

FINAL

ARCHAEOLOGICAL ASSESSMENT OF BEACHLANDS SOUTH STRUCTURE PLAN AND PRIVATE PLAN CHANGE

Report prepared for Beachlands South Limited Partnership



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EXECUTIVE SUMMARY

Purpose

Beachlands South Limited Partnership (the ‘Partnership’) has commissioned environmental impact assessments as part of the planning process for the Beachlands South Structure Plan and related private plan change. The plan change area is currently zoned Rural – Countryside Living under the Auckland Unitary Plan (AUP) and the Partnership are seeking to rezone the land to a combination Business (Mixed Use, Local Centre and Light Industry), Open Spaces, various Residential zones and Future Urban (the ‘Project’).

This report assesses the potential effects of the Project on archaeological values and the significance of those effects. It also makes recommendations for management of the effects regarding future development within the plan change area.

Assessments Undertaken

The properties were surveyed extensively in the 1990s prior to the formation of the Golf Course (Felgate 1995) and much of the area was subsequently subjected to significant earthworks. Additional survey was carried out at the southern end of the plan change area in 2011-2012 relating to previous subdivision consents, which resulted in additional sites being recorded, and some earlier sites being re-located.

The previous surveys are the basis of the current project with some additional survey along the coastal margin to update and check the sites.

The New Zealand Archaeological Association’s (NZAA) site record database (ArchSite), Auckland Council’s Cultural Heritage Inventory (CHI), AUP schedules and the Heritage New Zealand Pouhere Taonga (Heritage NZ) New Zealand Heritage List/Rārangī Kōrero were searched to determine whether any archaeological sites had been recorded on or in the immediate vicinity of the Plan Change area. Literature and archaeological reports relevant to the area were consulted. Early plans held at Land Information New Zealand (LINZ) and historic aerial photographs were checked for information relating to past land use.

This report does not include an assessment of Māori cultural values. Such assessments should be made by the tangata whenua. Māori cultural concerns encompass a wider range of values than those associated with archaeological sites.

The plan change area does include several archaeological sites within its boundaries. The sites identified in the Plan Change area consist of shell midden sites of pre-European Māori origin along the coastal margin, with evidence of larger open and defended settlement in the south, and some other more ephemeral settlement associated with the midden.

A pa, R11/1619, is located within the plan change area bordering the south of the Golf Course property. This site consists of a clearly defined ditch with other terraces suggestive of more extensive subsurface archaeological features.

Survey of the property carried out prior to the Golf Club development in the mid-1990s did not identify any sites within most of the Plan Change area, and subsequent development of the Golf Course involved largescale earthworks over most of that property which would have removed any subsurface archaeological remains that might have once been present.

Recommendations

The following recommendations are made to manage and mitigate potential adverse effects on archaeological values resulting from future development enabled by the Structure Plan and Plan Change:

1. The pā site R11/1619 and associated sites in close proximity possible (R11/1440, R11/1441, R11/2522, R11/1442, and R11/2521) should be protected through the proposed precinct provisions in Precinct Plan 4: Cultural Landscape Plan, standard I.7.10 Mana Whenua, in combination with the archaeological provisions of the HNZPTA.
2. A Biodiversity Management Plan should be prepared for the EPAN overlay along the coastal edge which take the locations of the recorded archