.

This assessment has been undertaken to identify any archaeological affects within the Stage 4B development and to determine if an application to Heritage New Zealand Pouhere Taonga for an archaeological authority is required for the proposed works. Under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA 2014; previously the Historic Places Act 1993, HPA 1993), all archaeological sites are protected from any modification, damage or destruction except by the authority of Heritage New Zealand Pouhere Taonga (HNZPT).

Development of the WLC properties has a complex history, including group statutory receivership in the late 1970s and the discovery of human remains (koiwi tangata) in Stage 6 of the development in 2000. The human remains were unearthed during the initial development of services for Stage 6 of the subdivision and resulted in the cessation of development work on the remaining WLC land, leaving Stage 6 unfinished and Stage 4B on hold at the planning stage but with a resource consent issued. Previous research indicates that the human remains likely relate to a known 19th century cemetery/urupa represented by the presence of in situ gravestones and represented on a plan from a 19<sup>th</sup> century surveyors field book.

This block of land where the human remains were discovered was once part of the larger block Ngarara West A14B1 which was partitioned from Ngarara West A14B in 1918 and designated as a 'Maori Cemetery'. The tangata whenua of the area, Te Atiawa ki Whakarongotai, believe this is a traditional urupa named Te Karewarewa. The boundary of the former Ngarara West A14B1 (now repartitioned) crossed through the proposed Stage 4B subdivision land, Part Lot 1 DP 71625.

The discovery of human remains and consequent cultural and archaeological implications has resulted in a number of specialist investigations and reports that have previously addressed this. Therefore, this report reviews and references a number of previous reports related to the wider project dating back to 1969. These include previous archaeological assessment and osteological reports, geophysical survey and geomorphological reports, iwi cultural impact assessments and background material, and witness statements and reports from District Court and Waitangi Tribunal hearings, including:

- Bader, H. 2018. Archaeological Geomagnetic Report: Tamati Place, Waikanae, Kapiti Coast. Archaeology Solutions Ltd. Report prepared for Fitzherbert Rowe Lawyers.
- Baker, M., 2015. Cultural Impact Assessment – Te Karewarewa Urupa. Te Atiawa ki Whakarongotai.
- Forbes, S., n.d. Draft Witness Statement of Ms Susan Forbes before the District Court of Porirua in the prosecution of Payne Sewell Ltd and Higgins Contractors Ltd (Defendants) and New Zealand Historic Places Trust (Prosecution).
- O'Keefe, M., 2001. Tamati Drive Subdivision: Archaeological Assessment. Prepared for Montgomery Watson.
- O'Keefe, M., 2012. Tamati Place – archaeological issues. Report to Waikanae Land Company and NZ Historic Places Trust.
- O'Keefe, M., 2019. Brief of Evidence of Mary O'Keefe. Before the Waitangi Tribunal, Wai 2200.
- McFadgen, B., 2001. Draft report to Mary O'Keefe, Heritage Solutions, on the Geomorphological Aspects of the Montgomery Watson Subdivision, Stages 6a and 6b at Waikanae Beach.

- Moore, P., n.d. Waahi Tapu Project WTS0319A Vo.10. Site Report for: Karewarewa Urupa. Ati Awa
- King, M., 2003. Waikanae Land Company Limited: Geophysical Survey of Stage 6 of Waikanae Subdivision incorporating Tamati Place and Wi Kingi Place. May 2003. Report by G.P.R Geophysical Services – Sub Surface Solutions.
- Southern Geophysical, 2019. Geophysical Site Investigations: Magnetic Gradiometer and Ground Penetrating Radar. Tamati Place Waikanae Beach, Waikanae. Report prepared for the Waikanae Land Company.
- Tupara, N., n.d. Draft Witness Statement of Mr Nick Tupara before the District Court of Porirua in the prosecution of Payne Sewell Ltd and Higgins Contractors Ltd (Defendants) and New Zealand Historic Places Trust (Prosecution).
- Waitangi Tribunal, 2020. The Karewarewa Urupa Report: Pre-publication Version. Wai 2200.

This report does not seek to locate or identify waahi tapu or other places of cultural or spiritual significance to Maori. Such assessments may only be made by Tangata Whenua who may be approached independently of this report for advice for cultural consultation.

Likewise, such an assessment by Tangata Whenua does not constitute an archaeological assessment and permission to undertake ground disturbing activity on and around archaeological sites and features may only be provided by Heritage New Zealand Pouhere Taonga, and may only be monitored or investigated by a qualified archaeologist approved through the archaeological authority process.

### 1.1 Location

Stage 4B is to be developed on Part Lot 1 DP 71625, a small parcel of land accessed from Barrett Drive, Waikanae Beach (Figure 1).

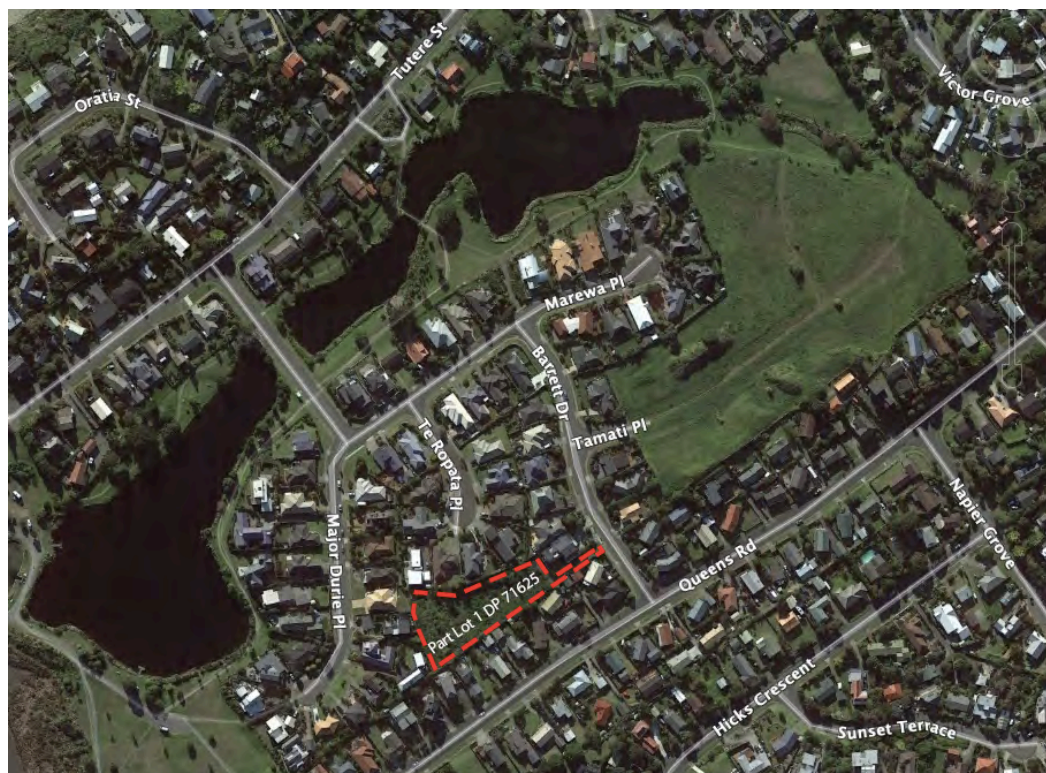


Figure 1: Location of the Waikanae Land Company Stage 4B development – Part Lot 1 DP 71625 (red outline), Waikanae Beach (Source: Google Earth 2020).



## 1.2 Proposed Development

The proposed Stage 4B development consists of a five lot subdivision of Part Lot 1 DP71625 with a common shared access road leading from Barrett Drive. The lots range from 543m<sup>2</sup> to 702m<sup>2</sup> in area (Figure 2). Earthworks to form the subdivision allotments will require approximately 1,833m<sup>3</sup> of cut and 1,578m<sup>3</sup> of fill, while the road will have 38m<sup>3</sup> of cut and 157m<sup>3</sup> of fill (Figure 3).

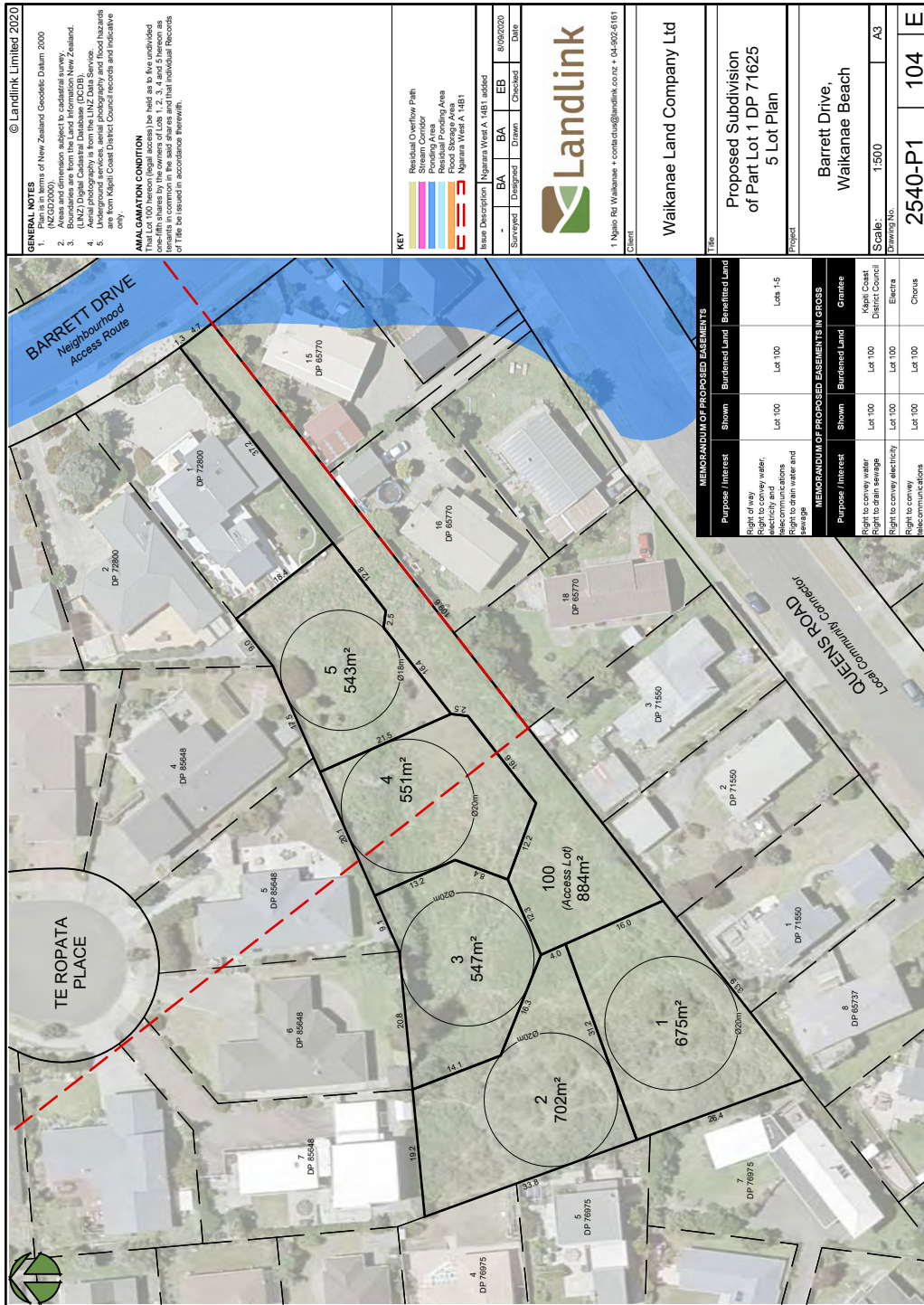


Figure 2: Stage 4B – Proposed subdivision plan (Source: Landlink 2020).



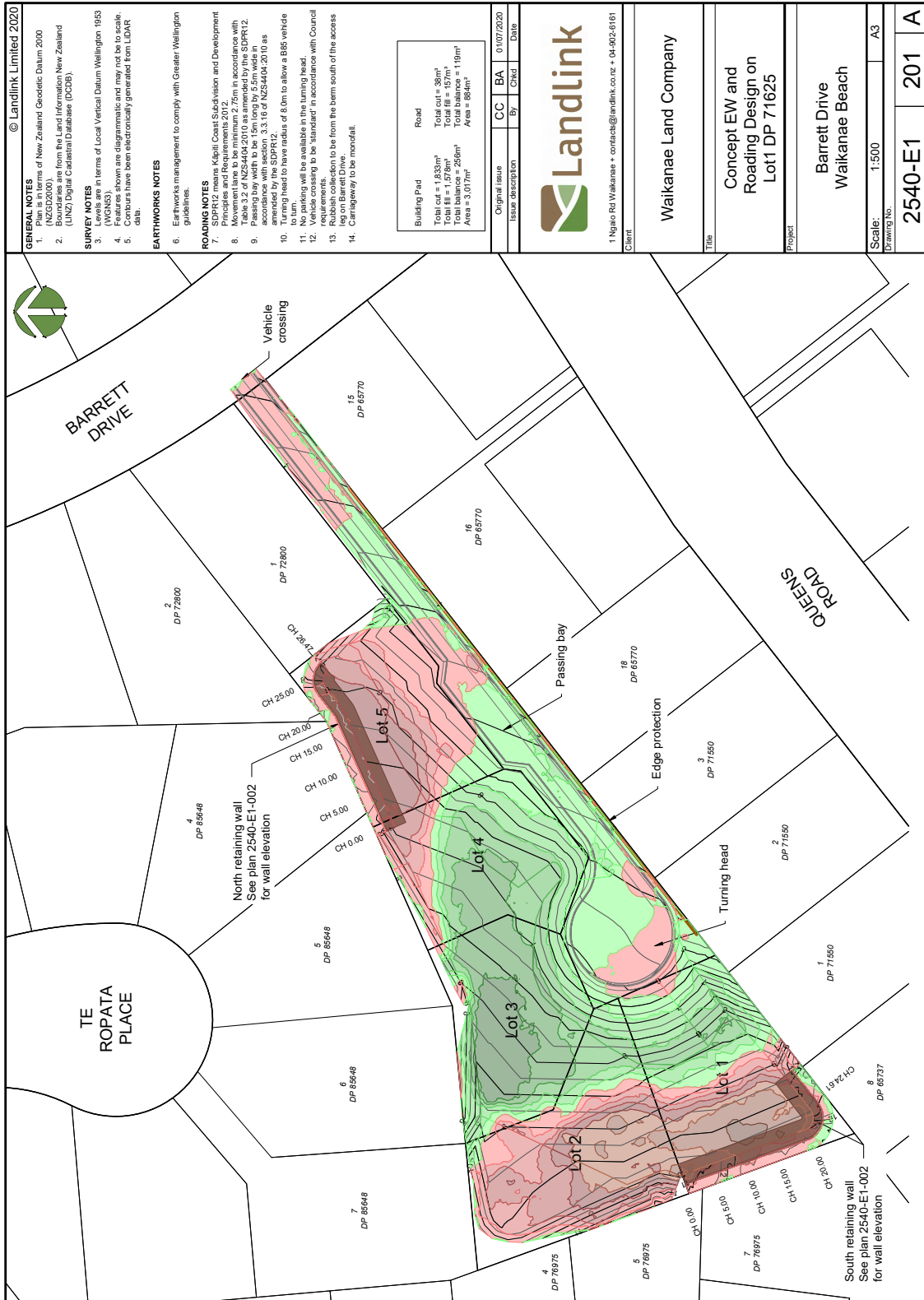


Figure 3: Stage 4B – cut/fill and roading plan (Source: Landlink 2020).

**GENERAL NOTES**

- Plan is in terms of New Zealand Geoidic Datum 2000 (NZGD2000).
- Information from the Land Information New Zealand (LINZ) Digital Cadastral Database (DCDB).

**SURVEY NOTES**

- In terms of Local Vertical Datum Wellington 1985 (WVDN85).
- Features shown are diagrammatic and may not be to scale.
- Contours have been electronically generated from LIDAR data.

**EARTHWORKS NOTES**

- Earthworks management to comply with Greater Wellington guidelines.

**ROADING NOTES**

- Design in accordance with the Key Road Design and Development Principles and Requirements 2012.
- Movement lane to be minimum 2.75m in accordance with Table 3.2 of NZS404:2010 as amended by the SDPR12.
- Design in accordance with section 3.3.16 of NZS404:2010 as amended by the SDPR12.
- Turning head to have radius of 6.0m to allow a B85 vehicle.
- No parking will be available in the turning head.
- Vehicle crossing to be 'standard' in accordance with Council requirements.
- Vehicle crossing to be from the beam south of the access line on Barrett Drive.
- Carriageway to be moulded.

Building Pad	Road
Total cut = 832m <sup>3</sup>	Total cut = 50m <sup>3</sup>
Total fill = 1578m <sup>3</sup>	Total fill = 1578m <sup>3</sup>
Total balance = 258m <sup>3</sup>	Total balance = 119m <sup>3</sup>
Area = 3,017m <sup>2</sup>	Area = 884m <sup>2</sup>

Original issue	CC	BA	01/07/2020
Issue description	By	Chck	Date

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Client

**Waikanae Land Company**

Title

**Concept EW and Rooding Design on Lot1 DP 71625**

Project

**Barrett Drive Waikanae Beach**

Scale: 1:500

Drawing No. **2540-E1 201 A**

20/03/2020 12:45 PM

## 2.0 Statutory Requirements

There are two main pieces of legislation in New Zealand that control work affecting archaeological sites. These are the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) and the Resource Management Act 1991 (RMA). Any person who intends carrying out work that may modify or destroy an archaeological site, must first obtain an authority from Heritage New Zealand. The process applies to sites on land of all tenure including public, private and designated land. The HNZPTA contains penalties for unauthorized site damage or destruction. The archaeological authority process applies to all archaeological sites, regardless of whether:

- The site is recorded in the NZ Archaeological Association Site Recording Scheme or included in the Heritage New Zealand List,
- The site only becomes known about as a result of ground disturbance, and/ or,
- The activity is permitted under a district or regional plan, or a resource or building consent has been granted.

### 2.1 The Heritage New Zealand Pouhere Taonga Act 2014

Under the HNZPTA all archaeological sites are protected from any modification, damage or destruction. Section 6 of the HNZPTA defines an archaeological site as:

- (a) "any place in New Zealand, including any building or structure (or part of a building or structure), that—
- (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
  - (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and
- (b) includes a site for which a declaration is made under section 43(1)"

To be protected under the HNZPTA an archaeological site must have physical remains that pre-date 1900 and that can be investigated by scientific archaeological techniques. Sites from 1900 or post-1900 can be declared archaeological under section 43(1) of the Act.

If a development is likely to impact on an archaeological site, an authority to modify or destroy this site can be sought from the local Heritage New Zealand Pouhere Taonga office under section 44 of the Act. Where damage or destruction of archaeological sites is to occur, Heritage New Zealand usually requires mitigation. Penalties for modifying a site without an authority include fines of up to \$300,000 for destruction of a site.

Most archaeological evidence consists of sub-surface remains and is often not visible on the ground. Indications of an archaeological site are often very subtle and hard to distinguish on the ground surface. Sub-surface excavations on a suspected archaeological site can only take place with an authority issued under Section 56 of the HNZPTA issued by the Heritage New Zealand.

### 2.2 The Resource Management Act 1991

Archaeological sites and other historic heritage may also be considered under the Resource Management Act 1991 (RMA). The RMA establishes (under Part 2) in the Act's purpose (Section 5) the matters of national

importance (Section 6), and other matters (Section 7) and all decisions by a Council are subject to these provisions. Sections 6e and 6f identify historic heritage (which includes archaeological sites) and Maori heritage as matters of national importance.

Councils' have a responsibility to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga (Section 6e). Councils' also have the statutory responsibility to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development within the context of sustainable management (Section 6f). Responsibilities for managing adverse effects on heritage arise as part of policy and plan preparation and the resource consent processes.

### 3.0 Methodology

The methods used to assess the presence and state of archaeological remains within the proposed worksite included both a desktop review and a site survey. The desktop survey involved an investigation of written records relating to the history of the area. These included regional archaeological publications and unpublished reports, Archives New Zealand, New Zealand Archaeological Association Site Record Files (NZAA SRF) downloaded via the ArchSite website ([www.archsite.org.nz](http://www.archsite.org.nz)), local histories, aerial photography, local authority heritage lists, the Heritage New Zealand Pouhere Taonga List, National Library of New Zealand, and land plans held by Land Information New Zealand and Quickmap.

Russell Gibb of Geometria Ltd undertook a site survey on the 3rd September 2020.

### 4.0 Background

#### 4.1 Development History

Stage 4B forms part of a larger land development undertaken by the company dating back to 1968. WLC was incorporated on 22 April 1968 and began acquiring land in the area shortly after, purchasing three blocks of land between 1968 and 1970.

WLC first purchased Ngarara West A14B2B3<sup>1</sup> which comprised 95 acres 3 roods 23 perches (38.7557ha), encompassing the whole of the Waikanae River estuary extending from the southern boundary of the Waikanae sea-front to Paraparaumu, including the bed of the Waikanae River that flowed through the estuary (Figure 4).

The second purchase by WLC was Ngarara West A14B1 (8.0936 ha)<sup>2</sup>, known as the '20 acre block', which was acquired by successful tender on 15 October 1969 for \$31,555.<sup>3</sup> The 20 Acre Block was Maori freehold land with a number of owners. To facilitate the sale WLC attempted to contact all the owners that it was aware of, or their successors it had identified through its research and invite them to a Meeting of Assembled Owners that was duly held on 18 December 1968. At the meeting, a resolution to appoint the Maori Trustee as agent to sell the land by public tender was passed. Subsequently, the Maori Trustee, pursuant to the

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<sup>1</sup> CT 7A/1139

<sup>2</sup> CT 8B/524 Wellington Land Registry issued 3 August 1970

<sup>3</sup> Rowe, M.2020

resolution passed at the Meeting of Assembled Owners and duly constituted in accordance with the Maori Affairs Act 1953, as the agent of the owners, publicly offered the land for sale by way of public tender.<sup>4</sup>

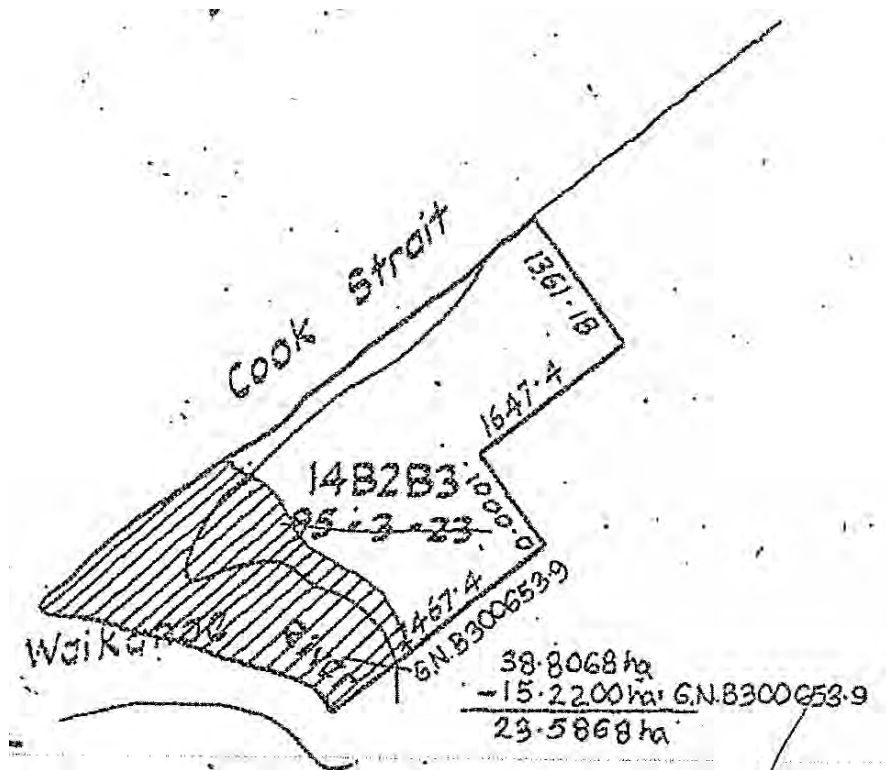


Figure 4: Plan of Ngarara West A14B2B3 (CT 7A/1139). Source: Land Information New Zealand.

At the time of purchase this block was designated as a 'Maori Cemetery' in the Horowhenua County Council (HCC) District Scheme (Figure 5) with an underlying residential zoning which had been promulgated by the council under the Town and Country Planning Act 1953.<sup>5</sup> WLC applied to HCC to have the cemetery designation removed, which was publicly advertised by HCC on 22 April 1970, WLC having earlier received a letter from the Maori Land Court<sup>6</sup> dated 25 September 1969 stating that:

"The Court Minutes from the hearing in 1919 show that the land was partitioned for the purposes of establishing thereon a cemetery but it is clear that this intention has never been carried out. In the 1919 hearing there was no suggestion that the land had been used as a cemetery and it is clear that this use was a use envisaged for the future."

Four objections to the proposed plan change were lodged, but three were not accepted by HCC as they were received late, resulting in one objection heard at the hearing, lodged by Mrs Te Aputa Wairau Kauri. Following a meeting of the Waikanae County Town Committee, the council agreed to the proposed scheme change

<sup>4</sup> Ibid:2020

<sup>5</sup> Waitangi Tribunal 2020:25.

<sup>6</sup> Maori Land Court. Correspondence to Fitzherbert Rowe Lawyers, 25 September 1969.

and removed the cemetery designation from Ngarara West A14B1. The HCC Notice of Decision<sup>7</sup> disallowed the objection of Mrs Te Aputa Wairau Kauri, the decision notice by the County Clerk stating:

“THAT Objection 3/1 be DISALLOWED, the Council being of the opinion that the designation “Maori Cemetery’ shall be lifted, the land having been sold by the Maori Owners to a Development Company, and there being no certain evidence that it is an historical Maori Burial Ground, or that interments have taken place since it was set apart for a future cemetery in 1919:

But nevertheless, as there is a possibility that human remains may be uncovered as development of the land proceeds, the Waikanae County Town Committee’s attention be drawn to this possibility, so that in recommending the approval of any scheme of subdivision of the land, the Committee may recommend as a condition of such approval that the Company shall arrange for the re-interment of any such remains, on a site to be determined by the Waikanae County Town Committee, and, if the Committee sees fit, the erection of a commemorative plaque with a suitable inscription thereon.”

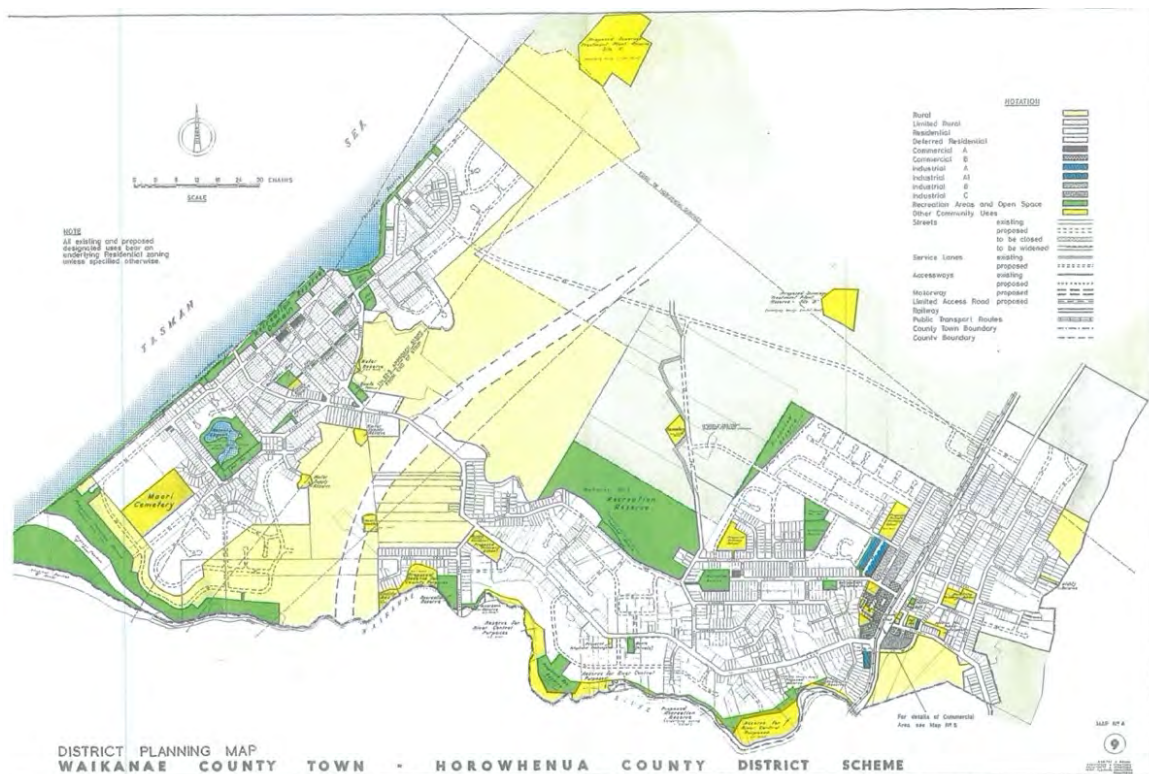


Figure 5: Waikanae County Town – 1968 Horowhenua County District Scheme: Map No. 4 showing the “Maori Cemetery’ block designation. Source: Horowhenua County Council.

The third and final WLC land purchase was the Ngarara West A15B1 parcel that comprised 6 acres 1 rood (2.5294 ha) adjoining Queens Road.

The combined WLC landholding of Ngarara West A14B2B3, A14B1, and A15B1 is shown in Figure 6.

In the early 1970s WLC submitted a scheme plan to HCC which was thereafter publicly notified, followed by a hearing which concluded successfully for WLC, and later confirmed following an appeal by certain objectors principally concerned with the environmental effect of the WLC proposal to cut a direct channel for the Waikanae River outlet to the sea to facilitate boat access to WLC’s proposed marina. WLC then entered into

<sup>7</sup> Horowhenua County Council 10 August , 1970.



a Reserves Contribution Deed with HCC certified on 13 December 1972<sup>8</sup> to set aside the seafront esplanade and lagoon reserve area as public reserve in satisfaction of their development reserve contribution. Shortly after, WLC began development of the seafront and lagoon area resulting in the development of 127 residential sections, and dredging to form the lagoon reserves along the old course of the Waimea River, which concluded during the 1970s.<sup>9</sup>



Figure 6: Boundaries of landholdings acquired by the Waikanae Land Company ca1968-70.

Development at the site came to a halt when the WLC parent company was placed into group statutory receivership on 6 August 1979, which subsisted until 30 June 2000. In the interim period, the undeveloped Ngarara West A15B1 property fronting Queens Rd was sold. Following the end of the group statutory receivership WLC recommenced development work at the site on the remaining land. Five stages (Figure 7 - Figure 8) were successfully completed including a number within the Ngarara West A14B1 block:<sup>10</sup>

- Stage 1: DP 72800 – 15 sections were developed, and Barrett Drive formed from the Queens Rd frontage through to the lagoon reserve area.
- Stage 2: DP 76435 - Barrett Drive extended through to Tuture Street and 15 sections developed.
- Stage 3: DP 76975 - Major Durie Place developed with 21 sections forming a cul-de-sac.
- Stage 4A: DP 85648 - 9 sections developed forming a cul-de-sac named Te Ropata Place.
- Stage 5: DP 85649 - 10 Sections forming a cul-de-sac named Marewa Place.

<sup>8</sup> HCC Reserves Deed 13 November 1972

<sup>9</sup> Rowe 2020

<sup>10</sup> Ibid



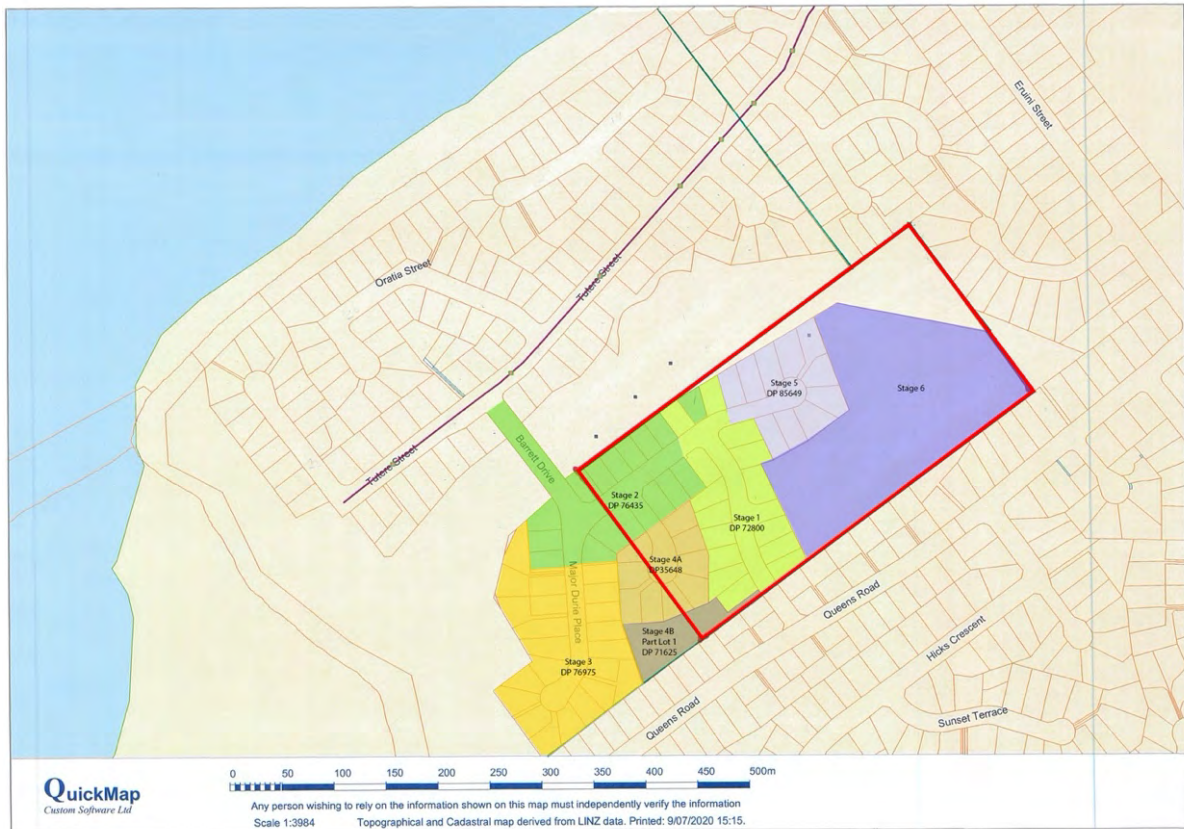


Figure 7: Planned stages of development by the Waikanae Land Company since 1989, including the proposed Stage 4B (shaded brown) with the boundary of Ngarara West A A14B1 outlined in red.



Figure 8: Planned stages of development by the Waikanae Land Company since 1989 showing developed infrastructure and road names within the subdivision (Ngarara West A A14B1 block outlined in red).



*Stage 6 (Being the area shaded purple in Figures 7 and 8)*

Work on Stage 6 within Ngarara West A14B1 commenced in 2000 with the installation of services along what would become Tamati Place and Wi Kingi Place (Figure 9). In early July of that year, during the digging of a service trench along Wi Kingi Place, human remains were discovered in a discrete section of Wi Kingi Place near the intersection with Tamati Place. Susan Forbes,<sup>11</sup> who attended at the site to assess the human remains at Wi Kingi Place with representatives from Te Ati Awa on 5 July 2000,<sup>12</sup> also reported what was interpreted as midden in a separate service trench section on the adjacent Tamati Place, and also reported midden on the surface of the property. Forbes reported no other human remains were visible in the trench.<sup>13</sup>

On Wednesday 19 July 2000 more human remains were discovered in the same trench in Wi Kingi Place after pressure testing had revealed a leak that led to re-excavation to facilitate a repair. Forbes then returned to the site and during this visit a number of new burials were encountered<sup>14</sup> and exhumed at the behest of Te Ati Awa kaumatua, who asked that the bones be removed so as not to have them desecrated by further earthworks associated with the trenching. Six apparent intact middens were also reported during this visit.<sup>15</sup> The discovery of these additional human remains resulted in work stopping at the site.



Figure 9: View looking south down the unformed Tamati Place with Wi Kingi Place to the right (centre).

<sup>11</sup> Forbes n.d.:4

<sup>12</sup> O'Keeffe 2012:4

<sup>13</sup> Forbes n.d.:3

<sup>14</sup> Tupara (n.d.:5), in evidence to the District Court, reported 11 burials. However, osteological analysis of the recovered remains determined the bones represented 9 individuals (Tayles 2001:2).

<sup>15</sup> Forbes n.d.:7



#### 4.1.1 Previous Iwi Consultation

WLC have undertaken iwi consultation dating back to the initial purchase of land in the development area, at various times consulting with the Takamore Trustees, the Te Atiawa Ki Whakarongotai Trust Board, and Susan Forbes who provided archaeological advice for the iwi. The first written evidence of consultation regarding Stage 4 (A&B) dates to May 1997<sup>16</sup> and references earlier consultation with Ra Higgott in 1991/92. Specific to Stage 4B, Susan Forbes,<sup>17</sup> in an email reply to Neil Burton from Payne Sewell Ltd, wrote that; “I do not think we have any major concerns but would like to know more about your assessment of effects and what, if any, effects there will be on the lagoon.” Burton<sup>18</sup> replied that none of the sections in Stage 4B actually fronted the water in the Waimanu Lagoon, to which Forbes<sup>19</sup> replied; “[S]orry to be a burden but we really need to see an EIA – at least s[o]me (sic) discussion of how the effects on the lagoons will be avoided. I do realise that stage 4 has been worked on already and am not concerned about archaeological material – simply about effects on the lagoons and river.”

After the discovery of human remains at Wi Kingi Place, a cultural impact assessment was prepared in respect of the Stage 6 area by Mahina-a-rangi Baker on behalf of the Te Atiawa Ki Whakarongotai Trust Board. According to the report<sup>20</sup>, WLC asked the author to consider three options for the site:

1. Leave the koiwi in place and develop the subdivision in accordance with the original scheme plan.
2. Remove and reinter the koiwi at a suitable alternative location and develop the subdivision in accordance with the original scheme plan.
3. Provide a Maori reserve on site, leave the koiwi in place and develop the subdivision in accordance with a modified scheme plan.

All three proposals were for the completion of Stage 6. It appears that Stage 4B was not included in this brief as it was largely outside the cemetery block and some distance from the burials. The CIA report concluded<sup>21</sup> that Te Atiawa Ki Whakarongotai believed the site of the burials was part of the Te Karewarewa urupa and maintained that Te Karewarewa warrants full protection from any further development due to its values as both an archaeological site of high national cultural and heritage significance, and as a waahi tapu tuturu and urupa, and stated their opposition to all three of the proposals put forward by WLC.

## 4.2 Environment

The geological and geomorphological setting of the area has been widely discussed in a number of previous studies and reports.<sup>22</sup> In brief, Waikanae Beach is located on an extensive dune belt that extends some 65km along the Kapiti Coast where four main stages of dune building have been identified (Figure 10):

1911 Foxton - formations dating back to around 6500 BP.

1912 Motuiti - formations accumulating around 1700 that were advancing over the Foxton Dunes

1913 Older Waitarere - dunes advancing inland over the Motuiti

1914 Younger Waitarere - recent dunes that are post-European settlement in age<sup>23</sup>

<sup>16</sup> This correspondence also references Stage 5.

<sup>17</sup> Forbes email 21 October 1999.

<sup>18</sup> Burton email 22 October 1999

<sup>19</sup> Forbes email 22 October 1999

<sup>20</sup> Baker 2015:2

<sup>21</sup> Baker 2015:21

<sup>22</sup> See for example: Adkin 1941, McFadgen 1997, O’Keeffe 2001 and SPAR 2016.

<sup>23</sup> SPAR 2016

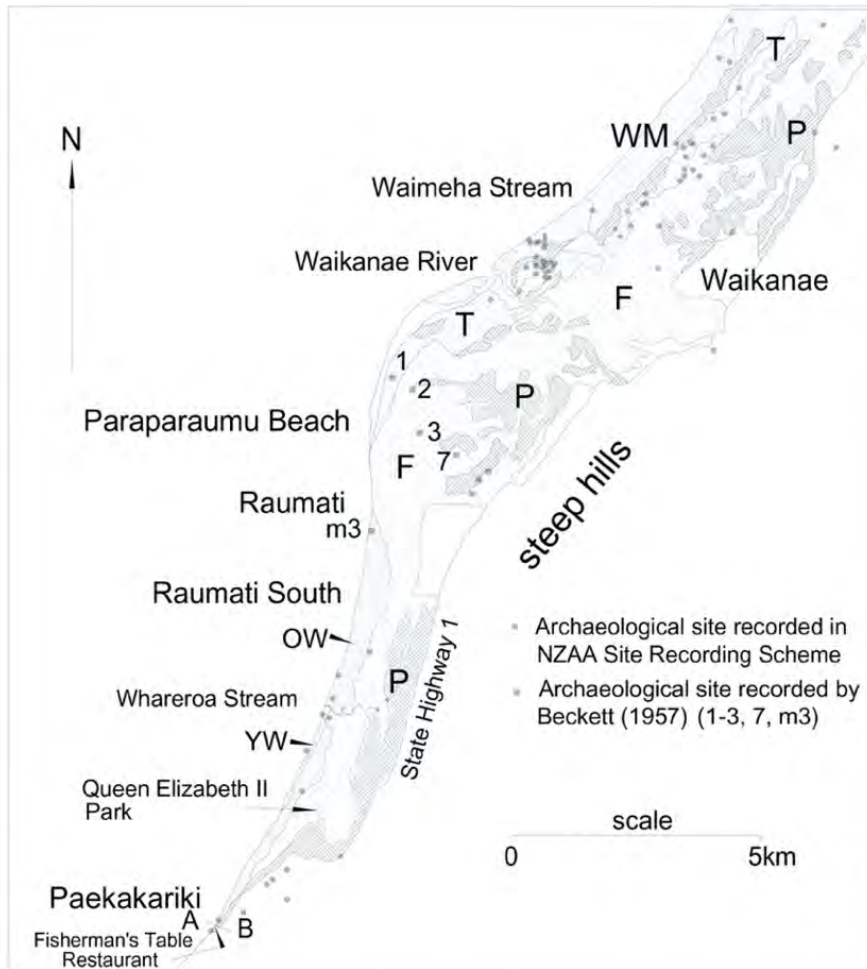


FIGURE 3. SKETCH MAP OF SOUTHERN END OF DUNE BELT SHOWING 5 DEPOSITS OF WINDBLOWN SAND: YW = YOUNGER WAITARERE, OW = OLDER WAITARERE, WM = WAITARERE-MOTUITI (NOT SEPARATELY DISTINGUISHED), T = TAUPO, F = FOXTON, P = PEAT SWAMP. NOTE THAT THE OLD SEA CLIFF FORMED AT THE END OF THE POST-GLACIAL SEA LEVEL RISE FOLLOWS MORE OR LESS THE LINE OF STATE HIGHWAY 1. MAP COMPILED FROM STEVENS (1988), WRIGHT (1988), AND AUTHOR'S NOTES (UNPUBLISHED). A-B = CROSS SECTION SHOWN IN FIGURE 4.

Figure 10: Sketch map of the southern end of the dune belt along the Kapiti Coast. Source: McFadgen 1997: Figure 3.

O'Keeffe<sup>24</sup> described the physical setting relative to the subdivision:

"The subdivision is near the seaward side of the sand dune belt that extends from Paekakariki in the south to beyond the Manawatu River in the north. It is on the south side of the former Waimeha Stream, which was once a large distributory (sic) of the Waikanae River (Adkin, 1941) that flowed west to southwest behind the present Waikanae estuary. It is bounded by a low dune ridge roughly parallel to the coast."

The Waimeha<sup>25</sup> drained a large area of dunes and swamps to the north of the Waikanae River until 1921 when the old course of the river was diverted by Willie Field. To make the diversion, Field organised for a cut to be made to form an outlet for the Waimeha. This was done using a horse and a scoop dredge to make a small nick in the bank which the river flow enlarged to create the deviation formation.<sup>26</sup>

<sup>24</sup> O'Keeffe 2001:12

<sup>25</sup> Both Waimahea and Waimea are used throughout the historical records.

<sup>26</sup> Maclean 1988:81, 196

### 4.3 Traditional History

Much has been written about the traditional history of the area and key events around Waikanae.<sup>27</sup> This has been discussed in detail in previous reports relating to the WLC development, and is briefly summarized below. The key locations relevant to this discussion are shown below in Figure 11.



Figure 11: Key pa sites, cultivation grounds and territorial markers as derived from historical sources and archaeological evidence.

<sup>27</sup> See, for example: Carkeek 1965, Maclean 1988, Searle and Smith 1910.

In the early 1800s Muaupoko occupied a large swath of land between Otaki and Paekakariki. Around 1817 Te Rauparaha and his sister Waitohi joined Te Atiawa relatives and travelled south to the Kapiti region and came into conflict with Muaupoko, eventually securing large parts of the region from Wellington, northwards to just south of Whanganui.<sup>28</sup> What followed was a series of migrations as Ngati Toa and their allies including Te Atiawa moved south from Kawhia and Taranaki to join their relatives, in part to flee from northern tribes. The migrations south were collectively known as Te Heke Mai Raro - the name by which the whole Ngati Toa migration from Kawhia to the Kapiti Coast is known, which occurred in two parts, Te Tahutahuahi (Kawhia to Urenui in 1821) and Te Heke Tataramoa (Urenui to Kapiti in 1822). Other migrations occurred in 1824 (Te Heke Niho Puta), 1827 (Te Heke Taranaki), and 1832 (Te Heke Tama Te Uaua, which arrived Waikane in 1833).<sup>29</sup>

Around 1825, Ngati Raukawa began arriving in the region in large numbers, which eventually led to conflict with Te Atiawa who were by now established at Kenakena Pa at Waikanae. Conflict between the two led to the battles of Haowhenua in 1834 and Te Kuititanga in 1839 and the establishment of the border between each iwi's rohe at the Kukutauaki Stream to the north towards Otaki.

### *European Settlement*

Europeans began to settle the area in the 1820s, firstly with the arrival of whalers and flax traders and soon after missionaries. In 1839 the 'Kapiti Deed' was signed but the purchase was disputed, with the Spain Commission investigating the purchase. When Europeans first arrived at Waikanae the area between the north bank of the Waikanae River and the south bank of the Otaki River was relatively unpopulated, with various deserted sites observed.<sup>30</sup> During the time when European settlement began en masse in the area in the 1840s the name Waikanae once applied to a much larger area of the coast than it does at present, and was in use before the names Paekakariki, Raumati and Paraparaumu.<sup>31</sup> Similarly, the generic use of 'Waikanae Pa' in various commentaries has been interpreted as referencing a number of the pa in the area, particularly Kenakena, Arapawaiti and the kainga at Te Uruhi.

### *Battle of Kuititanga*

The Battle of Kuititanga took place on the 16th October 1839 following the death of Te Rauparaha's sister Waitohi earlier that year and led to the end of a fragile truce between Ngati Raukawa and Te Atiawa. This truce had resulted in Ngati Toa residing on Kapiti and Mana Island and Ngati Raukawa at Otaki, with the Kukutauaki Stream the boundary between Ngati Raukawa and Te Atiawa, the later being settled on both sides of the Waikanae River where they had three pa – Kenakena and Arapawaiti on the south bank, and Waimea on the north.<sup>32</sup> The fighting began when Ngati Raukawa, seeking land and resources, attacked Waimea Pa and forced Te Atiawa to retreat south across the Waikanae River to Arapawaiti where they regathered and with reinforcements from Kenakena and other nearby pa, rallied and forced Ngati Raukawa back up the beach towards Otaki, and continued to pursue them northwards to the boundary stream at Kukutauaki.<sup>33</sup>

<sup>28</sup> Moore n.d.:7

<sup>29</sup> <https://teatiawakikipiti.co.nz/iwi-history> accessed 12 November 2020.

<sup>30</sup> Macmorran 1977

<sup>31</sup> Ibid.

<sup>32</sup> Maclean 1988:16

<sup>33</sup> Maclean :20 Carkeek 1965:58-59

Descriptions of the battle and post-battle events were given by the crew and passengers aboard the New Zealand Company's survey ship *Tory*, which had arrived off the coast of Waikanae on the day of the battle. E.J. Wakefield gave an account of the battle which describes the event as focused at Waimea Pa:<sup>34</sup>

Two rivers meet there, the Waimea and the Waikanae. A small out-lying village, situated on the sandy tongue of land between the two, sustained the first brunt of the attack. A Ngatiraukawa spy, who found a boy of ten years old awake in one of the huts, asked him for a light for his pipe, thinking to make him believe that he was a friend. His blood, however, was the first spilt; for the gallant little fellow took up a loaded musket and shot him dead on the spot. His friends now invested the village, which, with only about thirty men, held out until their friends from the main pa were roused by the firing and crossed the Waikanae to their assistance. A fierce and bloody contest ensued, ending in the retreat of the invaders, and their total rout along the sandy beach.

Charles Heaphy, who also went ashore, describes the battle escalating from Waimea Pa to Kenakena:<sup>35</sup>

"Arriving at Waikanae, as we did, just after the action terminated, it may be interesting to notice what occurred. The Waikanae pa stood on the sand-hills behind the beach, and may have contained about 350 natives, of whom about 200 were fighting men. The attack had been made just before daylight on a small outpost of the pa, where a boy noticing a strange native peering into a whare seized a gun and shot the intruder dead, thereby giving the alarm and arousing the inmates of the larger pa. The attacking party now surged against the stockade of the main village, but were fiercely resisted. Spears were thrust through the fences, and men shot down in the act of surmounting them, but no entrance gained. Then the fight would lull for a time, to be resumed outside in rough "scrimmaging," as the whalers called it, amongst the sand-hills."

"On Te Rauparaha's departure the Ngatiraukawa became dispirited, and carrying off their wounded, retreated rapidly along the beach towards their fortified pa at Otaki. The doctors of our expedition immediately proceeded to the assistance of the wounded."

A later account by Smith, drawing on several sources, describes the battle:<sup>36</sup>

"Te Kuititanga is a place close to Wai-kanae, then occupied as a pa by the Ati-Awa. Archdeacon Henry Williams, who visited the pa not long after the fight, says there were twelve hundred people, of whom five hundred were warriors, in it at that time. The Ngati-Rau-kawa forces, under their chiefs Te Whata-nui, Ngakuku, and many others, advanced to the attack, timing their arrival there so as to take advantage of the first streak of day, a very favourite time for such a purpose. They then sent on in the dark one of their men to reconnoiter the pa. He obtained access, and entered a house where some of the Ati-Awa were gathered under arms, and trusting to not being discovered, asked for a fire-stick. He was recognised, however, and immediately shot. "As soon as daylight appeared," says Te Kahui, "it was found that the army of Ngati-Rau-kawa was drawing near, and as it got quite light the assault commenced, the enemy firing as they advanced. It was now seen that the pa was surrounded. Ati-Awa commenced firing, and very shortly a heap of dead were seen lying in front of the pa. This repulse caused the enemy to retire to a distance, but they shortly after returned to the assault. Then did Ati-Awa and Taranaki distinguish themselves! Nga-kuku and his people were beaten off, and fled, followed by those of the pa, who continued the chase, slaying as they went, until sundown."

The numbers involved, estimates of the dead and burial locations also vary, were not recorded or have been forgotten over time. According to E J Wakefield<sup>37</sup> "...the numbers engaged had been, from all that we could gather, about equal on both sides, to the amount of 400 or 500 each; but the defeated had left fifty dead on the field, and the conquerors only eighteen"; whereas Smith's account asserts that after pursuing Ngati

<sup>34</sup> Wakefield 1845:111-112

<sup>35</sup> Heaphy 1889:88-89

<sup>36</sup> Smith 1910:556

<sup>37</sup> Wakefield 1845:112

Raukawa to Kukutauaki, some two hundred Ngati Raukawa fell, and many Ngati Raukawa were taken prisoner and marched back to Kenakena where fifty-five were executed and buried in a mass grave.<sup>38</sup> Heaphy<sup>39</sup> recorded that Ngati Raukawa had 45 killed, and the defenders of the pa 14 killed and about 80 wounded, and that the dead of the enemy were buried amongst the sand-hills. Octavius Hadfield wrote<sup>40</sup> that "...the people of the Pa were attacked about 5 weeks before suddenly in the night by the natives of Otaki, a Pa about 11 miles further on the coast. There were about 35 of the latter killed, and 20 of the former."

Dieffenbach<sup>41</sup> described going ashore the day after the battle to attend to his wounded patients, and to visit the scene of battle which he stated was "at the third village [Waimea]," where "...many traces of the strife were visible; trenches were dug in the sand of the beach, the fences of the village had been thrown down, and the houses were devastated." He noted<sup>42</sup> that "the Nga-te-awa buried their own dead" and referring to the treatment of the dead Ngati Raukawa, that "...they buried them, depositing them in one common grave, together with their muskets, powder, mats, &c, a generosity and good feeling as unusual as it was honorable to their character. The grave of their enemies they enclosed, and made it 'tapu'."

Further detail regarding the burial of the dead Ngati Raukawa on the battlefield was offered by Wakefield:<sup>43</sup>

"The inhabitants of this village professed to be all Christians, having been converted by native teachers. Accordingly, they buried their fallen enemies on the field of battle; adhering, however, in some degree to the native superstitions, by burying a stock of tobacco and pipes with each, to console him on his way to the Reinga, or future life according to their belief."

The missionary Henry Williams described<sup>44</sup> the burial practice he witnessed there;

"...the sepulcher of their enemies, whom they buried with military honours, with their garments, muskets, ammunition, etc., not reserving to themselves anything which had belonged to them. This is a new feeling, arising from the great change which the introduction of the Gospel has affected among them."

Sterling<sup>45</sup> places the location of mass graves from the battle near the mouth of the Waikanae River where some were interred following a Christian burial service, while noting some Ngati Raukawa were left where they had fallen during their retreat inland from Kuititanga. He also contends that some that were killed fell in the Ngahuruhuru cultivation within the Takamore wahi tapu area and were buried there and this cultivation ground was subject to a rahui and became tapu.

Carter<sup>46</sup> however suggests the Kuititanga mass grave is likely to have been in the vicinity of Major Durie Place, citing the description of a mass grave by Buick and Smith and the 1968 Horowhenua County Council map showing a 'Maori Cemetery.' Carter's research also showed that the exact location of the Ngahuruhuru cultivations was unclear, and variously recorded in differing locations.<sup>47</sup> However, Buick's description of a

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<sup>38</sup> Smith 1910:556

<sup>39</sup> Heaphy 1888:89

<sup>40</sup> Macmorran 1969:163

<sup>41</sup> Dieffenbach:104

<sup>42</sup> Dieffenbach 105

<sup>43</sup> Wakefield 1845:124

<sup>44</sup> Williams cited in Smith 1910:555

<sup>45</sup> Sterling :11

<sup>46</sup> Carter 2012:6-7 cited in Dodd 2015:11

<sup>47</sup> Dodd 2015:11



mass grave<sup>48</sup> as referenced by Carter is a direct quote of Dieffenbach's account of visiting Kenakena and Kuititangi to tend to the injured after the battle. Similarly, Smith's description of events is derived from accounts of first hand observers to the aftermath of the battle such as Dieffenbach and Wakefield, and no explicit location for a mass burial is given by either.

#### 4.4 Subdivision and Survey of the Ngarara Block.

In the 1870s Maori land in the area was awarded individualized title and subdivision of the large blocks, such as the Ngarara Block began. The Ngarara Block (Figure 12) was originally awarded title in 1873 encompassing around 45000 acres. On 14 January 1874, the Crown purchased the eastern portion of the block consisting of 15,750 acres. Although sometimes known as Maunganui, this area became known as Ngarara East, with the remaining western portion becoming known as Ngarara West, which was later divided into the Ngarara West A, B, and C blocks.



Figure 12: ML 504 (1890), Plan of the Ngarara Block. Source: Quickmap 2020.

Investigation of title into the Ngarara Block first reached the courts in May 1873 resulting in title to the land being awarded to eight grantees. However, a partition lodged against this led to an investigation first by Select Committee and secondly by an appointed Commission of Inquiry resulting in a rehearing into the title and partitioning of Ngarara West, with Wi Parata emerging as the largest single landowner. After this, a series of claims and counter claims were brought before the courts and continued until the early 1900s, when the appeals were eventually settled.<sup>49</sup>

Whilst the protracted legal issues were being deliberated, formal survey of the partitions commenced. By 1887 the Ngarara West block had been intensively partitioned with surveys of the block commissioned by

<sup>48</sup> Buick 1911:213-214.

<sup>49</sup> Walghan Partners 2018:23

various parties. For example, on the 20 May 1887 H.C Field<sup>50</sup> applied to the Chief Surveyor J. W. Marchant for authority to execute a survey and subdivision of the Ngarara Block in favour of Inia Tuhata and Moka Hohepa writing that; "I have been employed by some of the people interested to make the survey and only await your authority to do so." Shortly after on 31<sup>st</sup> May an application from Wi Parata and others was forwarded<sup>51</sup> to the Chief Surveyor J. W. Marchant asking him to authorize a survey of the subdivisions of Ngarara recently ordered at a sitting of the Land Court at Otaki.<sup>52</sup> In a letter<sup>53</sup> sent to the Assistant Surveyor General on 28 Dec 1894, the surveyor Mason furnished a quotation for undertaking a survey of Ngarara West A block for 13 miles of boundary and 2 ½ miles in railway, and to locate the positions of buildings, cultivations and pa sites for the purposes of the Native Land Court. This plan was to be numbered SO 11923. However, research for this assessment has failed to find a copy of this plan. Several years later, on 14 November 1897, Mason received an order<sup>54</sup> from the Chief Surveyor Marchant authorizing the survey of the Ngarara West A subdivision No.s 14, 24, 28, 40, 43 and 44. This survey was used to produce plan ML 1491-1.

The background and issues pertaining to the partition and survey of the Ngarara West A block at this time were discussed in a memorandum<sup>55</sup> to the Native Land Court dating to ca.1897. The memorandum noted that:

- "In 1891 the Native Land Court sat under the Provisions of "The Ngarara and Waipiro Further Investigation Act 1889" and "The Native Land Court Act 1886" and the amendments thereof and partitioned the Ngarara Block on a rehearing."
- "The Court caused a sketch plan to be prepared from sketch surveys purporting to show the partitions into which it had divided the block."
- "Such plan was not an accurate plan of the block inasmuch as the outside boundaries and the position of 2 rivers which were adopted in many cases as dividing lines between sections were considerably out of position on the plans furnished by the Survey Department for the information of the Court on such partition."
- "As a consequence, a survey of the block according to the partition shewn on the sketch plan purporting to have been prepared under the 4<sup>th</sup> Section of the Act is entirely impracticable. Many owners therefore who desire to have titles issued for their shares are unable to obtain same."
- "The orders have not been sealed as to that part of the block where difficulties have arisen as to survey."
- "Dealings have been taken place with parts of the block in respect of which orders are not yet sealed which render it desirable that there should be a re-adjustment of boundaries between the interests of various owners."

#### 4.4.1 Ngarara West A 14

The Stage 4B WLC property is located within Ngarara West A section 14 which was partitioned out of Ngarara West in 1890, the area of section 14 at that time being 260 acres. A register of owners and their apportioned landholding<sup>56</sup> is shown on plan SO 13444 (Figure 13, Table 1) titled 'Sketch Map - Ngarara Block', published in April 1890. This is presumably the sketch plan discussed in the 1897 memorandum discussed above.

<sup>50</sup> NZ Archives 2868

<sup>51</sup> It is not clear of this was forwarded by Field or Mason, both surveyors active in the area at this time.

<sup>52</sup> NZ Archives 2868-1

<sup>53</sup> NZ Archives LS-W1 261

<sup>54</sup> NZ Archives 8696-43

<sup>55</sup> NZ Archives MLC8-2/5

<sup>56</sup> NZ Archives MA14 8





Figure 13: Section of SO13444 (1890) 'Sketch Map - Ngarara Block' showing Ngarara West A14 and owners. Source: Quickmap.

Table 1: List of owners and land allocation following the 1890 subdivision of Ngarara West A14

Owner	Area (A. R. P.)
Tutere Matau	11. 0. 0
Tamihanate Karu	45. 0. 0
Pare Tawhara	58. 2. 0
Patiana Tu te Rangī	13. 2. 0
Hira Maeke	11. 0. 0
Hone Ngapaki	22. 2. 26
Uinga Ngapaki	16. 2. 27
Ropata Ngapaki	22. 2. 27
Wi Rititona	15. 0. 0
Rapaka te Puke	10. 0. 0
Takarangi te Puke	10. 0. 0
Mata te Hawe	15. 0. 0
Unaiki Parata	9. 0. 0

Mason’s survey plan ML 1491 (Figure 14), published in 1898, records the subdivision of part of Ngarara West A, including section 14. The surveyor’s field book<sup>57</sup> used during the traverse for this plan shows ‘graves’ in an

<sup>57</sup> Field book 2140

area adjacent to the Waimea River north of the confluence with the Waikanae River, marking the site with three small rectangles (Figure 15).

O’Keeffe<sup>58</sup> considers it significant that the surveyor used the annotation “graves” in his field book along with the three rectangles to mark the graves, suggesting that from the specific use of this term it may be inferred that the graves were of European style, demarcated on the land by either a boundary fence or headstone. She also notes that a European style burial does not mean that the burials were necessarily people of European origin. O’Keeffe employed the services of a surveyor to extrapolate the location of the historical mapped graves - presumably by utilizing the traverse and bearing information recorded in the field book to recalculate the position of the graves - which revealed they were located on Wi Kingi Place in a location corresponding to where burials were revealed in 2000.<sup>59</sup>



Figure 14: ML 1491 (1898) Plan of part of Ngarara West A, Kapiti and Kaitawa Survey Districts. Source: Quickmap.

<sup>58</sup> O’Keeffe 2012:13-15

<sup>59</sup> O’Keeffe 2012:15



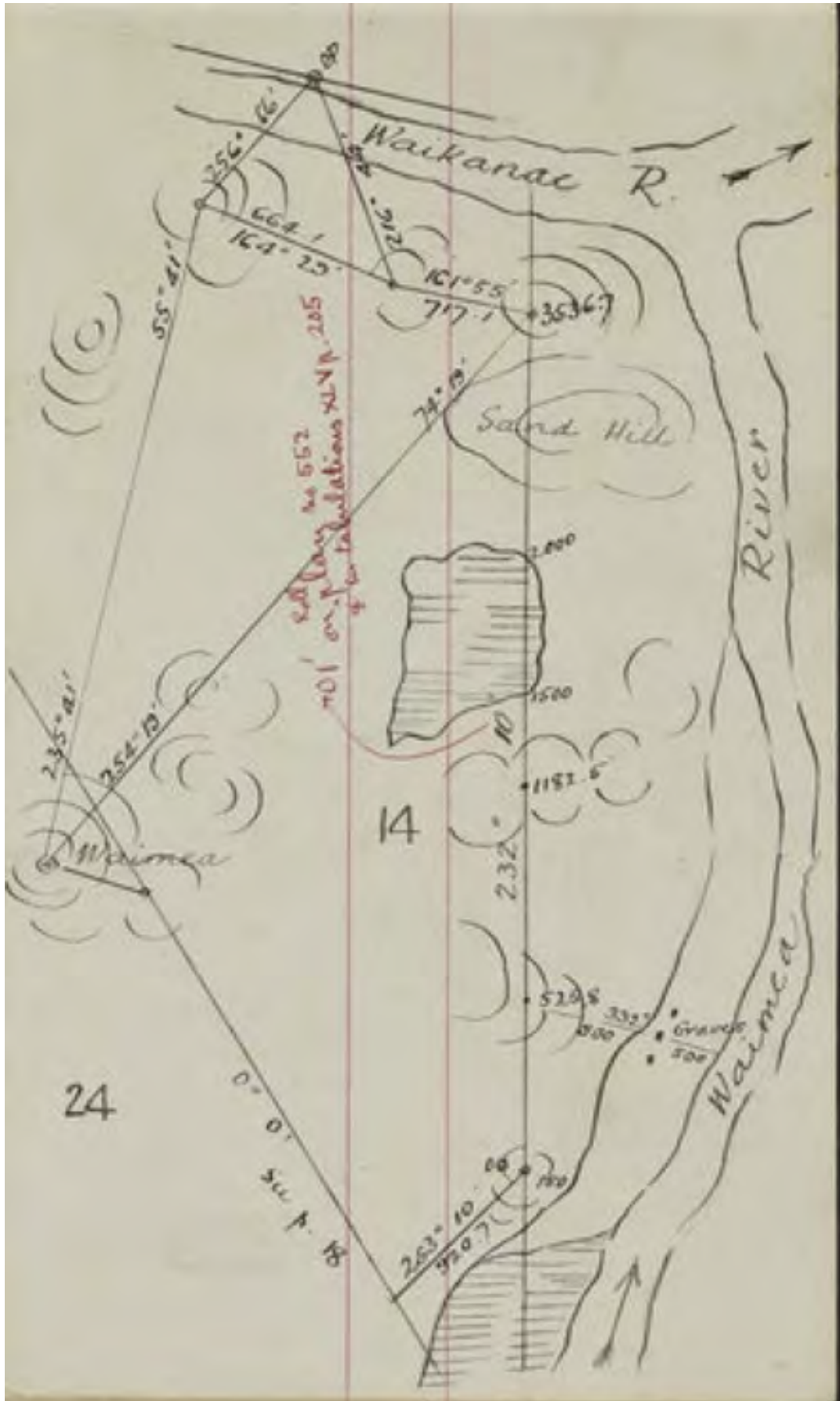


Figure 15: Plan showing location of graves from field book 2140. Source: Land Information New Zealand.

#### 4.4.2 Subdivision of Ngarara West A Section 14A

In November 1896 Raniera Erihana and others applied to the Maori Land Court for part of Ngarara West A14 to be designated as a cemetery with the presiding Judge Mackay ruling:<sup>60</sup>

“The object in dividing up this section is to set apart a portion of it for a cemetery to include the part to the westward of Section 15 between that boundary and the river Waimea to comprise an area of 10 acres if an area to that extent is comprised within the boundaries indicated, if not then such quantity as may be found there whether more or less. The area on being ascertained to be deducted proportionately from the acreage allotted to each owner.”

Judge Mackay issued a provisional order that Ngarara West A14 be divided into 2 parcels to be called Ngarara West A14 and 14A, with the latter parcel to contain 10 acres or thereabouts and be vested in all the owners of the original Ngarara West A14, and the residue to be vested also in all the owners. The part (Ngarara West A14A) to be intended for a cemetery was to be made absolutely inalienable.<sup>61</sup> The order was not completed as no survey is known to have been undertaken resulting in the cemetery area not being partitioned off the main block and without a title issued.<sup>62</sup>

On the 6 Feb 1905 Raniera Erihana, on behalf of the Maori owners, applied (No. 245) to the court for the partition of Ngarara West A14A, asking for the court to partition 10 acres for a certain “urupa.” The court dismissed the application ruling that the existing 1896 order issued by Judge Mackay for the partition was incomplete and what was required was a survey to enable those orders to be completed.<sup>63</sup> Evald Subasic<sup>64</sup> suggests the likely reason for the lack of survey was due to an outstanding survey lien on Ngarara West A14 dating back to 1891, and that either the owners were unwilling to incur a further lien to get the survey done, or the surveyors would not undertake the survey until the debt to them was paid.

The holders of the lien was the surveying firm of Mason and Richmond who on 21 May 1906 had applied (application no. 324) to the Maori Land Court to cut off a portion of land to satisfy survey liens held over sections Ngarara West A14 and 76. At the hearing Augustus Mason testified:<sup>65</sup>

“I am one of the applicants ....I have a survey lien over section 14 for £21. 10. 6 and over Section 76 for £5. 9. 6 and these have not been paid. Interest was computed when the orders were made so there is 5 years interest<sup>66</sup> at 5% now due on each lien or pay about £5 on Sec 14 and about £1. 5. 0 on the other, thus making £21.10.6 + 5 = £26.10.6 on Sec. 14...”

Mason calculated that 100 acres of Ngarara West A14 would be required to satisfy the lien but stated that he did not want to take that much land and would make a compromise for 75 acres instead.

The court then issued an order<sup>67</sup> for Ngarara West A14 that; “75 acres would be cut off at the northern end of Section 14 by a line parallel to the North boundary of Sect. 14 and to be called 14.C.” There were no objectors. Shortly after the hearing on 28 May the Department of Justice issued a memorandum<sup>68</sup> with the Order from the Native Land Court to satisfy survey liens in favour of Mason and Morrison noting payment for A14 for £21 10 6, together with interest of £5 in full satisfaction of the cost of survey, along with that

<sup>60</sup> Otaki Maori Land Court Minute Book 31:147

<sup>61</sup> Ibid 31:148

<sup>62</sup> Subasic 2011:36 (Appended to O’Keeffe 2012)

<sup>63</sup> Wellington Maori Land Court Minute Book 13:286

<sup>64</sup> Subasic 2011:36 (Appended to O’Keeffe 2012)

<sup>65</sup> Wellington Maori Land Court Minute Book 15:127

<sup>66</sup> The statement that the lien is for 5 years – the date from when the orders were made – suggests the lien was actually issued to Mason and Richmond in 1901, not 1891 as stated by Subasic.

<sup>67</sup> Wellington Maori Land Court Minute Book 15:128

<sup>68</sup> NZ Archives MA14 8

parcel of land containing 75 acres and delineated in an attached plan. The lien was officially discharged and the 75 acre block vested to Mason and Richmond by memorandum sent to the Registrar, Native Land Court on 12 March 1907. This partition is shown on ML 1935 (Figure 16).

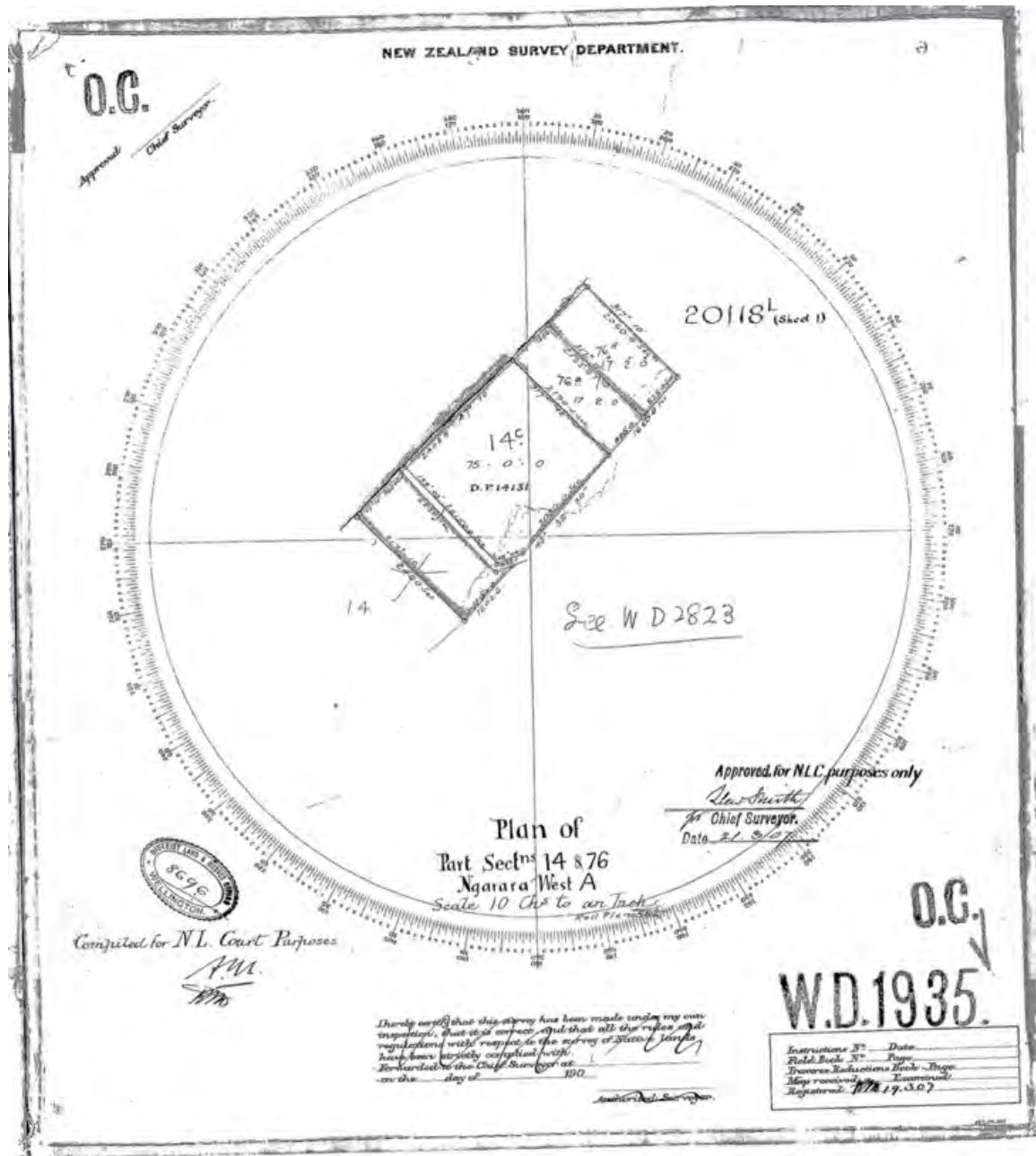


Figure 16: ML 1935 (1907) showing the subdivision of Ngarara West A14 to partition off section 14C as per the MLC Order.

With the survey lien discharged, Mason then became involved in efforts to undertake the survey to partition the cemetery. On the 20 May 1907 he sent a letter<sup>69</sup> to the Chief Surveyor forwarding nomination "...for survey of Cemetery Res Pt. Sec. 14 Ngarara West A and request that you will issue authority for same." This application was notified on 2 July 1907 in an order from the Department of Lands and Survey to the Chief Surveyor,<sup>70</sup> granting the application with the following terms:

<sup>69</sup> NZ Archives 8696/203  
<sup>70</sup> NZ Archives 8696/217

1. "The cost of survey to be borne by the Native owners, and the Government will in no way be liable for payment of the same."
2. "Date of schedule: 14th June 1907."
3. "Name of block: The Cemetery pt Sec.14 Ngarara West A."
4. "Area 10 acres."
5. "Please instruct Mr A. P. Mason to give due notice to the Natives before he commences his survey."

A schedule document<sup>71</sup> dated 17 June 1907 – just after the application had been approved – noted the following:

- "It is a subdivision ordered by the Native Land Court."
- "No opposition to the survey is anticipated."
- "It would be advisable to employ a staff surveyor."
- "No appeal pending."
- "Original nomination with sketch attached."
- "The Natives wish to obtain a title for the cemetery."
- "Authority might be issued for three months."

It was also noted that the firm of Field, Luckie & Toogood were the solicitors for the 'Native Owners'.

Mason finally received an Order from the District Lands and Survey Office on 6<sup>th</sup> July 1907<sup>72</sup> authorising the survey of pt Sec.14 Ngarara West A. However, again it appears that no survey was completed. It may be that the 3 month authority period expired before a survey could be started.

Further subdivision of Ngarara West A14 took place in 1915 (Figure 17) following an application to partition C B Morrison's purchase, to be partitioned as Ngarara West A14A (the appellation that Judge Mackay had already given the urupa block in 1896) with the residue to be Ngarara West A14B. Following the partitioning of 75 acres to form A14C, Ngarara West A14 was reduced to 185 acres. Morrison had sold his interest to the Vallances who sold to Barber Bros who in turn sold to Weggerly brothers.<sup>73</sup>

The Order from the Maori Land Court was for 13 ½ acres to be cut off in the northern end of the block by a line drawn parallel to the southern boundary of A14C to form 14A to go to Charles Bruce Morrison, with the residual 171 ½ acres to go to the remaining owners to form 14B. However, a clerical error was made in the calculation: C.B. Morrison was entitled to 13 ½ acres in the 260 acre block but as 75 acres were taken for survey charges he was only entitled to 9a. 2r.18p - the area deducted for the surveyors had been proportionately deducted from each owner of 14A and B. The areas for subdivision therefore were determined as:

1. Sec 14 A. 9.2.18 to go to C.B. Morrison.
2. Sec 14 B. 175.1.22 to go to remaining 35 owners.

In June 1918 a third attempt was made by the Maori owners to partition out the cemetery block when an application was made to the Maori Land Court to cut out a cemetery from Ngarara West A14B to form Ngarara West A14B1, with the residue to be designated A14B2. The court ordered<sup>74</sup> the partition of 20 acres with boundaries to be pointed out on the ground by Hira Parata:

<sup>71</sup> NZ Archives 8696/210

<sup>72</sup> NZ Archives 8696/221

<sup>73</sup> Wellington Minute Book 20/149-150

<sup>74</sup> Wellington Minute Book 21:396

“Order for portion to be called Ngarara West A 14 B 1 found as follows:- in the most convenient way and with boundaries to be pointed out by Hira Parata or failing him by such other persons as is appointed by the Judge of the district cut off about 20 acres. As the position and boundaries will be only ascertained on survey these cannot now be described.”

“Order for portion to be called Ngarara West A 14B 2 found as follows:- This is the balance of block containing 158: 0r: 20p. including area under water.”

The survey was completed in October 1920. The survey company Sladden, Pavitt and Dyett sent a plan to the Survey Office, along with traverse sheets and field notes for Ngarara West A 14B Nos. 1 & 2 noting that the area was surveyed as instructed, with the delay in completion due to difficulty in arranging with Hira Parata to point out boundaries as required.<sup>75</sup> On 2 April 1921 a letter was sent from the Registrar Native Land Court to Chief Surveyor approving the subdivision plan (Figure 18), but noting that “...Judge Jones points out that this plan on its face value would appear to include land not vested in the natives but presumes the Chief Surveyor before certifying, satisfied himself as to that, Plan W.D. 3495 is returned herewith.” As the Native Land Act had cancelled by statute all existing restrictions on alienation, A14B1 became native freehold land owned by 34 individuals.<sup>76</sup>



Figure 17: ML 2823 (1915) showing Ngarara West A14 A-C.

Once again a lien was placed on the cemetery land when an application for a charging order under section 397, Native Land Act, 1909 was made in 1930 by the Chief Surveyor<sup>77</sup> for “the sum of £4. 12. 6 owed by the

<sup>75</sup> NZ Archives 20/27

<sup>76</sup> Waitangi Tribunal p16

<sup>77</sup> 20/27: 1-251



Native owners of the land known as Ngarara West A 14 B 1 block, area being 20 acres, being the cost incurred by the Crown on behalf of the Maori owners.”

There appears to be no record of why the order for the 1918 Maori Land Court increased the area for the cemetery from the 10 acres (more or less) decreed in 1896 to 20 acres. Subasic<sup>78</sup> suggests this size variance may have been “a case of inaccurate approximation in the first instance, or the owners’ need to enlarge the section after over twenty years had lapsed between the two applications.”

It is also unclear as to whether the 1918 designated cemetery (Ngarara West A14B1) is located in the same area as the area specified in the 1896 court order. Given the vague boundary descriptions in the original sets of orders, and without the original plans or tracings that may have shown the locations, any spatial correlation between the two is inconclusive. Subasic<sup>79</sup> concludes that the evidence suggests that the 10 acre block ordered to be partitioned by the Maori Land Court in 1896 was in the location of Ngarara West A14B1 cemetery partitioned in 1918.

In the late 1920s further subdivision of the Ngarara West A block occurred with the partitioning of Ngarara West A 14B2A 1-2 and 14B2B sections 1-3<sup>80</sup> (Figure 19).



Figure 18. ML 3495 (1920) Plan of Ngarara West A14B1 and A14B2.

<sup>78</sup> Subasic 2011:38 (Appended to O’Keeffe 2012)

<sup>79</sup> Ibid

<sup>80</sup> Wellington Minute Book 25:189





Figure 19: ML4074 (1928) Subdivision plan for Ngarara West A 14B2A and 14B2B 1-3.

#### 4.5 Archaeological Context

A search of the New Zealand Archaeological Association records (ArchSite 2021) shows a number of archaeological sites recorded proximate to the subject property (Figure 20, Table 2). With the exception of R26/456 - which records the human remains that were discovered on 5 July 2000 during trenching along Wi Kingi Place within the WLC Stage 6 development - the recorded sites in this area are all middens<sup>81</sup> that were added to the archaeological record in 1961 following surveys undertaken by Colin Smart and the Wellington Teachers College Archaeological Group during field trips to Waikanae between 1959-61.

To describe the composition of the midden sites, Smart used basic faunal analysis to identify species present and the presence of other artefactual material such as bone, lithics and charcoal, etc. Smart also provided general tabulated species distribution statistics for the sites. Of these sites, it appears that only R26/50 has been revisited since first recorded and the site record form for this site subsequently updated. Smart created a number of documents to record the locations of sites and the routes taken by the field teams and used an aerial photograph to mark site locations. These locations were transposed on to a plan<sup>82</sup> of the Waikanae area showing sites distributed from the coast, inland to the foothills (Figure 21). However, the translation of site locations into the digital recording scheme (ArchSite) was undertaken using an imperial map sheet grid reference and not the true locations as mapped by Smart, so the positional accuracy of the sites is poor.<sup>83</sup>

<sup>81</sup> R26/46 is recorded as both a midden and waka find spot but there is no detail about the waka in the site records.

<sup>82</sup> NZAA SRF R26/32

<sup>83</sup> Smart's key plan is currently in storage and not available to translate the true locations on to a contemporary plan.

Table 2: NZAA sites proximate to the subject property.

<b>NZAA Site Number</b>	<b>Type</b>	<b>Coordinates</b>	<b>Date Rec.</b>	<b>Notes</b>
R26/46	Findspot	1770082, 5473485	1961	Recorded as a midden and waka findspot on flat area east of old course of Waimeha Stream
R26/47	Midden/oven	1769882, 5473585	1961	Midden on sandhill east of old course of Waimeha Stream
R26/48	Midden/oven	1769882, 5473585	1961	Midden located a few yards north of R26/47 on flat ground between two sandhills.
R26/49	Midden/oven	1769882, 5473685	1961	Midden on dune ridge
R26/50	Midden/oven	1769882, 5473685	1961 – updated 2014	Midden on dune ridge a few metres north of R26/49.
R26/51	Midden/oven	1769882, 5473685	1961	Midden on opposite side of dune from R26/50.
R26/52	Midden/oven	1769882, 5473585	1961	Midden on top of dune.
R26/53	Midden/oven	1769882, 5473585	1961	Midden metres north of R26/52.
R26/54	Midden/oven	1770082, 5473385	1961	Midden recorded north of Waikanae River mouth.
R26/55	Midden/oven	1770182, 5473385	1961	Midden recorded north of Waikanae River mouth.
R26/56	Midden/oven	1770182, 5473485	1961	Midden recorded north of Waikanae River mouth.
R26/57	Midden/oven	1770282, 5473685	1961	Middens recorded north of Waikanae River mouth, approximately 20m down slope of dune.
R26/58	Midden/oven	1770282, 5473585	1961	Midden recorded north of Waikanae River mouth.
R26/59	Midden/oven	1770182, 5473385	1961	Midden recorded north of Waikanae River mouth, on leeward side of dune.
R26/60	Midden/oven	1770197, 5473670	1961	Midden recorded on dune ridge.
R26/62	Midden/oven	1770182, 5473485	1961	Midden recorded north of Waikanae River mouth.
R26/63	Midden/oven	1769982, 5473585	1961	Midden recorded north of Waikanae River mouth.
R26/64	Midden/oven	1769882, 5473485	1961	Midden recorded north of Waikanae River mouth.
R26/65	Midden/oven	1769882, 5473485	1961	Midden recorded north of Waikanae River mouth.
R26/85	Midden/oven	1770082, 5473685	1961	Midden located through the camping ground, on low dunes away from the beach.
R26/86	Midden/oven	1769882, 5473785	1961	Midden located on flat land by creek.
R26/87	Midden/oven	1769882, 5473785	1961	Midden located through the camping ground over flat land, on sand dunes.
R26/88	Midden/oven	1769882, 5473785	1961	Midden located through the camping ground, slightly leeward of low dune, on top and slightly down one side.
R26/456	Burial Cemetery	1769842, 5473666	2007 – updated 2011, 2013.	At least 9 individuals disturbed during trenching for services. Bones removed and reinterred by iwi. Shell in the vicinity which research and c14 dating established to be original shoreline material that had been redeposited by previous development. Recorded sites in close vicinity (R26/49 & R26/51) would have been on the original dunes which have since been flattened and spread.



Figure 20: Recorded archaeological sites proximate to Part Lot 1 DP 71625 (Stage 4B – shaded red). Source: ArchSite 2020.

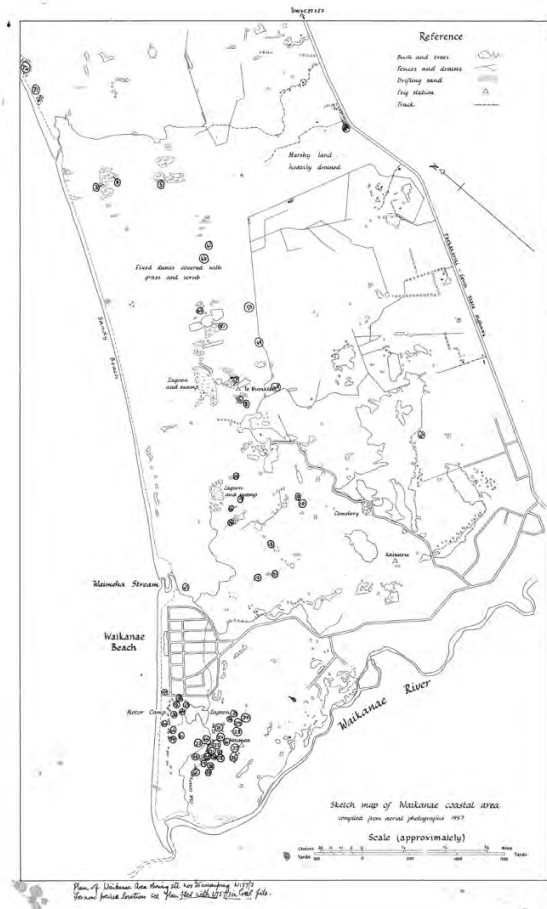


Figure 21: Smart's site distribution map. Source: NZAA SRF R26/32.

#### 4.5.1 Previous Archaeological Research

Prior to Smart's survey work, no systematic archaeological research had been undertaken in the area while subsequent archaeological investigations have largely been driven by land development affecting known sites, or reactive to the discovery of new sites usually uncovered during earthworks.

Early published reports relating to the archaeology of the wider area began in the 1940s. In 1948 Aidkin<sup>84</sup> identified two belts of middens around Horowhenua that he described as a "shoreline of early human occupation" consisting of a recent outer and ancient inner belt.<sup>85</sup> The outer coastal belt lay behind the foredune and extended up to 400m inland from the coast, which he interpreted as single phase food gathering sites dating to the last 150 years or so. The inland belt, located 500-2000m from the coast, was interpreted as relating to more permanent settlements.

In 1957 Peter Beckett<sup>86</sup> discussed thirteen sites (nine pa and four midden) from the Paraparaumu/Raumati area south of the Waikanae River located from the coast, east to the foothills (Figure 22). The pa included swamp and refuge pa, with both defended and un-defended kainga complexes represented. He concluded that the low species variety present in the middens, coupled with the absence of household refuse, artefacts and working/flaking areas, indicated that these coastal middens were not the result of permanent occupation, but rather, as fishing and food gathering camps.

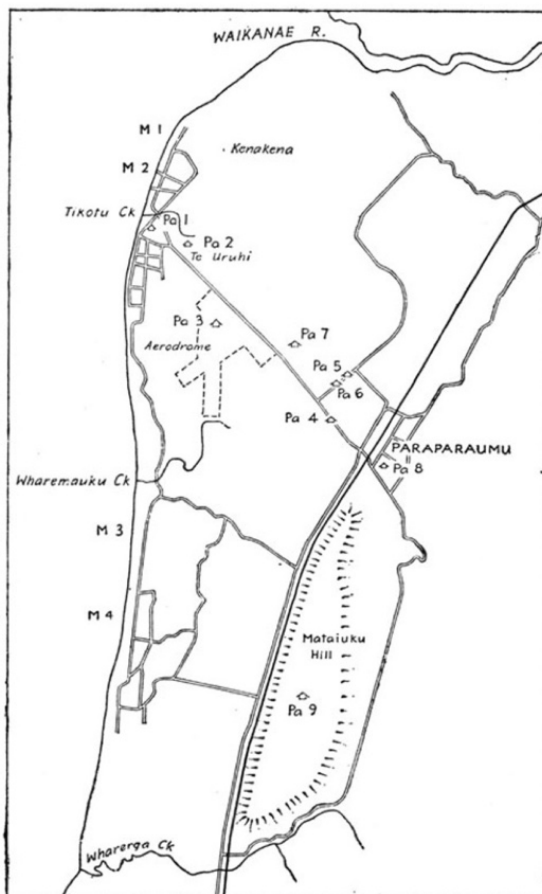


Figure 22: Beckett's location map showing the pa and midden sites he investigated. Source: Beckett 1957.

<sup>84</sup> Aidkin 1948

<sup>85</sup> Aidkin 1951: 159-160

<sup>86</sup> Beckett 1957

McFadgen published the results of a large study<sup>87</sup> of the Kapiti-Horowhenua region in 1997 which investigated paleoenvironmental and anthropogenic aspects of the areas past. He interpreted two cultural periods; early period sites that were older than or contemporary with the advance of the Old Waitarere Dunes (ca. 500 BP), and late period sites that are identified from oral histories and date to just before and after European contact. During the early period the inferred settlement pattern is of centralised occupation sites within a well forested dune environment, which are generally located closer to the sea than later sites. Sites of the later period show a more dispersed settlement pattern with many pa located along waterways or within the inner boundary of the dune belt. These sites have a lower occurrence of shell midden, imported stone and fish and bird bone, with environmental change suggested as a possible driver for the shift away from the coast. McFadgen's summary of the cultural and environmental stages is shown in Table 3.

Table 3: Summary of the cultural and environmental history of the Kapiti-Horowhenua subregion for the last 900 years. (Source McFadgen 1997: 24).

CAL YEARS BP	SAND DUNE EVENTS	MAORI HISTORY	FOREST VEGETATION
900			
800	<i>Motuiti sand advance</i>		Forest advances on to Motuiti dunes. Nearly all of the dunes are forested.
700			
600		<b>Maori settlement</b> People living in small, centralised village-like settlements in forested surroundings in the dunes. Satellite sites for coastal food gathering	Burning begins and forest retreats.
500		Plentiful food remains from a wide range of species. Economic activities include moa hunting, fishing, fowling, eeling, kumara gardening (?). Widespread trade for imported stone.	
400	<i>Old Waitarere sand advance</i>	Moas become extinct	Forest advances on to Old Waitarere dunes
300		People living mostly in small, dispersed settlements and pa along rivers and the inner edge of the dunes. Sparse food remains from narrow range of species. Economic activities include fishing, fowling, eeling, kumara gardening. Food resources less abundant than previously. Little imported stone.	Burning continues and forest retreats.
200			Forest largely cleared from Motuiti and Waitarere dunes and is replaced by bracken fern and scrub.
100	<i>Young Waitarere sand advance</i>	<b>European settlement</b>	
0			

In 1998, Warren Gumbley<sup>88</sup> undertook an assessment of the proposed Kotuku subdivision located immediately south of the Waikanae River, surveyed the site and excavated a series of trenches to gather data to enable an interpretation of the site's strata and correlate this to the known distribution of archaeological sites in the region to the geomorphology of the subdivision property. Buried soil horizons containing both peaty and charcoal-enriched soils were identified in several trenches, along with a small

<sup>87</sup> McFadgen, B., 1997

<sup>88</sup> Gumbley, W., 1998



midden. This area was further investigated by Karen Greig in 2002<sup>89</sup> who investigated Lots 178 & 179 in the subdivision with no archaeological material encountered during the earthworks monitoring, and again in 2009, when works for Stage 4 of the Kotuku subdivision project were monitored. Again, no archaeological material was encountered.<sup>90</sup>

More recently several sites to the north of the Waikanae River have been investigated. In 2003 Greig<sup>91</sup> investigated several middens spread over two areas at the Fairway Oaks subdivision located at 90 Te Moana Road, concluding that several features investigated in Area 1 were consistent with a temporary food consumption /processing site. These features were predominantly single species (tuatua) shell middens with scattered oven stones and the remains of fires. Shellfish and fish species represented were species commonly found in the coastal environment near the site. Area 2 contained a midden in secondary deposition with a wider variety of shell species present in the disturbed material. Further investigation of lots in the Fairway Oaks subdivision in 2006<sup>92</sup> revealed four “areas of archaeological interest” and the following year monitoring was undertaken during the excavation of a water tank pit and service trench but no new archaeological material was encountered.<sup>93</sup>

A number of sites were investigated following earthworks at 184 Peka Peka Rd in 2003 when Greig<sup>94</sup> monitored earthworks and investigated features (middens, oven stones and charcoal-stained sand) uncovered during the works, concluding that the archaeological material uncovered was consistent with a temporary food consumption/processing site.<sup>95</sup>

In 2004 Bruce McFadgen investigated a burial site at 391 Mazengarb Rd that was discovered during earthworks at the site. His investigation recorded at least two graves containing the bones of no less than four individuals were present, along with several pit features that may have been graves. The internment of at least one burial took place after European contact, and probably after AD1820. Other archaeological material including midden, oven stones and charcoal was also present.<sup>96</sup>

Between 2007 and 2009 Kiri Petersen monitored development of the Ferndale subdivision located at 148-152 Ngarara Road.<sup>97</sup> The archaeological investigation recorded 21 middens, 15 depressions or scoops and 2 pits. C<sup>14</sup> dating returned mid 16<sup>th</sup> century range for all the samples submitted and the site was interpreted as being used for temporary settlement due to a lack of structural remains (postholes, etc). Petersen<sup>98</sup> also monitored geotechnical testing for the Western Link Road in 2007 with no archaeological sites uncovered during the monitoring.

Mary O’Keeffe has undertaken a wide body of work in the area. In 2004 she monitored earthworks for the Rutherford Drive to Paetawa Rd extension project, recording two middens and ovens sites. No dates were returned from samples gathered from the site.<sup>99</sup> She undertook earthworks monitoring in 2005 for a subdivision located at 183 Ngarara Rd.<sup>100</sup> During the monitoring of earthworks to form the access road to each lot in the subdivision two large middens and a smaller midden were discovered, all located on one large

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<sup>89</sup> Greig, K., 2002

<sup>90</sup> Greig, K., 2009

<sup>91</sup> Greig, K., 2003a

<sup>92</sup> Opus 2006

<sup>93</sup> Opus 2007a

<sup>94</sup> Greig, K., 2003b

<sup>95</sup> Greig, K., 2003c

<sup>96</sup> McFadgen, B., 2004.

<sup>97</sup> Peterson, K., 2009

<sup>98</sup> Peterson, K 2007b

<sup>99</sup> O’Keeffe, M., 2004

<sup>100</sup> O’Keeffe, M., 2005

dune at the west end of the property. The middens were predominantly tuatua with a calibrated date of AD1500-1670 returned.

In 2007 O’Keeffe monitored cutting of a dune to provide an area to build a barn beside a residential house located at 28 Flaxmere Road.<sup>101</sup> No archaeological material was encountered. Between May 2009 and May 2010, she undertook monitoring of works associated with double-tracking of the Main Trunk railway between MacKay’s Crossing and Waikanae.<sup>102</sup> No sites were observed. In 2013,<sup>103</sup> she undertook archaeological monitoring of construction earthworks for the Otaihanga Roundabout which revealed two 19<sup>th</sup> century black beer bottles but no other cultural material.

In 2017 O’Keeffe reported<sup>104</sup> on a test pit dug within Stage 6 of the WLC development. The small test pit was hand dug to check and verify the depth of deposited material on the site in an attempt to ground truth on the results of a geomagnetic survey undertaken by Hans Bader. The excavation was conducted by Bader and no archaeological material was encountered.

Later that year O’Keeffe monitored the construction of a Park and Ride carpark where a house and stable belonging to Wi Parata once stood. Only one feature (a rubbish pit) was found during the development earthworks which artefact analysis dated to within the early-mid 20<sup>th</sup> century.<sup>105</sup> She also investigated a midden on two adjacent lots at the Ferndale subdivision that year. Analysis of the midden showed these to be predominantly tuatua (*Paphies subtriangulata*), which O’Keeffe<sup>106</sup> noted is consistent with middens found throughout the Kapiti Coast. No sample date was reported.

O’Keeffe, in association with Southern Pacific Archaeological Research (SPAR) under the directorship of Chris Jacomb, has spent a number of years further investigating the archaeology of the area during the construction of the Mackays to Peka Peka Expressway (M2PP), with a number of reports published by both parties over the lifetime of the project. Following an initial assessment by O’Keeffe, SPAR<sup>107</sup> undertook recording of sites along the M2PP expressway route in 2006, later (2008) undertaking a series of small excavations at Takamore along the route of the proposed Western Link Road to investigate the possibility that archaeological sites, including human remains might be present. However, test pits and trenches revealed no archaeological evidence in any of the excavated areas, and presence of burials was assessed as unlikely due to the lack of swamp in the low-lying area.<sup>108</sup>

In 2011 O’Keeffe<sup>109</sup> investigated an area of the M2PP expressway between Mazengarb Rd and Kapiti Rd to test a predictive model proposed in the archaeological assessment for the project. However, no archaeological material was located so the predictive model could not be verified. Testing later that year included monitoring of the digging of geotechnical test pits along the route,<sup>110</sup> with no archaeological material located. Further monitoring of geotechnical test pits between Mazengarb and Otaihanga Rd took place in 2013 and again no archaeological material was located.<sup>111</sup>

<sup>101</sup> O’Keeffe, M., 2007

<sup>102</sup> O’Keeffe, M., 2010

<sup>103</sup> O’Keeffe, M., 2013a

<sup>104</sup> O’Keeffe, 2017a

<sup>105</sup> O’Keeffe 2017b:28

<sup>106</sup> O’Keeffe, 2017c:25

<sup>107</sup> SPAR 2006

<sup>108</sup> SPAR 2008

<sup>109</sup> O’Keeffe, M., 2011a

<sup>110</sup> O’Keeffe, M., 2011b

<sup>111</sup> O’Keeffe, M., 2013b

In 2013, SPAR investigated large areas of the M2PP Expressway including Sectors 3,5 and 6 of the proposed road alignment. During the investigation of Sector 3, located between Otaihanga Rd and Waikanae River, 843 lineal metres of trench were dug resulting in the discovery of a number of midden and pit/terrace sites.<sup>112</sup> For Sector 5, located between Te Moana Road and Ngarara Road, 1835 lineal metres were assessed with five previously recorded sites and sixteen new sites investigated. Artefacts recovered during the course of the investigation included a large hoanga, 2 argillite adzes and a pumice bowl. In Sector 6, located between Ngarara Road and Peka Peka Road, 370 lineal metres of trench up to 15 m wide was opened, all of which were monitored.<sup>113</sup> The trenches were situated for the most part on the crests of the dune ridges although some lower lying ground was also tested, with two previously recorded and three new sites investigated.

In 2016, O’Keeffe reported on the archaeological monitoring of the Northern Zone<sup>114</sup> where 102 sites were recorded, which were predominantly middens with a number of fire features and ovens also present. In the Central Zone 36 new sites were recorded during the monitoring phase including middens, ovens, fire scoops, post, bottle dump, old track, and a single burial, with O’Keeffe<sup>115</sup> noting that fewer sites than expected were found in the relatively intact linear dune between Kapiti Rd and Mazengarb Rd.

In discussing the results of the M2PP study Jacomb<sup>116</sup> noted that:

“The site types and feature types represented in the study area make up a very unusual archaeological landscape. Whereas it might reasonably be expected that there would be a wide range of site types and features, including village sites, specialist fowling or fishing sites, stone-working sites and defensive sites, among others, the study area is distinctive in only having one basic site type present – shellfish processing sites. ...This reflects a pattern that has been observed previously by archaeologists who have worked in the district – where the land is in formally described as being dominated by single-species midden scatters.”

A total of 33 samples from 23 sites were submitted for radiocarbon dating<sup>117</sup> with Jacomb<sup>118</sup> noting that:

“The radiocarbon dating results were very unexpected. In any given archaeological landscape, standard models of human settlement and population growth predict that we should see a small number of early sites, with the number of sites increasing over time. The M2PP results, on the other hand, show that the only time the expressway study area had any importance was during a brief section of the prehistoric period – from about AD1500-1600. The very small number of dates earlier than this suggests only very minor use in the 1300s and 1700s. The pattern is not unique to the study area sites. Twenty-three other sites in the wider area have been dated with a total of 49 dates and, with the exception of three in the late eighteenth to early nineteenth centuries, all have medians that lie between 1450 and 1600. The reason that the Kapiti Coast was only important for a brief period of prehistory cannot be easily explained and this presents a very interesting avenue for further research.”

These results led Jacomb<sup>119</sup> to conclude that the “...most reasonable conclusion to be drawn from the available evidence is that the project area and, by extension, the Kapiti Coast dune environment, was a specialised part of a resource network that was used, perhaps seasonally, by people living outside the area.”

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<sup>112</sup> SPAR 2013a.

<sup>113</sup> SPAR 2013c

<sup>114</sup> O’Keeffe 2016a

<sup>115</sup> O’Keeffe 2016b

<sup>116</sup> SPAR 2016:93

<sup>117</sup> SPAR 2016:117

<sup>118</sup> SPAR 2016:123-24

<sup>119</sup> SPAR 2016:24



Andy Dodd has also undertaken a series of investigations in the area. In 2014<sup>120</sup> he investigated three discrete midden deposits discovered during tree-clearing and recontouring works at the Waikanae Christian Holiday Park, the works being undertaken to develop part of the property to replace land taken for the M2PP expressway. Analysis of samples taken revealed the contents of the middens were predominantly tuatua (*Paphies donacina* and *Paphies subtriangulata*) with other locally available soft shore and rocky shore species. Fish, rat and bird bone were present in small quantities within the sandy matrix which also contained charcoal and fire-cracked oven-stones. Three shell samples were dated and returned mid sixteenth century dates.<sup>121</sup> Dodd noted that although there is some historical evidence that indicates this location was part of a larger cultivation area known as Ngahuruhuru, no evidence of modified garden soils was found during the archaeological investigation. Microfossil analysis indicated anthropogenically induced forest clearance but no evidence of introduced plant cultigens or horticultural practice. Dodd interpreted the middens as oven rake-outs associated with food processing areas, concluding that these features pre-dated the establishment of permanent cultivations in the area.

Dodd undertook further work at the Waikanae Christian Holiday Park between September 2015 and October 2016 to investigate sites impacted by the realignment and construction of a new access roads to the camp and Takamore urupa.<sup>122</sup> One new site and two previously recorded sites were investigated and these returned similar faunal results to the earlier (2014) investigation, with the middens again interpreted as being oven rake-outs. Five samples were carbon dated with the returned dates ranging between early sixteenth to early seventeenth centuries.<sup>123</sup> In 2017, he monitored the Jim Cooke Park stop-bank construction with two features of potential archaeological interest (bottle glass fragments and scattered shell) investigated, which he concluded appeared to have been recent deposits of limited archaeological interest.

In 2015, Kevin Jones<sup>124</sup> undertook monitoring and test pitting of the proposed Waimeha Village development property located north of Te Moana Road (between the M2PP expressway and Waikanae Golf Club) where six sites including middens, pit/terrace sites, and the Taewapirau wahi tapu area were previously recorded. Jones dug 54 test pits on the property and later returned to the development site in 2016 to monitor earthworks and excavate features discovered on the property. The investigation resulted in the excavation of numerous pits, hangi and middens. Dating from a range of features returned dates from the mid sixteenth to mid eighteenth centuries.<sup>125</sup> In 2018, Jones undertook further investigation at the Waimeha Village subdivision, this time during the bulk earthworks phase that included part of the Taewapirau wahi tapu area. A number of middens, several 'pit-like' features and one definite pit were recorded. Dates, all from the Taewapirau north-eastern lobe, returned ranged from the mid sixteenth to eighteenth centuries.<sup>126</sup>

In 2018, Jones<sup>127</sup> undertook monitoring of earthworks during a conductor replacement on Transpower pylon B236. No archaeological material encountered. In 2020 he undertook archaeological monitoring of the proposed Mansell subdivision located to the north of Otaihanga Rd and west of the expressway. Sixteen Geotech test pits were dug and monitored, with a large hoanga recovered from one test pit - tp6. Jones

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<sup>120</sup> Dodd, A. 2015.

<sup>121</sup> Median calendar ages returned clusters around AD1460 to AD1663 at 95% confidence interval.

<sup>122</sup> Dodd, 2017.

<sup>123</sup> AD1530 – AD1611.

<sup>124</sup> Jones, 2015

<sup>125</sup> Jones, 2018

<sup>126</sup> Ibid

<sup>127</sup> Jones 2018b

concluded<sup>128</sup> that the investigation showed a low to moderate representation of archaeological features on the land.

### *Summary*

The growing number of residential subdivisions and large scale infrastructure developments such as the M2PP expressway have significantly increased the body of archaeological research in the area, much of which has been conducted over a relatively intact landscape. From this research a broader picture of the form and distribution of the archaeological record of the area is emerging. It is clear from the majority of site investigations that a high percentage of the sites are shell processing sites –middens that are predominately tuatua with a lack of structural elements and artefacts. The dominance of this site form is probably skewed due to the lack of investigation of large known historic settlement sites, many of which were located in areas that were developed prior to the advent of the Historic Places Trust in 1993, and the subsequent legislative requirement to investigate sites to be affected by development. It appears that little research has been undertaken into these sites, particularly the large pa, many of which were known to be in use up to the mid 1800s.

#### *4.5.2 Proximate Pa Sites*

Surprisingly little has been written about pa sites in the Waikanae region, particularly given their historical importance in both pre and post-contact times. Moreover, the exact extent of some pa is uncertain, due in part to loss of these sites to the dynamic aeolian landscape where the shifting sands of mobile dunes both inundate sites and erode sites, removing their topographic definition, along with fluvial changes and historic migration of the Waikanae River and its tributary the Waimea Stream. There also appears to be some divergence in the historical record with the names of pa sites. Three pa are associated with the area around the Waikanae River mouth:

#### *Kenakena Pa*

Recorded as site R26/724 by the New Zealand Archaeological Association, Kenakena Pa was the largest of the coastal Waikanae pa according to historic accounts. Situated on the southern bank of the Waikanae River, the area was originally used by Ngati Toa as an area for temporary settlement and refuge, with a nearby cultivation ground. It is not known when a pa was first constructed at Kenakena. According to Carkeek,<sup>129</sup> it was not properly established until the arrival of the main Ati Awa body under Te Reretawhangawhanga, the father of Wiremu Kingi. However, Carkeek<sup>130</sup> states that Rangipito informed Smith that a very large pa had been constructed by some Ati Awa prior to the main migration, and that this pa was known as Whangainahau. The exact location of this pa was not given but Carkeek<sup>131</sup> contends that “there is a strong possibility that the Kenakena Pa at the mouth of the Waikanae was the one referred to as Whangainahau and in later years it became known generally as the Kenakena or Waikanae Pa.” In evidence to the Maori Land Court following the 1834 Battle of Haowhenua, Oriwia Hurumutu, the wife of Ropata Hurumutu of the Ngati Haumia hapu of Ngati Toa, recalled that she joined Ati Awa at Haowhenua and returned to Kapiti to help Ati Awa build a pa at Kenakena.<sup>132</sup>

<sup>128</sup> Jones 2020

<sup>129</sup> Carkeek 1965:150

<sup>130</sup> Referencing Smith 1911

<sup>131</sup> Carkeek 1965:151

<sup>132</sup> Carkeek 1965:39

Kenakena remained the site of the main Waikanae pa until 1848. It was a Te Ati Awa stronghold that early European accounts described as a large pa complex. A visit to the pa during 1839 following the Battle of Kuititanga was described by Wakefield:<sup>133</sup>

“We landed on the sandy beach, in front of the small village called Te Uruhi.... We proceeded to the main pa, at the mouth of the Waikanae river, about a mile further north.... This was the largest pa we had seen yet. The outer stockades were at least a mile in circumference; and the various passages between the different courts and divisions formed a perfect labyrinth.”

Ernst Dieffenbach described the site at that time:<sup>134</sup>

“The latter village [Kenakena] was very large; it stood on a sand-hill, and was well fenced in, and the houses were neatly constructed. Everything was kept clean and in good order, and in this respect it surpassed many villages in Europe. The population seemed to be numerous, and I estimated it, together with that of the first-mentioned village, and a third, about a mile higher up,<sup>135</sup> to amount, on the whole, to 700 souls. Several native missionaries, some of them liberated Ngati-te-awa slaves, live here; and the natives had built a large house, neatly lined with a firm and tall reed, for their church and meeting-house.”

Kenakena fell into disrepair when most Te Ati Awa left Waikanae under Wiremu Kingi in 1848 on a heke to return to their ancestral lands at Taranaki. Those that stayed moved to a new village that had been laid out by the Government Surveyor, that was situated inland from the coast at Tukurakau, while some others went to Kaitoenga.<sup>136</sup> Some appear to have held out a little longer with a 1851 report to the Government<sup>137</sup> noting that:

“The Waikanae portion of the Pa is deserted; those natives who remained have removed a little in to the interior, where a village has been laid out for them by the Government. The Otaraua, or Te Tupe’s portion of the Pa, is still occupied; many of the huts in the old Pa have fallen to pieces, and the pa itself is in a state of ruin.”

However, it appears that by 1850 Kenakena had been completely abandoned. When Native Secretary Kemp undertook a survey of coastal pa in 1850<sup>138</sup> he described the Waikanae Pa as being deserted, and observing that “...many of the huts in the old pa have fallen to pieces and the pa itself is in a state of ruin,” and that the “...pa was nearly buried by sand drifts.”

The location of Kenakena was confirmed when foundations – interpreted as belonging to the original 1842 Anglican Church built by Bishop Octavius Hadfield - were uncovered during bulldozing of sand dunes in March 1961, which revealed a series of totara wall slabs that defined the extent of the building. A sketch by John Alexander Gilfillan dating to before 1847 shows the mouth of the Waikanae River and Kenakena Pa with a large number of buildings (Figure 23). This picture shows a large building with peaked roof is believed to be the first Maori Missionary church built by Bishop Octavius Hadfield. Kapiti Island is visible in the background. A sketch plan of the pa drawn by Thomas Bernard Collinson ca. 1847 show the extent of palisaded area, the church and contoured sand dunes (Figure 24).

<sup>133</sup> E J Wakefield 1845:123-124.

<sup>134</sup> Dieffenbach 1843:103

<sup>135</sup> Searle 2012:206 presumed this village to be Waimeha.

<sup>136</sup> Carkeek 1965:88

<sup>137</sup> Later reporting Appendix papers relative to affairs to New Zealand 1851:235

<sup>138</sup> Kemp 1850:76

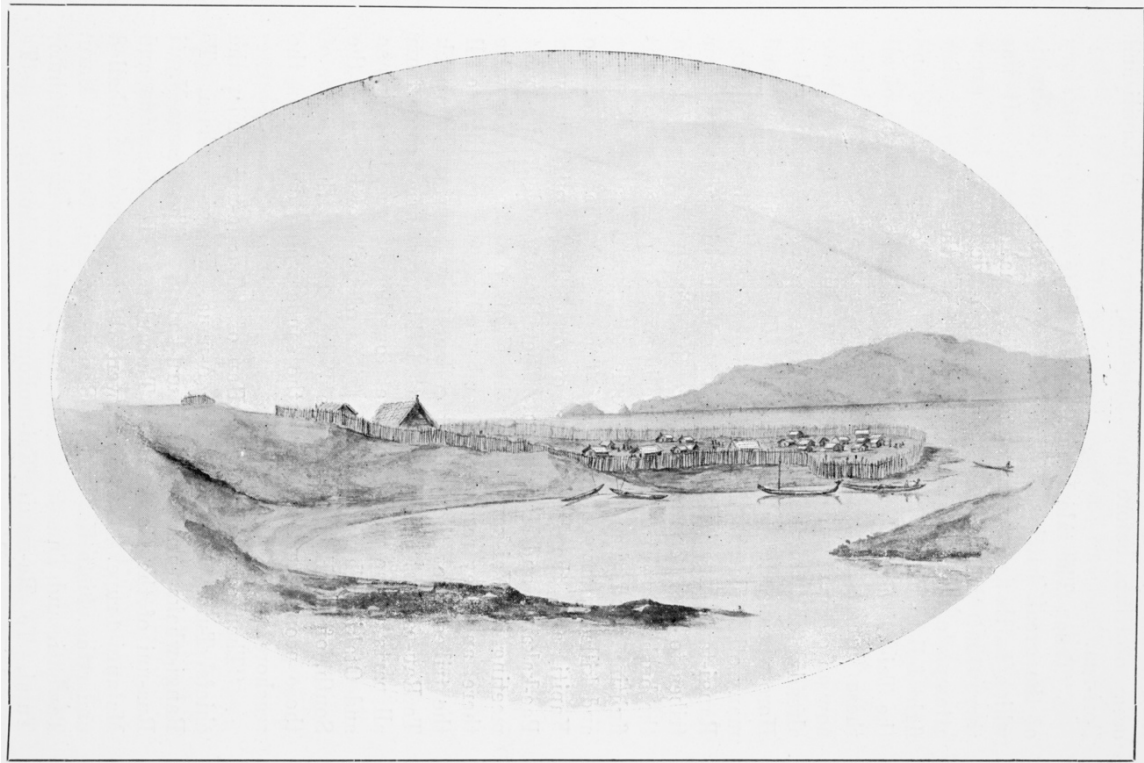


Figure 23: View of Kenakena Pa, Waikanae ca.1840s. Source: Gilfillan, John Alexander, 1793-1863. Gilfillan, John Alexander, 1793-1864 :Wai-Kanae Pa and Kapiti. [Before 1847]. Downes, Thomas William :Old Whanganui. Hawera, W. A. Parkinson, 1915. Ref: PUBL-0066-141. Alexander Turnbull Library, Wellington, New Zealand. [/records/23206108](#)



Figure 24: Sketch plan of Kenakena Pa ca.1847. Source: Collinson, Thomas Bernard, 1822-1902. Collinson, Thomas Bernard, 1822-1902 :[Map of Waikanae Pa in 1846 or 1847?] Pah. Church. Jenkins. Bare sand.. Collinson, Thomas Bernard 1822-1902: Seven years service on the borders of the Pacific Ocean, 1843-1850. Ref: A-292-055. Alexander Turnbull Library, Wellington, New Zealand. [/records/22774901](#).

*Waimea Pa*

Waimea Pa (R26/241) is described by Carkeek<sup>139</sup> as being at Kuititanga, situated on at the junction of the Waimea Stream and the Waikanae River. The NZAA site record<sup>140</sup> describes the site as being located on dunes between Waikanae River and Hicks Cres. and was identified by middens that were badly disturbed by bulldozer ca. 1984. The long term property owner reported that adzes and charred wood had been found at the site, and skeletons were also found when the river was cut back ca. 1930s. Carkeek<sup>141</sup> discussed archaeological material and middens at Waimea, noting that they showed signs of more permanent occupation and that “apart from small fragments of obsidian, chert, argillite and other parts of artifacts there is a greater variety of shells and numerous bones including fish, bird, rat, dog and human.”

Several cultivations are noted around Waimea Pa. One named Ngahuruhuru was located not far from Wi Parata’s old residence. Sterling<sup>142</sup> describes Ngahuruhuru as ‘cultivations on the river flats, within the extensive complex of pa, extending from the mouth of the Waikanae River inland beyond Takamore. Dodd<sup>143</sup> cites research by Carter<sup>144</sup> who determined that the exact location of Ngahuruhuru was unclear, being recorded in various locations, with the most likely location in the vicinity of Weggery Drive. Carkeek<sup>145</sup> references two other cultivation areas proximate to Waimea: one not far from the river mouth reportedly belonging to Ngati Kura,<sup>146</sup> and another (possibly the same?) named Apanui, located near the mouth of the Waikanae River close to Waimea, but the exact location is not known. Carkeek’s map of the main Waikanae coastal area (Figure 25)<sup>147</sup> shows Ngahuruhuru northeast of the Waimea trig and is described by Carkeek<sup>148</sup> as “...a cultivation ground not far from Wi Parata’s old residence at Kawewai.”

Baker<sup>149</sup> states that tribal accounts locate Waimeha Pa 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.”

Clearly there are numerous ambiguities in the historical record regarding the exact location and extent of Ngahuruhuru and the spatial and temporal relationship of the cultivation area to Waimea Pa. It appears that the oldest and most accurate documented representation of the location of Ngahuruhuru is shown on survey plan SO 11036 (1872). An annotation on this plan shows Ngahuruhuru as south of the present day Weggery Drive and Waikanae River, extending from about Kennedy Place east towards the M2PP expressway (Figure 26). This plan also shows an outline for the area occupied by Kenakena.

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<sup>139</sup> Carkeek 1965:58

<sup>140</sup> NZAA SRF R26/791

<sup>141</sup> Carkeek 1965:105

<sup>142</sup> Sterling 2011:11

<sup>143</sup> Dodd 2015: 11

<sup>144</sup> Carter 2012:6-7

<sup>145</sup> Carkeek 1965:109

<sup>146</sup> Ibid: 150

<sup>147</sup> Carkeek 1965:172

<sup>148</sup> Ibid:

<sup>149</sup> Baker 2015:8 citing Ngai B., Cultural Impact Assessment, The Takamore Trust.



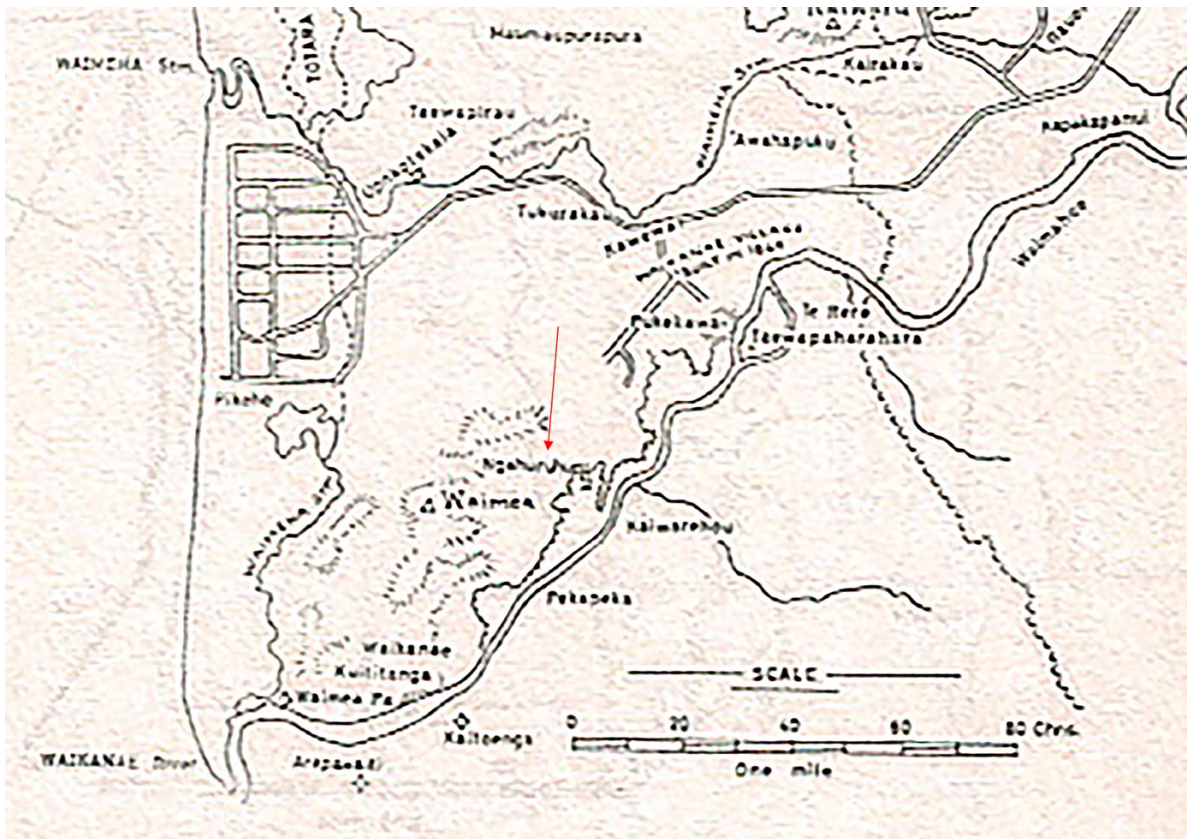


Figure 25: Section of Carkeek's Map 4. Main Waikanae coastal area north of the Waikanae River showing the location of Ngahuruhuru. (location highlighted by red arrow) Source: Carkeek 1965.

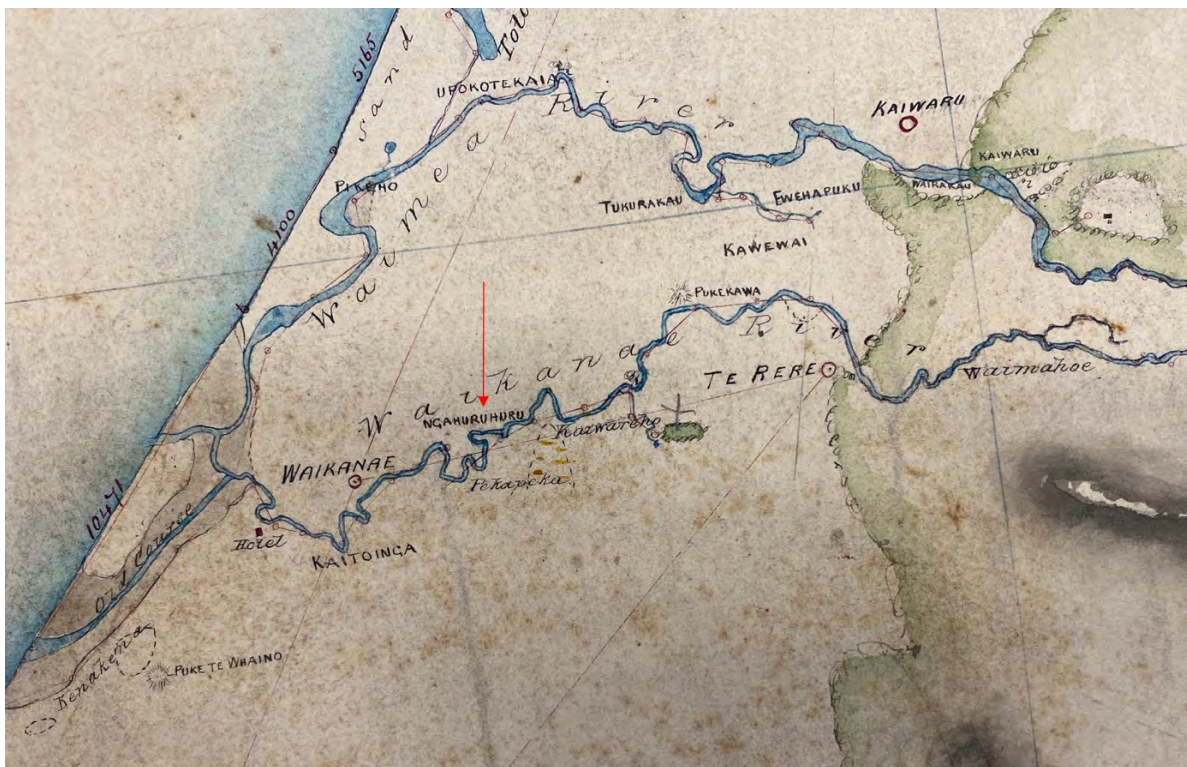


Figure 26: Section of SO 11036 (1872) showing the location of Ngahuruhuru.



### Arapawaiti Pa

Arapawaiti Pa (R26/791) was located slightly south of the Waikanae River, but north of the main Waikanae Pa at Kenakena, and close to the settlement of Otaihangā.<sup>150</sup> The pa was occupied by the Ngati Rukao hapu of Te Ati Awa, and was the cultivation ground of Tuhata. The Whanganui chief Kurukanga is also said to have been residing there in 1839. It was described by Edward Jerningham Wakefield in 1840:

“After a short rest I went to Arapawa-iti, or 'small canoe channel', the village of the Whanganui people. Passing through the large village, and crossing the high sand hill at the back, we came to the banks of the Waikanae River - here narrow and deep. We followed the stream for about 200 yards and then diverged across some fertile potato grounds on a sandy flat in the midst of which an oblong stockade surrounds the dozen houses of which the village is composed.”

The locations of Kenakena, Waimea/Kuititanga and Arapawaiti and other nearby pa are shown in a number of maps produced in historical sources, such as Adkins (Figure 27) and Carkeek (Figure 28 - Figure 29) and these generally correspond to the New Zealand Archaeological Association site locations (Figure 30).

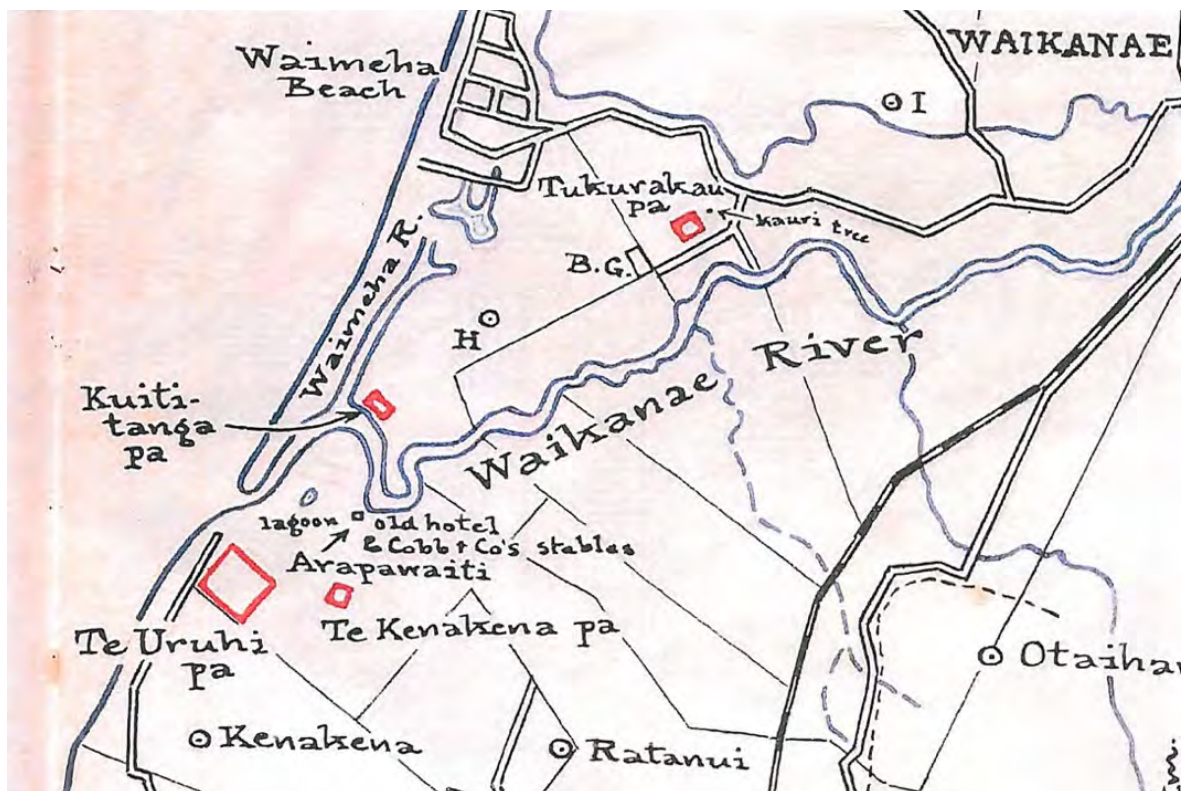


Figure 27: Section of Adkins map of Waikanae-Reikorangi Area. Source: MS-Papers-6061-05-08. Alexander Turnbull Library.

<sup>150</sup> Ibid:110



Figure 28: Carkeek's Map 4. Main Waikanae coastal area north of the Waikanae River. Source: Carkeek 1965.

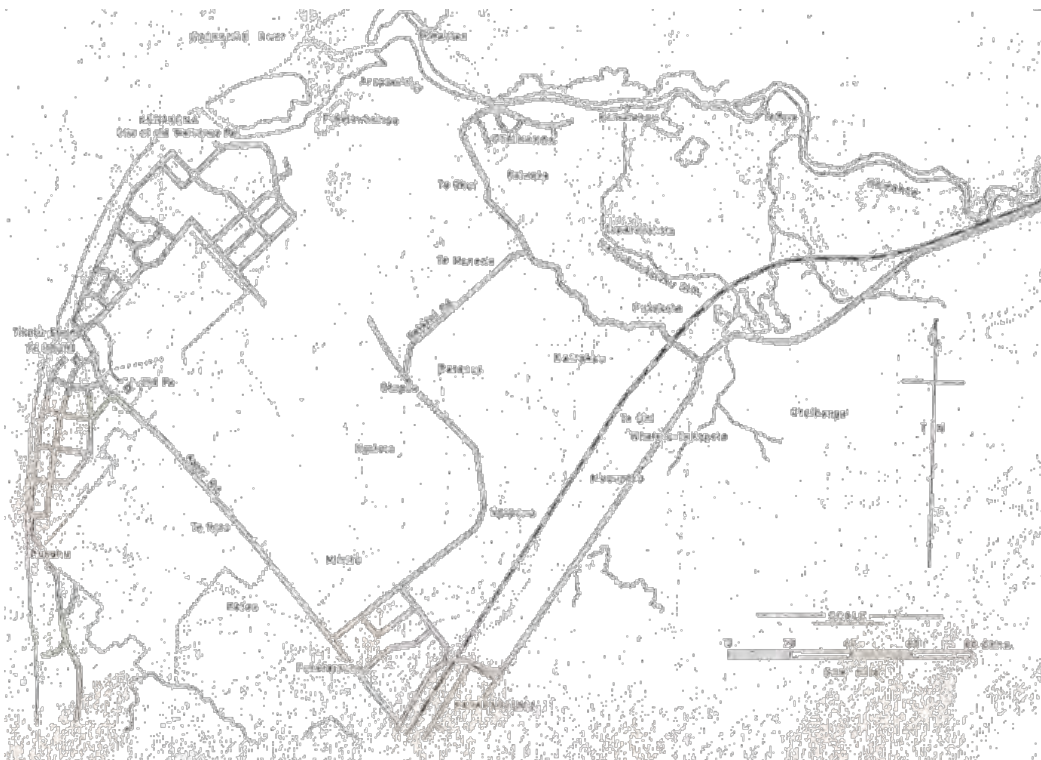


Figure 29: Carkeek's Map 5. Paraparaumu coastal area from Waikanae to Wharemauku. Source: Carkeek 1965.





Figure 30: Location of Kenekena, Arapawaiti and Waimea Pa as recorded by archaeological evidence in relation to the Stage 4B subdivision property.

#### 4.5.3 Burial Grounds

O’Keeffe<sup>151</sup> noted four recorded or reported historic burial grounds located in the vicinity of Waikanae:

1. “Takamore: an urupa north of the Waikanae River, off Puriri Rd. Several marked graves on the top and slopes of a sand dune; the urupa is within a wahi tapu.”
2. “Waimeha: pa near mouth of Waimeha Stream where the stream meets the Waikanae River. Carkeek notes it was also referred to as a burial ground by Eruini te Marau, whose mother was buried there, and it was referred to as a burial ground by Hira Maika, who said that Waipunahau is reported to have been buried there on her death in 1853; she was the mother of Wi Parata Te Kakakura Waipunahau, Chief and leader if Te Ati Awa.”
3. “Arapawaiti: A burial ground on the south side of the Waikanae River near the old Ferry Inn at Otaihanga.”
4. “Karewarewa: exact location is not known but it is was reported to an 1890 Land Court Hearing by Mere Pomare, mother of Sir Paul Pomare, as being on the northern side of the Waikanae River. Mere Pomare noted that her mother, the famous Chieftainess Te Rauoterangi, who signed the Treaty of Waitangi, was buried there.”

<sup>151</sup> O’Keeffe 2012:6

Takamore was formally set aside as Urupa by the Native Land Court in 1897 as Ngarara West A24C. The Historic Places Trust review report for a wahi tapu area designation for Takamore<sup>152</sup> notes that “traditionally, the Takamore urupa extended south of the boundary of Ngarara West A24 and west to the wetlands and the encircling crescent of dunes west of the wetlands.”

Burials practices tend to vary depending on the circumstances surrounding the death. The status of the deceased, tribal affiliation, and geo-political environment at the time of death are factors that individually or collectively may influence burial practice. The shift from traditional burials and emergence of different forms of burial practice dates to the post-contact period, particularly following the introduction of Christian missionaries to New Zealand and the gradual uptake of European/Christian burial practices.

Early ethnographic observations regarding traditional funeral rites and practices recorded the tikanga associated with the burial of people of different status,<sup>153</sup> cremation practices,<sup>154</sup> tangi and ceremonial gathering,<sup>155</sup> and change to contemporary funeral practices.<sup>156</sup>

Prior to the adoption of European burial practices during the 19<sup>th</sup> century, the practice of interring the dead by Maori took a number of forms, and today these are recognized within a variety of archaeological contexts, quite often within the same archaeological site.<sup>157</sup> For example, during excavations for the northern runway at Auckland International Airport human remains were discovered in several contexts: in large oval pits (rua kopihā), in shallow scoops, and as both single internments and multiple graves. Several graves at the site had also been revisited to remove bones or add the bones of other people.<sup>158</sup> At the Masonic Tavern site in Devonport, Auckland,<sup>159</sup> a variety of burial contexts were encountered including; vertical and horizontal crouch burials, prone burials, burials where partial exhumations had occurred with certain bones removed, and in one case a burial burnt post deposition. Other New Zealand burial contexts include placement in midden, tree hollows, caves, lava tubes, rock overhangs, crevices, and abandoned at battle sites.<sup>160</sup>

In the vicinity of the project area a number of burial contexts are recorded as archaeological sites (Table 4, Figure 31).

Table 4: Recorded burial sites proximate to the subject property.

NZAA Site Number	Type	Description
R26/96	Burial ground?	Appears to have been recorded as a possible burial ground on the basis of a description of Field's (1892:592) Mōa bone discovery, who noted that: “the spot where the bones were found was close to an old Maori burial-place, where, a few years ago, there were human skulls and bones lying around plentifully owing to the sand having drifted off them,” also noting (1892:563); “but at one place what appeared to have been an ancient Maori cemetery was laid bare, and a good many skulls were picked up and carried away by visitors.” The site location is given in ArchSite as 4 Pateke Way (+/- 100m), located south of the Waikanae River. The NZAA site record form

<sup>152</sup> Sterling 2011:4

<sup>153</sup> Tregear, 1904

<sup>154</sup> Best, 1914

<sup>155</sup> Salmond 1976

<sup>156</sup> Beaglehole, E., & Beaglehole, P. 1945

<sup>157</sup> Bickler et al., 2017:40

<sup>158</sup> Campbell 2011:149-150

<sup>159</sup> Gibb, forthcoming.

<sup>160</sup> Bickler et al., 2017:40

		noting that “the site could have been the battle ground at Te Uruhi where between 1835 and 1840 warfare was rife.” Refer HPT authority 2004-237 for further details of investigation at the site.
R26/231	Burial	A complete adult skeleton with a shattered right femur and musket ball next to the body, found in a dune blowout on the south side of the Waikanae River. The remains were removed and reinterred elsewhere. Burial estimated to be c.1840. Located at 18 Taranui Way (+/- 100m).
R26/272	Takamore wahi tapu	Takamore Urupa, gazetted in 1878 and registered as a Wahi Tapu Area with Heritage New Zealand Pouhere Taonga. Takamore Urupa is located immediately west of the M2PP expressway, accessed from Flaxmere Street.
R26/305	Midden/burial	Human Remains and midden exposed as a result of machine excavations at the Waikanae Golf Course. Reburied close to the site where future disturbance is unlikely. <sup>161</sup>
R26/311	Midden/burial	Burial located under concrete floor pad of a garage at 102 Weggery Drive. On discovery of the burial it was decided to leave it in situ and following a blessing it was covered with the concrete pad.
R26/456	Burial/cemetery	At least nine individuals disturbed during trenching for services at Wi Kingi Place within the Stage 6 WLC subdivision. Bones removed and reinterred by iwi on site under authority 2001/189.



Figure 31: Location of burials recorded in the New Zealand Archaeological Association ArchSite, proximate to the WLC Stage 4B proposed development. Source: ArchSite 2021.

<sup>161</sup> Forbes, S., 2000



#### 4.5.4 Other Heritage Sites and Features

There are no listed historic places under the Heritage New Zealand Pouhere Taonga Act 2014, or scheduled Historic Heritage Areas, Historic Heritage Places, or Waahi Tapu in the Proposed Kapiti Coast District Plan (Appeals Version 2018) in the Stage 4B area (Figure 32).



Figure 32: Screen shot of the Proposed Kapiti Coast District Plan (Appeals Version 2018) on which no designations are shown for historic places or areas, or waahi tapu in or proximate to the Stage 4B development area. Source KCDC ePlan – accessed 1 March 2021.

#### 4.6 Karewarewa

Te Atiawa attribute the name Karewarewa to Ngarara West A14B1, whose boundary passes through part of the WLC Stage 4B development. The name Karewarewa does not appear in any known historic maps of the area and it is not clear when the name Karewarewa first appeared in the modern vernacular with reference to the cemetery reserve area, but by the 1890s the name was in use in the Maori Land Court. Te Karewarewa is used by descendants of Te Atiawa to refer to the area at the confluence of the Waikanae and Waimeha rivers. According to Baker,<sup>162</sup> the area of historic settlement at the confluence of the Waikanae and Waimeha River has been referred to as Te Kuititanga, Waimeha and Te Karewarewa, and suggests this either refers to one settlement known by multiple names, or several spatially or culturally distinct entities.

The date of origin for Karewarewa is unknown and, according to Carkeek,<sup>163</sup> the exact location of Kawerawera is not known, but he noted that Wi Parata referred to it as a ‘village’ which belonged to his ancestors Rawiri Toko and Te Pono. However, this is a misrepresentation of Wi Parata’s testimony by Carkeek; his statement actually called Karewarewa an allotment.<sup>164</sup> At the Ngarara Hearing in April 1890,

<sup>162</sup> Baker 2015:5

<sup>163</sup> Carkeek 1965:115-116.

<sup>164</sup> Otaki Minute Book 11:273

Mary Pomare stated that Karewarewa was on the northern side of the Waikanae River and that she once worked there. This was contested by Wi Parata<sup>165</sup> who testified: “Karewarewa: This place belongs to me. This was the allotment of my ancestor Te Kono [Te Pono]. It is not now in my occupation - I never saw Mary [Mere Pomare] working here or Inia [Pomare’s husband] either.” Parata also claimed that it was one of two places where Te Haukaione resided shortly after the gift of land in the Waikanae district by Te Pehi and Rangihoroa.<sup>166</sup> At an earlier session of the hearing in March 1890, Epiha Paikau was said to be living at Karewarewa.<sup>167</sup>

Mary Pomare also called Karewarewa a burial ground stating several Te Atiawa tupuna were buried there including the chieftainess Te Rau-o-te-Rangi, a man named Rangihaeata, Ihaia Paihia, his son and wife, Mere’s own mother, and some of Wi Parata’s ancestors.<sup>168</sup> However, according to the biographical entry in *Te Ara – The Encyclopaedia of New Zealand*,<sup>169</sup> the resting place of Te Rau-o-te-Rangi is uncertain, noting that alongside the Karewarewa burial location, “some say she is buried on Kapiti...others believe she lies in the little cemetery in Queen Elizabeth Park, Paekakariki.”

Baker,<sup>170</sup> referencing Carkeek, suggests that Wi Parata was buried there. However, Parata stated to the Maori Land Court<sup>171</sup> that his mother was buried at Waikanae with no specific place named. At the time of her death she was living at Kenakena.<sup>172</sup>

Maclean<sup>173</sup> also places the location of Karewarewa on the north bank of the Waimea River.

Waimeha is also referenced as a burial ground at the Ngarara Hearing. Eruini te Marau said this was where his mother Te Ripu (or Meturia) is buried, while Hira Maeka stated this chieftainess Metapere Te Waipunahau was also interred here.<sup>174</sup>

Moore<sup>175</sup> states that the exact date when the Karewarewa urupa was last used for burials is unknown, stating that local knowledge places burials at the site occurred ca 1839, around the time of the Battle of Kuititanga, and may have included those who fell in battle, while Baker<sup>176</sup> contends that “[t]he fallen of Te Kuititanga are the first people where there is recorded evidence of burials in the area of interest.”

The location of burials relating to the battle of Te Kuititanga are not explicitly recorded. Moreover, the primary sources that recount the event offer contrasting reports of the event and internment of the dead. Dieffenbach<sup>177</sup> stated that Te Atiawa buried their own dead without giving a location and that they buried the dead Ngati Raukawa in one common grave, with their personal possessions. Smith<sup>178</sup> reported similarly, noting that Ngati Raukawa prisoners were marched back to Kenakena where fifty-five were executed and buried in a mass grave. Heaphy<sup>179</sup> recorded that the dead of the enemy were buried amongst the sand-hills,

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<sup>165</sup> *ibid*

<sup>166</sup> Carkeek 1965:116.

<sup>167</sup> *Otaki Minute Book* 11:196

<sup>168</sup> Carkeek 1965:116.

<sup>169</sup> <https://teara.govt.nz/en/biographies/1t73/te-rau-o-te-rangi-kahe> (accessed 28/02/2021).

<sup>170</sup> Baker 2015:8

<sup>171</sup> Ngarara Hearing 11:258

<sup>172</sup> Kerr, R n.d.:3

<sup>173</sup> MacLean 1988:18

<sup>174</sup> *Otaki Minute Book* 11:161.

<sup>175</sup> Moore n.d.:18

<sup>176</sup> Baker 2015:8

<sup>177</sup> Dieffenbach 1843:104

<sup>178</sup> Smith 1910:556

<sup>179</sup> Heaphy 1889

with no location stated, and Wakefield<sup>180</sup> recorded that Te Atiawa buried their fallen enemies on the field of battle.

Carkeek<sup>181</sup> drawing on these primary sources, recounted a tangi for a chief lying in state on a platform in Kenakena Pa,<sup>182</sup> with the bodies of slain persons of inferior rank lying in state on the verandas of their respective houses, each covered with a ceremonial mat, and with the personal weapons placed conspicuously beside.

In 1851 a significant event occurred in the area when Wirimu Kingi sent a large contingent of his people back to Waikanae to disinter the bones of their dead and repatriate them back to Waitara.<sup>183</sup> These may have been high ranking iwi members whom may have participated in the battle of Te Kuititanga.<sup>184</sup> However, there is no known record regarding the disinterment and repatriation of the koiwi, where they were exhumed from, or how many individuals were repatriated.

The uncertainty surrounding the names and locations of burial sites was demonstrated as late as 1926 when Pone Tamihana wrote a letter<sup>185</sup> to the Native Survey Office asking for "...a copy of sketch map of Waimea Block and show the two cemetery: Waimea Cemetery and Takamore Cemetery, that show on the map", the reply from the Chief Surveyor<sup>186</sup> stated that "...I have to advise you that there is no plan in this office showing the Waimea and Takamore cemeteries, but if you will inform me on what block of land these are situated a sketch plan could probably be prepared." It is possible that the Waimea Cemetery mentioned is in fact the Ngarara West A14B1 cemetery partitioned and surveyed 7 years earlier. However, the subdivision plan produced for the cemetery partition ML 3495 did not annotate the 20 acre block Ngarara West A14B1 as a cemetery, or attribute any name to the block apart from the appellation.

### *Headstones*

The presence of two headstones discovered in the area represent individuals interred in 1848 (Durie) and 1852 (Browne), the headstones also indicating European style burials. Rex Kerr<sup>187</sup> has provided more detailed research on these burials:

William Browne was born in 1812 and died in 1852, aged 40. His date of birth indicates he was probably a pakeha most likely born in Scotland and who may have had a Māori wife, but there is no evidence of this. He could have been the brother or cousin of Andrew Browne who was the storekeeper on Tahoramaurea (Browne's Island) for an American whaler Captain William Mayhew. Andrew Browne (41), a widower and his two sons David (16) and John (19) arrived in Petone on the *Aurora* in 1840.<sup>188</sup> Andrew Browne also farmed on Kāpiti and later at Paremata and died at sea on a return trip from Scotland in 1851. On his death his son David took the over the property. He had three wives, the first unknown, the second was Rangiuiira of Ngāti Raukawa with whom he had daughter Matilda. She left him to return home to her people and in 1859 he married Mary Ann Morgan aged 16 of Tawa with whom he had 18 children.<sup>189</sup>

<sup>180</sup> Wakefield 1845:124

<sup>181</sup> Carkeek 1965:61

<sup>182</sup> This event is depicted in a painting by Charles Heaphy titled 'Corpse of chief killed in battle lying in state, Waikanae.'

<sup>183</sup> Carkeek 1965:90 citing Taylor Journal 12 August 1851.

<sup>184</sup> Kerr, R n.d.:3

<sup>185</sup> 20/27

<sup>186</sup> 20/27:15

<sup>187</sup> Kerr, R. n.d.:3

<sup>188</sup> Ward, E. 1928:23 cited in Kerr. R (n.d).

<sup>189</sup> Kerr, R. n.d.:3

Kerr notes that both Baker and O’Keeffe mention William Franklin Browne in their reports<sup>190</sup> as a possibility of being the person named on the tombstone but correctly reject him as being unlikely. William Franklin Browne died 1911 in Wellington<sup>191</sup> and was buried in the Karori Cemetery. He was the husband of Ellen (Erena) Jenkins who was the daughter of Pairoke of the Puketapu hapū of Te Ātiawa. Members of their family died much later than 1852. Erena died in Whakatane in 1889.<sup>192</sup> Jenkins at the Ngarara hearing 1891 claimed the whole of Paraparaumu for his children by Pairoke who were living at Te Uruhi in 1873.<sup>193</sup>

Margaret Maria Durie died in Wellington Hospital aged 3 in 1848<sup>194</sup> of Whooping Cough and was the daughter of David and Penelope Durie; not to be confused with a younger daughter Penelope who died in Whanganui aged 5 in 1855 of Whooping Cough. Major David Durie was the Inspector of Police in charge of nine Police Officers stationed at Waikanae (1847-1851) some of whom were Māori.<sup>195</sup>

Another headstone bearing the name George Ashdown (died 1865) was reportedly discovered during the initial dredging of the Waimeha Lagoon in the early 1970s.<sup>196</sup> Baker states that Ashdown had nine children with a Te Ātiawa woman named Maata Pekamu.<sup>197</sup> However it is not known exactly where in the lagoon the headstone was purportedly dredged, and it is not known if it was in its primary context prior to its disturbance.

The burials disturbed in 2000 in Stage 6 in Wi Kingi Place and plan of mapped graves in the 1896 survey field book demonstrate that the site was in use as a cemetery/urupa and although no direct connection has been made between these and the two tombstones discovered at the site, there is a some spatial correlation between the three suggesting they could be related. The analysis of the human remains by Nancy Tayles<sup>198</sup> identified 2 individuals of Maori origin, with the ethnicity of the other 7 inconclusive, and no grave goods were described by Forbes or Tupara who attended the site and exhumed the burials on July 2000. Kerr<sup>199</sup> postulates that the European people buried there must have had some standing with Te Ātiawa to be invited to bury their dead in the urupa when there were no European cemeteries in the district at that time. The site does not appear to have been used for burials in the 20<sup>th</sup> century, as there are no recorded burials during this period, nor surface evidence of burials.

The site also retains the human remains that were exhumed in 2000 which were re-interred under Heritage New Zealand Pouhere Taonga authority 2001/189. The authority had only two conditions: that prior to re-interment, the location of the area to be re-excavated is accurately determined by survey as so as to ensure no further disturbance to the remaining burials occurs, and; that any excavations are monitored by an approved archaeologist so as to ensure that any further disturbance to the site is kept to a minimum. The human remains were re-interred in or close to the location where they were found.<sup>200</sup> This location is shown on figure 15 of the 2018 geophysical survey report.<sup>201</sup> It is not known how this location was selected nor if it was tested prior to excavation, or if further human remains were encountered during the reinterment

<sup>190</sup> Baker 2015, O’Keeffe 2012

<sup>191</sup> William Franklyn Browne, Register Births Deaths & Marriages. Wellington, 1911, No20190143426.

<sup>192</sup> Erena Ellen Jenkins, 1844-1889, <https://www.geni.com/people/Erena-jenkins/6000000021372822457>

<sup>193</sup> Otaki Maori Land Court Minute Bk 11, 1891:5-6.

<sup>194</sup> Margaret Maria Durie, Register Births Deaths & Marriages, Wellington, 1848. No 20190143526.

<sup>195</sup> Kerr, R. n.d.:3

<sup>196</sup> Baker 2015:9

<sup>197</sup> Ibid.

<sup>198</sup> Tayles 2001

<sup>199</sup> Kerr, R. n.d.:3

<sup>200</sup> Paora Ropata, brief of evidence Wai Trib. p.23

<sup>201</sup> Bader 2018

process. It appears that no survey coordinates were sent to Heritage New Zealand giving the reinterment location and there was no reporting requirement set out in the authority.

A recent report by the Waitangi Tribunal<sup>202</sup> addressed Treaty breaches by the Crown in relation to the Ngarara West A14B1 and Karewarewa urupa. WLC were not a party to the Tribunal proceedings and were not invited to provide any evidence pertaining to their landholding, such as of the results of the more recent geophysical surveys.

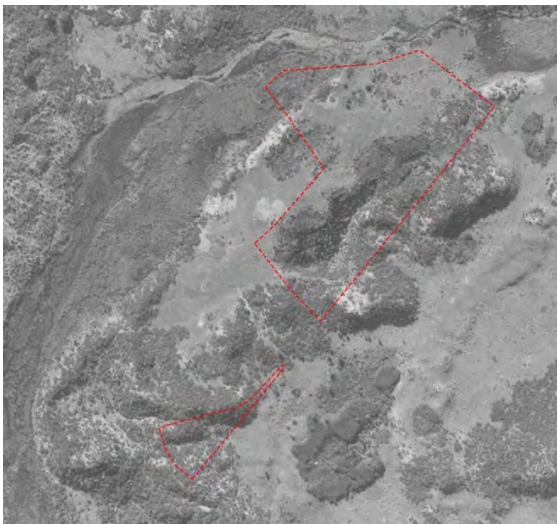
Baker<sup>203</sup> contends that Te Karewarewa has values as an archaeological site of high national and cultural significance, being the location of the Battle of Kuititanga and as a waahi tapu tuturu and urupa. Cultural values can only be determined by tangata whenua, but cultural values and archaeological values are inherently assessed differently and should not be conflated. O’Keeffe, in her witness statement to the Waitangi Tribunal<sup>204</sup> discussed the archaeological values she considered for Tamati Place<sup>205</sup> stating; “I consider the archaeological values to be of less significance than what I understand are the cultural and traditional values of the site.”

The presence of burials defines the place as an archaeological site as per the Heritage New Zealand Pouhere Taonga Act and the extent of the site is by and large defined by the area where the burials are known. Such knowledge could only be obtained from an exploratory process somewhat more invasive than the Geophysical surveys which have been undertaken and are as discussed in Section 4.8 below.

#### 4.7 Historic Aerial Imagery

General land change patterns can be interpreted from historic aerial imagery, such as those stored in Retrolens<sup>206</sup> – a digital repository of geo-rectified historic imagery dating back to the 1940s, LINZ and Google Earth. A range of images dating from 1942 have been analysed to interpret the changes to the landscape in the subject area (Table 5):

Table 5: Landscape change in the subject area ca 1942 – present.

	<p><b>1942</b></p> <ul style="list-style-type: none"> <li>-Waimeha Stream is a small channel and largely inundated and swampy along the wider margins. This channel is the 1921 diversion created by Willie Field.</li> <li>-Vegetation in the general area consists of low dune grass and scrub.</li> </ul> <p><b>Stage 4B</b></p> <ul style="list-style-type: none"> <li>-Topography consists of sloping dunes.</li> </ul> <p><b>Stage 6</b></p> <ul style="list-style-type: none"> <li>-Topography consists of low flat dune ground with a dune running SW-NE along the eastern boundary. NW corner appears to be swampy ground. There also appears to be a swampy area in the bottom of the property.</li> </ul>
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<sup>202</sup> Wai 2020


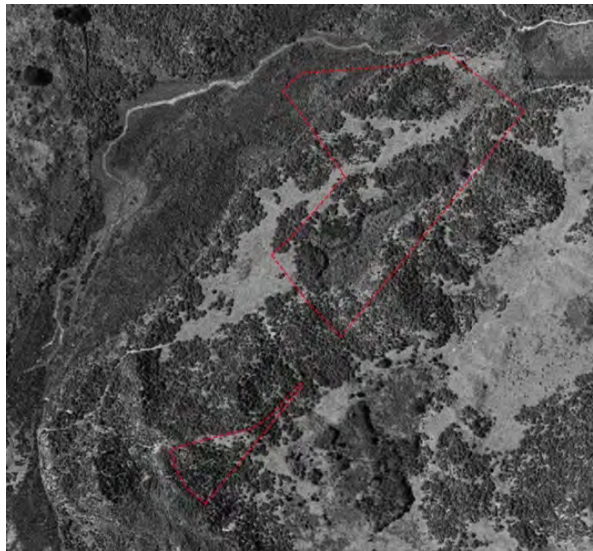

<sup>203</sup> Baker 2015:21




<sup>204</sup> O’Keeffe 2020:7

<sup>205</sup> Although not specifically mentioned in her testimony here, it is assumed that she is also referencing Wi Kingi Place as well.




<sup>206</sup> [www.retrolens.co.nz](http://www.retrolens.co.nz)



	<p><b>1952</b></p> <ul style="list-style-type: none"><li>-Little change to the Waimeha Stream.</li><li>-Slight increase in vegetation cover.</li><li>-No significant topographic change.</li></ul>
	<p><b>1957</b></p> <ul style="list-style-type: none"><li>-Little change to the Waimeha Stream.</li><li>-Further increase in vegetation cover.</li><li>-No significant topographic change.</li></ul>
	<p><b>1964</b></p> <ul style="list-style-type: none"><li>-Slight widening of the Waimeha Stream channel.</li><li>-Reduction of large areas of scrub in Stage 6 area.</li><li>-No significant topographic change.</li></ul>

	<p><b>1966</b></p> <ul style="list-style-type: none"> <li>-Waimeha Stream unchanged from 1964.</li> <li>-No major changes to vegetation or topography.</li> </ul>
	<p><b>1973</b></p> <ul style="list-style-type: none"> <li>-WLC development underway</li> <li>-Waimanu Lagoon now established.</li> <li>-Roads and some sections developed in wider area.</li> </ul> <p><b>Stage 4B</b></p> <ul style="list-style-type: none"> <li>-Possible blowout from northern dune since 1966.</li> <li>-Covered in scrub</li> </ul> <p><b>Stage 6</b></p> <ul style="list-style-type: none"> <li>-Earthworks apparent in western and northern parts.</li> <li>-Shed located in NW corner.</li> <li>-Swampy area filled and spoil heap established. Northern end of dune modified.</li> <li>-Houses established on several sections on SW-NE dune outside of the eastern boundary.</li> </ul>
	<p><b>1977</b></p> <ul style="list-style-type: none"> <li>-Track established from end of Queens Rd for Queens Rd extension and to preform Barrett Drive, Major Durie Place and Te Ropata Place.</li> </ul> <p><b>Stage 4B</b></p> <ul style="list-style-type: none"> <li>-Levelling of dunes north of property .</li> </ul> <p><b>Stage 6B</b></p> <ul style="list-style-type: none"> <li>-Little change to property.</li> </ul>



	<p><b>1980</b></p> <ul style="list-style-type: none"> <li>-Little change to topography</li> <li>-Queens Rd extension, Barrett Drive and Major Durie Place yet to be constructed.</li> </ul> <p><b>Stage 6B</b></p> <ul style="list-style-type: none"> <li>-Scrub re-established across most of property.</li> <li>-Track cut through scrub.</li> </ul>
	<p><b>1987</b></p> <ul style="list-style-type: none"> <li>-No significant change in topography of vegetation.</li> </ul> <p><b>Stage 4B</b></p> <ul style="list-style-type: none"> <li>- A small track is established through the property.</li> </ul> <p><b>Stage 6</b></p> <p>Appears to be grazed with hay bales present.</p>
	<p><b>1991</b></p> <ul style="list-style-type: none"> <li>-Major earthworks across both Stage 4B and Stage 6.</li> <li>-Queens Rd extension complete and new houses established.</li> <li>-First section of Barrett Drive under construction.</li> </ul> <p><b>Stage 4b</b></p> <ul style="list-style-type: none"> <li>-Dunes in area outside of 4B levelled including dune within western boundary of 4B to form a flat terrace.</li> <li>-Earthworks to entrance and access way to 4B from Barrett Drive construction area.</li> </ul> <p><b>Stage 6</b></p> <ul style="list-style-type: none"> <li>-SW-NE dune significantly modified</li> <li>-NE corner of property filled.</li> <li>-Tamati Place entrance under construction.</li> </ul>

	<p><b>1999</b></p> <ul style="list-style-type: none"> <li>-Houses are being established throughout wider area and up to the boundaries of Stages 4B and 6.</li> </ul> <p><b>Stage 4B</b></p> <ul style="list-style-type: none"> <li>-Mostly unchanged since 1991.</li> </ul> <p><b>Stage 6</b></p> <ul style="list-style-type: none"> <li>-Tamati Place entrance now formed.</li> <li>-Property appears grassed.</li> </ul>
	<p><b>2005</b></p> <ul style="list-style-type: none"> <li>-Houses established throughout wider area and up to the boundaries of Stages 4B and 6.</li> </ul> <p><b>Stage 4B</b></p> <ul style="list-style-type: none"> <li>-Mostly unchanged since 1999 but terrace along western boundary appears to be recently modified.</li> <li>-Retaining established along northern boundary</li> </ul> <p><b>Stage 6</b></p> <ul style="list-style-type: none"> <li>-Tamati Place entrance formed.</li> <li>-Old earthworks for services undertaken in 2000 along Tamati and Wi Kingi Place evident.</li> </ul>
	<p><b>2019</b></p> <ul style="list-style-type: none"> <li>-Stage 4B and Stage 6 unchanged since 2005.</li> </ul>

## 4.8 Geophysical Surveys

Within a New Zealand context, the suitability and efficacy of geophysical surveys for detecting buried human remains has been investigated and guidelines for the use of geophysics in heritage management developed.<sup>207</sup> The selection of the appropriate survey method is dependent on a number of variables such as soils types, burial forms, topography and the underlying geology. The chosen methodology can be used to:

- locate unmarked prehistoric and historic period burials
- determine the extent of a cemetery/urupā
- locate unrecorded historic burial plots
- determine used and unused areas of cemeteries
- and cost assessments and planning for exhumations<sup>208</sup>

Three geophysical surveys have been undertaken within the Stage 6 area to investigate the possibility of further unrecorded burial at the site. The first survey was conducted in 2003 by Martin King of G.P.R Geophysical Services who used Electromagnetic Induction (EM) and Ground Penetrating Radar (GPR) techniques to investigate the site. A second geomagnetic survey was undertaken by Hans Bader of Archaeology Solutions Ltd. in 2018, followed by a third geomagnetic and GPR survey undertaken by Southern Geophysical in 2019.

King's results from the EM survey<sup>209</sup> revealed the detection of existing services but according to King, no other "...regular pattern of soil conductivity changes were discernible", thus in his opinion rendering EM as not adequate and GPR most likely the preferred survey technique for the site. Results from his GPR survey again detected underground services and also a number of 'significant anomalies' which were located between 1m and 1.5m depth. King determined that if an anomaly was only detected on one radar scan and not an adjacent pass then he recorded these as an 'object' which he determined "...may or may not be a grave related feature." Whereas significant anomalies that were seen on two or three adjacent scans were interpreted as possible gravesites, suggesting that this signature would have a typical grave dimension of 1.5 to 2m in length. King concluded that all the detected anomalies suspected to be grave related were located in or around the Wi Kingi Place area (Figure 33 and Figure 34) and that the "data collected from Tamati Place as far as Barrett Drive and the areas surrounding Tamati Place, showed no significant signs of any history of soil disturbance that is likely to have been caused by grave related excavation."<sup>210</sup>

A second geophysical survey to reinvestigate the site was commissioned by Fitzherbert Rowe Lawyers in 2017 on behalf of WLC, this time the survey technique being restricted to a geomagnetic survey, with the survey undertaken by Dr. Hans Bader from Archaeology Solutions Ltd. Bader<sup>211</sup> critiqued King's survey design arguing that the resolution chosen by King (1m spacing) was insufficient and thus there is a possibility that some features were overlooked, citing European guidelines for GPR surveys on suspected burials<sup>212</sup> which recommend a resolution of 0.25m line spacing. Furthermore, Bader (again citing the same European guidelines) suggested that single isolated GPR profiles should only be considered where large linear features

<sup>207</sup> Bickler et al., 2017

<sup>208</sup> Ibid, Jones 2008,

<sup>209</sup> Ibid:11

<sup>210</sup> Ibid:11-14

<sup>211</sup> Bader 2018:22

<sup>212</sup> Derived from: English Heritage. 2008. Geophysical Survey in Archaeological Field Evaluation. Research and Professional Services Guideline No 1.

such as ditches can be crossed at right angles, and that GPR surveys with a 0.25m x 0.05m resolution should be used to create a three-dimensional data cube to delimit and map archaeological sites and features.<sup>213</sup> Bader identified geomagnetic surveys as a suitable method for detecting pits as long as the survey resolution was 0.5m x 0.25m, suggesting that this methodology followed the recommended guidelines he cited.

The gradiometer survey detected a “multitude of anomalies”, most of which were deemed to relate to modern developments.<sup>214</sup> However, a number of anomalies were detected that were interpreted as being consistent with small pits, with some of these having some spatial correlation to anomalies recorded previously by King. Bader tentatively identified a number of small anomalies - that he described as having a ‘washed out’ appearance with largely negative values - as possible burial pits (Figure 35).

In an attempt to verify the results of his geomagnetic survey Bader, under HNZPT authority 2017/316, excavated a test pit at the site in April 2017 with the aim of verifying the results of the geomagnetic survey by determining the depth and nature of the substrate and the location and depth of dumped material, to assist in the interpretation of the geomagnetic data.<sup>215</sup> Bader<sup>216</sup> interpreted the soil strata in the excavated pit as:

“... a deep topsoil, dark brown in the upper, modern part of it and more darker in the lower part. It overlays clean sand. There is no indication of a layer of dredged sand. The depth of the top soil indicates centuries of build up of the top soil.”

Using this stratigraphic interpretation, Bader deduced that the original surface (meaning the surface around the time that the burials occurred) was close to the contemporary surface in the north and north-western part of the geophysical investigation area (i.e. not covered with overburden), and therefore, the anomalies could be interpreted as “possible small pits cut into the original topsoil.” Bader concluded that the survey was problematic as small subsurface intrusions such as burial pits are difficult to detect without any further context, such as kainga or pa.<sup>217</sup> However, the presence of known burials at the site, along with a basic understanding of the form of burial practice used does provide a direct context. It should also be noted that burials and urupa are often not directly spatially associated with kainga or pa.

The last geophysical investigation was undertaken by Southern Geophysical<sup>218</sup> who undertook both magnetic gradiometer and GPR surveys over the site. The magnetic gradiometer survey was undertaken first so as to generate a magnetic gradient anomaly map to enable the identification of possible burials. Data from this survey led to the identification of fifty discrete anomalous locations that Southern Geophysical deemed warranting more detailed survey utilizing GPR. They concluded<sup>219</sup> that:

“results from the combined survey methods revealed five locations which may possibly contain burial plots. Of the five locations, two show many features indicative of a ‘typical’ burial plot. Two additional locations show some features indicative of a ‘typical’ burial plot, albeit shallow. A single location contains two anomalies which aren’t typical of burial plots; however, contain enough similarities to warrant additional investigation or caution.”

A comparison by Southern Geophysical of their and Archaeology Solutions magnetic gradiometer surveys showed the results to be generally comparable, although Southern Geophysical detected additional ferrous

<sup>213</sup> Bader 2018:22

<sup>214</sup> Ibid:26

<sup>215</sup> O’Keeffe, M., 2017

<sup>216</sup> Bader 2018:10

<sup>217</sup> Bader 2018 :33

<sup>218</sup> Southern Geophysical, 2019

<sup>219</sup> Ibid:26

material that was not present in the previous survey, suggesting deposition of this material after the Archaeology Solutions survey. The Southern Geophysical GPR survey results revealed two distinct areas: the southern side with no evidence of buried objects or disturbance that could be interpreted as possible burial plots; and the northern area where anomalous features were identified in twelve grids where the five locations (Figure 36) were interpreted as appearing to "...show characteristics which could be indicative of possible burial plots."<sup>220</sup>

Apart from a very large implement shed that contained sleeping quarters and a kitchen and dining area and which was demolished on site within the geophysical survey area during the early stages of development of Stage 6, and which likely deposited some metal based material on the site, there have been no other significant structures on the site.

Correlations between certain anomalies in the geophysical surveys demonstrates some alignment in the chosen methodologies used to investigate the site. However, there is clearly variability in the results, possibly due to the presence of additional material added to the site between surveys following the demolition of the farm building, and also variability with the interpretation of the data, which likely demonstrates the subjectivity of the interpretation. Geophysical data manipulation is generally derived by the adjustment of software to set parameters that can adjust results to agreeable or perceived levels, which in turn leads to questions regarding the validity of the interpretation. Clearly, there is a significant divergence between how many anomalies have been interpreted as burials between the Archaeology Solutions survey (possible burial pits) and Southern Geophysical survey (indicative of a 'typical' burial plot/may be indicative of a 'typical' burial plot).

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<sup>220</sup> Ibid:4



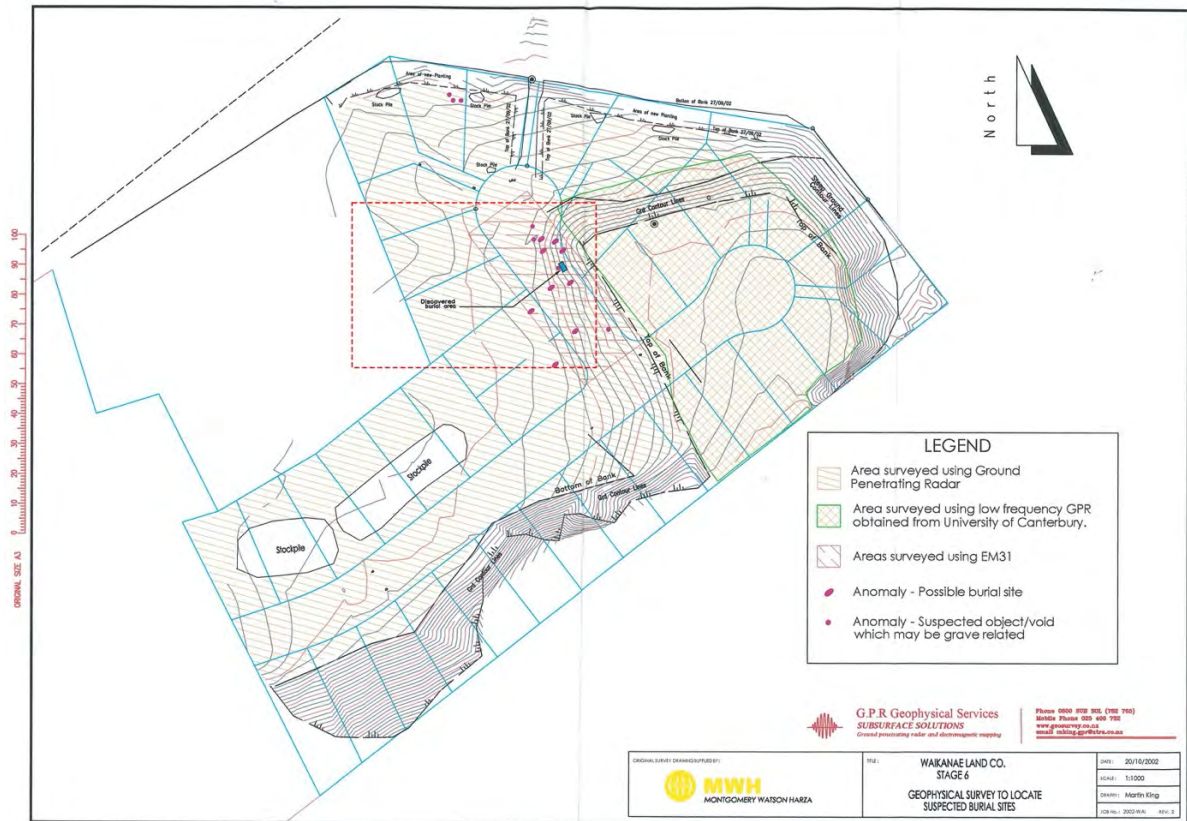


Figure 33: Results of the G.P.R Geophysical Services survey. Source: G.P.R. Geophysical Services. The dashed red square has been added by the author of this report to show the area of inset for Figure 34 below.



Figure 34: Inset from Figure 33 showing "Discovered Burial Area". Source: G.P.R. Geophysical Services.



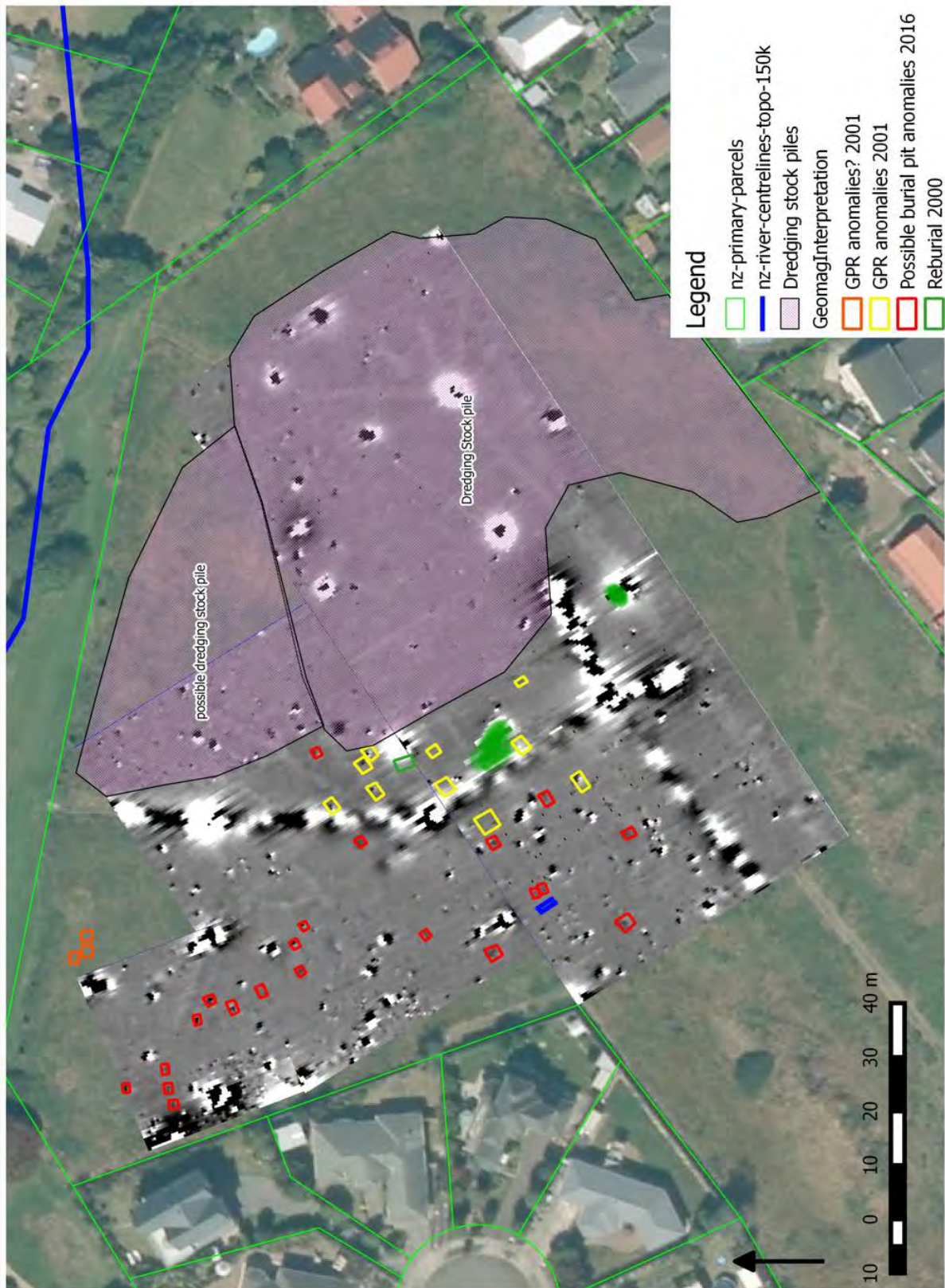


Figure 35: Results of the Archaeology Solutions survey. Source: Archaeology Solutions Ltd.



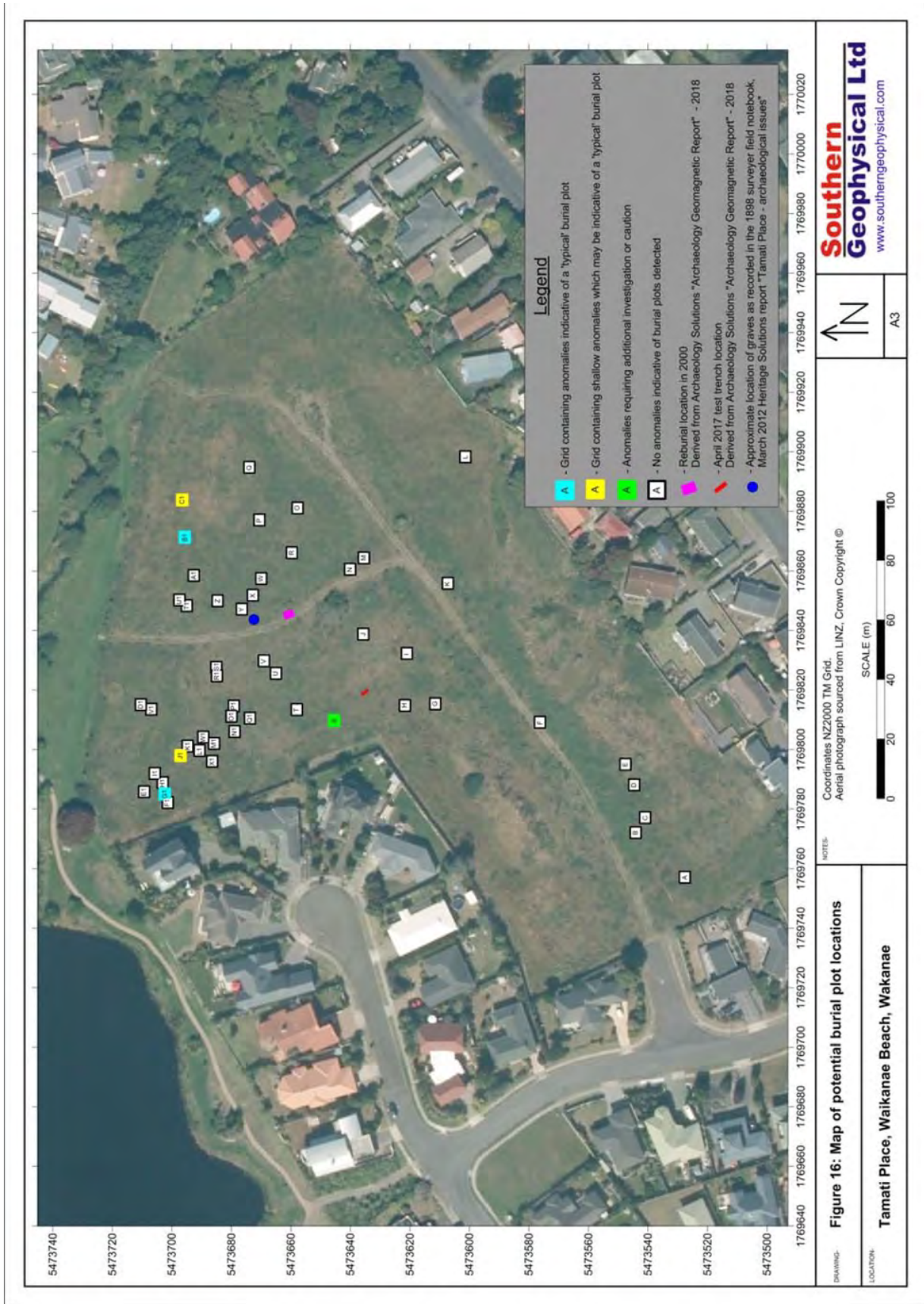


Figure 36: Results of the Southern Geophysical surveys. Source: Southern Geophysical Ltd.

The interpretation of data from all three comes coupled with certain caveats and disclaimers. Bader tempers the qualifying of his results by stating that “any geophysical method used in an archaeological context relies on accurate pattern recognition. Pattern recognition can be ambiguous and more than one explanation model can fit a pattern”, while Southern Geophysical note that “non-invasive geophysical testing has limitations and is not a complete source of testing.”

Limited discussion was included in the geophysical survey reports regarding the form of potential burials and the influence of these on survey design and results. For instance, King<sup>221</sup> suggest that it was “common custom with Maori burials for the body to be placed in an east-west direction”, and therefore to maximize the chance of detection during the survey, his scan lines were aligned in a south-north or north-south direction to increase the detection potential of burials interred this way by crossing the potential burial in a manner that would present the largest target possible. Bader<sup>222</sup> notes that burials are very difficult to detect whichever geophysical survey method is chosen, whereas Southern Geophysical<sup>223</sup> observed that it is unknown if the individuals were buried in a ‘typical’ European style or a more traditional pre-European crouch burial, whether they were separate interments, or if ferrous elements were part of the coffin/burial furniture or burial goods.

Southern Geophysical also suggest that it was not known what form the exhumed burials took.<sup>224</sup> This is not entirely correct. When Susan Forbes first visited the site on 5<sup>th</sup> July 2000 following the initial discovery of human remains, two skulls, one scapula fragment, two clavicles, rib fragments and two leg bones had been removed from the stormwater trench where they were discovered, and a number of other bones were recovered from the adjacent trench fill. However, further investigation of the trench when Forbes revisited the site on the 20<sup>th</sup> July with two Te Ati Awa kaumatua revealed in situ burials in primary deposition with associated wooden burial furniture. Forbes provided a brief description of the in situ burials in a witness statement for a prosecution brought against Payne Sewell Ltd and Higgins Contractors Ltd:<sup>225</sup>

“Bones recovered had been either laid on wooden slats or in coffins. They were all buried at the same ground level, indicating one shorter period of burial (for at least the area that was exposed). Mixed with the burials was material from earlier shell middens, indicating that the burials had been carried out after the occupation phase associated with the middens.”

Although Forbes did not provide detail as to the depth of the burials in her witness statement, she does mention the depth of midden she observed in recently dug service trenches as being “...ca. 20cm below the current ground level.” McFadgen<sup>226</sup> reported midden was found at a depth of 600mm depth in a service trench in Tamati Place, although it is unclear what the source of this information was.

Further detail regarding the context of the burials was provided in a witness statement for the aforementioned prosecution by Nick Tupara,<sup>227</sup> who also visited the site on the 20<sup>th</sup> July, 2000 with Forbes, and stated that in the course of the removal of one body from the trench (by Forbes) “...a further one appeared so close to the surface that it was likely that it would too fall out into the open.” Following the removal of this body (the last to be removed), Tupara described the resultant burial pit area as “...about

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<sup>221</sup> King 2003:10

<sup>222</sup> Bader 2018:10

<sup>223</sup> Southern Geophysical, 2019:9

<sup>224</sup> Ibid:9

<sup>225</sup> Forbes. n.d.

<sup>226</sup> McFadgen, B., 2001.

<sup>227</sup> Tupara n.d.

three metres deep and several metres long. It was also about six feet across, approximately the width of a digger bucket.”

There appears to be some discrepancy between these two site descriptions; Forbes suggests a shallow deposition with the bodies all at the same ground level, whereas Tupara describes a deeper context. However, in the absence of documentary evidence it is impossible to ascertain the specific parameters associated with the burial pit and individual internments. Although Forbes was advised to write a report by Karen Grieg<sup>228</sup> (the Regional Archaeologist for the New Zealand Historic Places Trust at the time), no report appears to have been filled, nor section drawings or photographs of the burials published. This is unfortunate as such information would have undoubtedly helped with geophysical survey design and interpretation, and permit a better understanding of the site.

The results of the Archaeology Solutions surveys were discussed during Waitangi Tribunal hearings held in 2018-19 for claims relating to Karewarewa urupa. During the hearing, Mary O’Keeffe<sup>229</sup> - who attended the proceedings as an independent witness - explained to the Tribunal that the results of this investigation ‘...supports the hypothesis that the anomalies are burial pits, because (a) we know that there were burials there and (b) they are of the right size that typically burial pits are.’ The simple assumption being that if these anomalies do indeed represent burial pits, then these are ‘typical’ burials due to their size. O’Keeffe then offered that, in archaeological terms, it is not possible to say 100 percent that they are burial pits.<sup>230</sup>

Given that so little is known about the burials that were uncovered and subsequently exhumed by Forbes, the interpretation of the burials at the site as ‘typical’ is without validation. What little Forbes and Tupara revealed regarding the burials suggests the burials were interred close together and possibly some were vertically overlaid. O’Keeffe<sup>231</sup> considered it possible that the bones disturbed on site originate from a variety of historical contexts, were disturbed prior to 2000, or some may have been disturbed prior or after the dredging; or that later burials intercut earlier burials, and that further disturbance by the digger during the 2000 trench service excavation mixed bones of various origins.

### *Summary*

The surveys have shown a number of sub-surface anomalies in the Stage 6 area, some of which have been identified as potential burials. Results from the different geophysical surveys highlight the variability between methodologies and interpretation of results, with the GPR survey of Southern Geophysical assessed as the most robust of the surveys undertaken to date.

### **4.9 2001 and 2012 Archaeological Assessments**

Two previous archaeological assessments have been undertaken addressing the WLC landholding. The first was following the cessation of works in 2000 when Montgomery Watson Harza (MWH), on behalf of WLC, commissioned Mary O’Keeffe to undertake an archaeological assessment of the proposed Stage 6 subdivision to meet the statutory requirements of the Historic Places Act 1993.<sup>232</sup> O’Keeffe became involved as the project archaeologist in late 2000 at Susan Forbes’ request when it became apparent that a prosecution under the Historic Place Act 1996 might arise<sup>233</sup> and Forbes felt she was conflicted. O’Keeffe’s

<sup>228</sup> Forbes n.d.: 6

<sup>229</sup> Waitangi Tribunal 2020:70

<sup>230</sup> Ibid

<sup>231</sup> O’Keeffe 2001:18

<sup>232</sup> O’Keeffe 2012:5

<sup>233</sup> Ibid:2019:2

report<sup>234</sup> provided detailed research on the history of the area and provided a context to the archaeology of the site including an overview of the work specific to the development site, interpretation of shell from the site, and interpretation of the burials. She also engaged several specialists for her report including:

- Bruce McFadgen (archaeologist and geologist): Provided an overview of the physical landscape and geomorphology.
- Ross Pickard (GIS Manager): Georeferenced a survey notebook plan showing the location of graves.

The key sections of the 2001 report are summarized below:

#### *1911 Graves<sup>235</sup>*

1. A georeferenced overlay of a plan showing the location of three graves from the 1898 survey field book for ML 1491<sup>236</sup> shows the graves to be in "...much the same place where the koiwi were disturbed in 2000" with the graves located on a stream terrace that, in 1898, was 90m from the graves, but by 1920 had moved to within 20m of the graves.
2. The use of the annotation "graves" and small rectangles to mark the location of the graves tends to infer that these graves were of European style.

#### *Traditional Burial Ground<sup>237</sup>*

1. Maori Land Court minute book no. 21 records a hearing on 18 June 1918 noting that a partition was being made for the purposes of cutting out a graveyard and that a survey had not yet been carried out. The area to be cut out was to be 20 acres – the boundaries to be pointed out by Hera/Hine(?) Parata, which was undertaken in 1920 as shown in ML 3495.
2. A newspaper report from 1969 named the burial ground as Karewarewa, whilst in a 1993 report by Wellington Regional Council the area was described as the Waimeha burial ground.
3. Although it is not clear from the records whether the designated burial ground was already in use by 1918 and the Maori Land Court was formalising an existing land use, or setting out an area for planned future use, the documented graves and burial of notable people in this vicinity suggested that the burial ground was already in use.

#### *Site Development Work<sup>238</sup>*

1. The last 30 years has seen considerable modification of the ground surface of the subdivision.
2. Dredging of the old Waimea riverbed to create the Waimanu lagoon during the 1970s deposited material onto the southeastern lagoon shore.
3. Material originally excavated from the lagoon was almost certainly reworked in 1990 and 1999.
4. The land was recontoured in 1990 (engineering plan 1605836 sheet 1) with ground to the west of Wi Kingi Place cut to maximum depth of just over 3m on the dune ridge, and just over 0.5m west of the intersection between Tamati Place and Wi Kingi Place, with fill deposited on the eastern part of the subdivision to a maximum depth of 4m. The western part of the subdivision had small areas of fill to a depth of less than 1. Some fill material deposited along the southeastern dune ridge was brought in from the Major Durie Drive subdivision between Tamati Place and the Waikanae River.

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<sup>234</sup> Ibid:2001

<sup>235</sup> Ibid:8

<sup>236</sup> Surveyors field book 2140

<sup>237</sup> O'Keeffe 2001:9-10

<sup>238</sup> O'Keeffe 2001:13-15

5. During earthworks undertaken in 1999 (engineering plan 1272233 sheet 1), minor cutting to a maximum depth of approximately 1m occurred on the northeastern boundary of Wi Kingi Place and along Tamati Place, with fill to a maximum of 1m in the western and northeastern parts of the subdivision. Along the dune ridge southeast of Tamati Place, small pockets were cut and filled with the maximum cut being approximately 2m and fill about 1m.

#### *Interpretation of Shell<sup>239</sup>*

1. Shell on the present ground surface are nearly all on fill and represent post 1990 deposition.
2. If the shell lens reported by Forbes at a depth of 600mm in Tamati Place was located east of the intersection of Wi Kingi Place, and allowing for up to 1m of cut undertaken in 1999, it would be in fill deposited in that position in 1990. If it was located west of the intersection it could have been deposited in 1970 as dredge spoil.
3. The age returned from radiocarbon dating of shell from the ground surface indicates that they are from natural deposits, i.e., substantially older than the accepted date for human settlement of New Zealand.

#### *Interpretation of the Burials<sup>240</sup>*

1. The graves along Wi Kingi Place are in part of the subdivision where fill was deposited in 1990, located below the ground surface as it existed prior to the 1990 earthworks.
2. Some of the burials are of post-contact age.
3. Some are Maori in origin according to Tayles' analysis.<sup>241</sup>
4. Several possibilities could account for the origins of the burials; that they date to pre Te Ati Awa settlement; that they are Ngati Raukawa killed in the battle of Kuititanga; that they are Te Ati Awa dating from the mid to late 19<sup>th</sup> century, or from the early 20<sup>th</sup> century; or a combination of those events dating from the Kuititanga battle which resulted in the first use of the burial ground.
5. It is possible that the bones disturbed on site originate from a variety of historical contexts, were disturbed prior to 2000, or some may have been disturbed prior or after the dredging; or that later burials intercut earlier burials, and that further disturbance by the digger during the 2000 trench service excavation mixed bones of various origins.
6. A link between the headstones and graves marked on the 1898 survey field notebook has not been established, or the relationship between the occurrence of these burials within a traditional Maori burial ground.

#### *O'Keeffe Conclusions<sup>242</sup>*

O'Keeffe concluded for the Stage 6 development that the graves recorded in 1898 made the area an archaeological site in terms of the definition of the then Historic Places Act 1996 and as such the area had high archaeological values, and thus she considered that further development was inappropriate, and; that it would be very unlikely that the Historic Places Trust would grant an authority for further development given the strong evidence of a burial ground.

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<sup>239</sup> Ibid 2001:15-17

<sup>240</sup> Ibid 17-19

<sup>241</sup> Tayles (2001) could only identify 2 individuals as being of Maori origin, with the ethnicity of the other 7 inconclusive.

<sup>242</sup> Ibid: 20-21



Mary O’Keeffe was later commissioned by WLC in 2012 to undertake another assessment of the remaining WLC land, who desired to complete the development. In her brief of evidence to the Waitangi Tribunal hearing into Karewarewa, she described her involvement and intent regarding this period of work:<sup>243</sup>

“Over the course of my involvement I have changed the scope of my work in a small way. Initially in 2000-2001, when I thought this situation may have an immediate resolution, I wrote an archaeological assessment which contained recommendations, as required by Historic Places Trust’s authority application process. As it became apparent over ensuing years that this situation would not be resolved quickly or easily, I changed the scope of my written reports to serve the purpose of informing a discussion between the developer and iwi, by setting out verified facts, hypotheses based on known data, and not setting out recommendations.”

This approach is entirely consistent with the New Zealand Archaeological Association Code of Ethics and intent of the HNZPTA where protection of the archaeological record and advocating avoidance of archaeological features is a desired outcome and often recognized as best practice. She succinctly characterized the interplay between this and a client’s desired use of land as “...trying to balance the needs and tensions of ensuring the best outcome for archaeology, whilst also facilitating reasonable use of land as a process of natural right.”<sup>244</sup>

As such, O’Keeffe’s 2012 report outlined the archaeological issues around the site to inform future decision making in relation to the land and potential future development. The report expanded on her earlier research and she again commissioned additional historic research, this time utilising the skills of researcher Evald Subasic to research the history of land ownership and subdivision, with specific regards to the relevant early Maori Land Court records. This provided greater insight into the early subdivision of the land and early efforts by iwi to have a cemetery cut out in the area. Subasic’s report added important clarification as to what had occurred in this regard, as well as the timing of events, and went part way to filling in some of the gaps regarding the designation of the 20 acre block as a ‘Maori Cemetery’.

The report summarised the key points from Subasic’s research:<sup>245</sup>

- “November 1896: Maori Owners of Ngarara West A14 block apply to have section set apart as a cemetery reserve.”
- “Provisional order granted on 10 November 1896, block to be known as Ngarara West A14A, not completed by survey (cemetery didn’t come into existence).”
- “February 1905: Maori owners made another application, this was dismissed as Judge noted only required survey to complete, this didn’t happen.”
- “May 1906: Different section cut out as Ngarara West A14C – (this area being shown as being situated immediately to the north east of Ngarara West A14A).”
- “August 1915: Owners (E.D & H Barber) have their block cut out – this becomes known as Ngarara West A14A, but bears no relation to the 1896 application for parcel A14A.”
- “June 1918: Maori owners again make an application for cemetery block. Parcel surveyed off and called Ngarara West A14B1.”

Subasic concluded that; “the evidence examined suggests that the block of approximately 10 acres which the Maori owners of Ngarara West A14 sought in 1896 to set apart as a cemetery reserve was in the location of Ngarara West A14B1 which was partitioned in 1918.”

<sup>243</sup> O’Keeffe 2020:3

<sup>244</sup> Ibid:6

<sup>245</sup> Ibid:11-12

Although this research expanded the basic understanding of the subdivision of land and subsequent setting out of the 20 acre cemetery, it left many questions unanswered. O’Keeffe posited that if cutting out the block was for both existing and future use then:<sup>246</sup>

“...Some parts of the block would presumably include existing burials and some empty parts would be flagged for future use. It is assumed that Hira Pirata, who was asked by the judge in 1918 to assist the surveyors, would have advised the surveyors where any burials were located, and they would have placed the boundaries to include these areas. Clearly the square edges of the 20 acre block do not mark the precise boundaries of a possible already existing graveyard, and are straight lines for surveying convenience.”

She also noted<sup>247</sup> that the burials found at the site during trenching were found in one locality as opposed to multiple locations as might be expected if the cemetery had been widely used. The report also cited results from the GPR survey undertaken in March 2002 that tended to support this.

In summary, the report reconfirmed many of the findings from the 2001 report, concluding with respect to the proposed Stage 4B that an archaeological authority be granted, noting the following specific issues:<sup>248</sup>

- “There is to be substantial areas of fill placed on site, with little cutting, so the potential impact on the archaeological resource is reduced;”
- “The area of proposed work is at the western extent of the 20 acre block, whereas the found burials were at the eastern end;”
- “Part of the area of proposed work is a high dune. Based on existing archaeological knowledge of the Kapiti Coast, burials are more likely to be on the tops of the dune. The top part of the dune is located within properties adjacent to Stage 4b that have already been developed, the majority of the dune that is within Stage 4b is the dune slope, where burials are less likely to be located;”
- “The consultant [O’Keeffe] considers there is a likelihood of finding intact middens within the area of proposed Stage 4b; however middens are not unusual on the Kapiti Coast, and is a common outcome where other authorities have been granted;”
- “The actual area of work is very small, being only 4 lots.<sup>249</sup> The properties bordering this proposed area of work have already been developed, and contain already constructed houses.”

The two reports by O’Keeffe and associated research provide a detailed overview of the history of the area and recent developments at the WLC property. With respect to Stage 4B, O’Keeffe contends that from the assembled evidence “... it is inferred that there is a low likelihood of finding burials within Stage 4B of the subdivision,” also noting that the “GPR survey did not extend to the area of Stage 4B.”

## 5.0 Results

A walkover of the Stage 4B area was undertaken on 3rd September 2020 by the author, accompanied by Steven Kerr, Maurice Rowe and Ben Addington. The entry to the site from Barrett Drive is at road level and has been previously modified to form the access way, with a higher dune ridge on the right of the entrance. The main section of the site is a flat, low gently-sloping dune slack with some evidence of previous earthworks and small spoil heaps. At the rear (west) end of the section the property rises to a high dune terrace, which

<sup>246</sup> Ibid:12

<sup>247</sup> O’Keeffe 2012:12

<sup>248</sup> O’Keeffe 2012:32

<sup>249</sup> The current proposal for Stage 4B is for the same area of land but has been reconfigured to provide 5 lots.

also appears to have been previously modified. The vegetation cover is predominantly grass with some exotic plants along the perimeter of the property (Figure 37 - Figure 39).

A number of exposed surface areas across the site were inspected for signs of archaeological material. No archaeological material was encountered on the site.



Figure 37: Looking west from the entrance to the Stage 4B site with dune ridge in the background.



Figure 38: Looking east from atop the dune ridge.



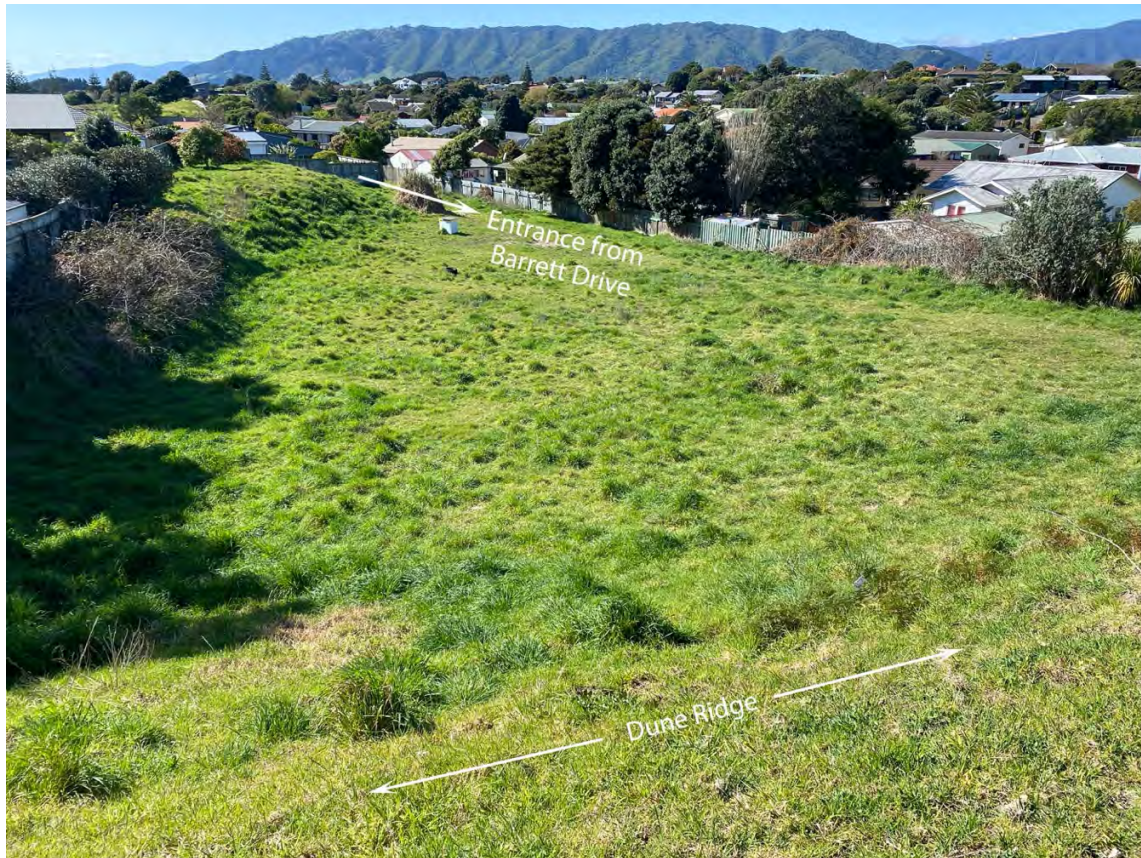


Figure 39: Looking east from atop the dune ridge with entrance from Barrett Drive indicated.

### 5.1 Constraints and Limitations

Changes to the land surface through farming and infrastructure development tends to remove the surface signature of archaeological features. Field inspection, probing and limited sub-surface testing cannot necessarily detect all sub-surface features which is a general limitation to field survey on modified ground, especially where this modification is long-term and repetitive, or where deep fill events have taken place. Coastal areas, such as the project area, are also influenced by aeolian processes where sand drift inundates and covers sites over time.

## 6.0 Archaeological Values

HNZPT has provided guidelines setting out criteria that are specific to archaeological sites (HNZPT 2006:9-10). The archaeological values of sites relate mainly to their information potential, that is, the extent to which they can provide evidence relating to local, regional and national history through the use of archaeological investigation techniques, and the research questions to which the site could contribute. The surviving extent, complexity and condition of sites are the main factors in their ability to provide information through archaeological investigation.

No known archaeological sites will be affected by the proposed works in Stage 4B and the geophysical surveys have shown no anomalies at the Barrett Rd end of Stage 6 where it nears Stage 4B.

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## 7.0 Assessment of Effects

The proposed site development work for Stage 4B will require 1871m<sup>3</sup> of cut soil and 1735m<sup>3</sup> of fill. That development will not affect any known archaeological sites and the potential for the discovery of hitherto unknown archaeological material is assessed as low. There are no recorded archaeological sites on the property and an inspection of the property did not reveal any archaeological material. Previous earthworks undertaken ca 1990-91 resulted in some modification to the property where the upper dune area was levelled and the entrance off Barrett Drive formed and levelled thorough to the main area of the property. Retaining along the northern boundary was also added but the extent of earthworks associated with this is unclear.

## 8.0 Discussion

Much has been written about the area and the events associated with WLC's development of their land - the majority of this focused on the 20 acre block Ngarara West A14B1, particularly after the discovery of human remains in 2000 and the work of Mary O'Keeffe and geophysical survey site investigations. Aside from the burials, further archaeological evidence is limited. Forbes reported midden in trenches at Tamati Place and the site record for the burials includes 'middens' as part of the site description. However, Forbes' report of midden exposed in trenches in Tamati Place has been challenged by O'Keeffe who contests that the midden material encountered at the site was redeposited during earthworks events. This is supported by the radiocarbon dating of shell sampled from the site returning dates older than the recognized dates of Polynesian settlement of Aotearoa.

In the absence of actual observation of the purported middens in situ in the excavated trenches, and with no photographic evidence available to support Forbes' interpretation, it is not possible to make judgement on whether these are in situ anthropogenic deposits, redeposited midden in secondary deposition, or natural deposits. It should be noted that in the New Zealand archaeological record, middens are the most common site type and thus for the most part, not overly archaeologically significant.

No middens were observed on the Stage 4B development land, Part Lot 1 DP71625. Furthermore, excluding the Wi Kingi Place burial site (R26/456), no new archaeological sites have been recorded during the previous development of residential sections across the entire WLC development area. The work of Smart in the early 1960s recorded many of the sites in the area. The existing distribution of sites recorded in ArchSite - the New Zealand Archaeological Association database - shows no sites recorded on WLC land west of Barrett Drive. The sites that are recorded in the area are consistent with the archaeological record of the wider area, being predominantly middens without settlement features and almost exclusively interpreted as temporary. Archaeological research undertaken throughout the dune formations of the wider area in recent years, such as the M2PP development, has not identified any significant settlement sites or even small settlement areas; rather the predominant features encountered are midden sites and these almost exclusively temporary settlements.

The burials discovered at Wi Kingi Place have been discussed widely, most recently at the Waitangi Tribunal Hearing. Although WLC were not a party to the proceedings, the results of some previous reports commissioned by the company were referenced. Mary O'Keeffe also presented evidence as an independent witness responding to the evidence of Paora Ropata and Mahina-a-Rangi Baker and to correct what she saw as misrepresentations of the true facts. The Tribunal hearing was not privy to the most up to date geophysical data, instead referencing results from the 2018 geomagnetic survey report from Archaeology Solutions.

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Investigation of the area using geophysical surveys has shown a level of ground disturbance, particular in the area immediately north of the area where human remains were disturbed in 2000. Some of the 'anomalies' recorded in this area have been interpreted as indicating further potential burials but these are not definitive identifications. The 2019 Southern Geophysical survey has identified a small number of anomalies that were identified as 'indicative' or 'may be indicative' of burials. More significantly, the lack of detected anomalies over the rest of the Stage 6 area that was surveyed clearly demonstrates a lack of sub-surface disturbance, and this is interpreted as showing this area to be devoid of burials. No geophysical surveys have been undertaken on Stage 4B and given the previous surface modification here, a lack of geophysical returns from the southern end of Stage 6, and no evidence of material being encountered in this area during previous development works, no survey is recommended.

To date, the burials uncovered are concentrated in one area at Wi Kingi Place. Although there is very limited information pertaining to the actual exhumation by Forbes, they do not appear to be individual burials that were buried where they fell in battle as has been suggested, and were not buried with their possessions and their muskets, powder, mats, etc. as recorded by Dieffenbach, as noted in section 4.3 of this assessment. A connection to burials from the Battle of Kuititanga has been suggested but this is pure speculation and cannot be substantiated. It is also not known if the exhumation of koiwi by Kingi in 1851 is connected to Karewarewa in any way.

The date when the urupa came into existence is unclear but a period of time when it was of operating can be inferred from the correlation to the headstones found at the location. There is no known record or knowledge of interments occurring after the Court's 1919 partition order for the 20 acre block. In fact, the available evidence indicates that the burials were all pre 1896 and are most likely confined to the Wi Kingi Place location, and that the extent of the burials may be larger than the area of disturbed burials, as indicated by the geophysical surveys. The definitive extent of the burials can only be established with a more invasive exploratory process than provided by the geophysical surveys as suggested in all the geophysical reports, and not by any assumption or inference.

Baker<sup>250</sup> contends that there is "...evidence to suggest that the koiwi are 'clustered' as they have been moved there in previous earthworks" and that "[the] 'clustering' of the koiwi does not give any information about the actual extent of burials." There is no material evidence to support this assertion. O'Keefe's research identified the extent of dredged material deposited with Stage 6 and the test pit dug by Bader offered an interpretation of the undisturbed soil strata near to the burial area which validate the assumption that the burials were in a primary deposition context. Forbes proposed no such hypothesis in her evidence to the District Court, or in any correspondence with WLC.

Moore<sup>251</sup> describes being told local oral accounts of bulldozers and dredges sweeping human remains into the lagoon and others being moved in dredged material to provide fill to other areas. However, no reports were made to WLC<sup>252</sup> or the police noting these events, and there are no known records relating to human remains being found anywhere on the development property in transported fill, during earthworks development, during a large number of residential build, or subsequent upgrades or installations of new services. The reports of human remains being dredged during development of the lagoon and trucked across

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<sup>250</sup> Baker 2015:21

<sup>251</sup> Moore n.d.:20

<sup>252</sup> Rowe pers. comm. September 2019



the site have been contested by WLC who vehemently deny this occurred. This is addressed in O’Keeffe’s first report.<sup>253</sup>

This report does not attempt to talk to the cultural values of the place held by iwi. Te Atiawa ki Whakarongotai view the whole 20 acre block as a consecrated urupa, and note that the presence of burials and recognition of Karewarewa urupa is an impediment to consenting to further development at the site.<sup>254</sup>

The setting out of the boundary for the 20 acre block under the direction of Wi Parata established the site location, but it is not known why the size of the area ultimately surveyed in 1920 and set aside as a cemetery to give effect to the 1896 Maori Land Court Order was enlarged from the original order of 10 acres to 20 acres, or what the relationship of this area to the known burials was at the time the court order was issued. Neither reports by Subasic or the Waitangi Tribunal elucidate on the reason for this increased area. Nor is it explicitly clear what the locational relationship between the two different partition designation areas was. As such, it is difficult to reconcile the cadastral representation of the 20 acre block with the cultural landscape as interpreted by Maori and described by the historical record and oral traditions.

Residential development now surrounds the Stage 4B lot, isolating it from the still undeveloped Stage 6 area, located some 250m away from the known burial area. Although part of the Stage 4B (Part Lot 1 DP71625) was included in the original 20 acre block Ngarara West 14B1, there are no recorded burials or physical evidence of burials in this lot, no archaeological material has been uncovered during the site visit or during previous activity at the site, and no burial or other archaeological sites are recorded close to the lot. O’Keeffe<sup>255</sup> noted burials are more likely to be on the tops of the dune in the Kapiti Coast and that the majority of the dune in Stage 4B is dune slope, where burials are less likely to be located. She concluded that from the available evidence it can be inferred that there is a low likelihood of finding burials within Stage 4B. She also considered there is a likelihood of finding intact middens within the area of proposed Stage 4B noting that middens are not unusual on the Kapiti Coast and are a commonly discovered feature where other authorities have been granted. As such, the archaeological potential of this lot has been assessed as low.

## 9.0 Conclusion and Recommendations

Geometria Ltd. were commissioned by WLC to undertake an archaeological assessment of the proposed subdivision of the remaining WLC land. An overview of the previous research was undertaken to provide a background to the project which has a long and complex history. This, coupled with research undertaken during the course of the assessment, has concluded that even though a very small part of the original Maori Cemetery designation was within the Stage 4B boundary, there are no known burials within this area. Furthermore, there are no recorded archaeological sites that will be affected by the proposed Stage 4B development and the potential for archaeological discovery within Stage 4B is assessed as low.

Nonetheless, it is recommended that WLC apply to Heritage New Zealand Pouhere Taonga for an archaeological authority for the proposed Stage 4B development. This is a precautionary approach to permit any unforeseeable archaeological mitigation to take place, and reduce the potential for project delays.

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<sup>253</sup> O’Keeffe 2001:14

<sup>254</sup> Baker 2015:21

<sup>255</sup> O’Keeffe 2012:32

An application to Heritage New Zealand Pouhere Taonga requires iwi consultation. Even though Te Atiawa ki Whakarongotai have indicated that they do not wish for any future development at the property, WLC must endeavor to consult with them.

Therefore, the following recommendations are made to the client with respect to the proposed development as detailed in this assessment:

1. An application is to be made to Heritage New Zealand Pouhere Taonga under section 44(a) of the NZHPTA for the Stage 4B development.. This is not a legal requirement but a precautionary advice note to eliminate potential delays if archaeological materiel is encountered, and permit archaeological mitigation if required.
2. WLC, or an appointed representative, should continue to attempt to engage with Te Atiawa ki Whakarongotai as part of their consultation towards a Heritage New Zealand Pouhere Taonga authority application. As part of this consultation, this assessment should be made available to iwi.
3. Monitoring of all earthworks as proposed in the scheme plan and outlined in this report is recommended.

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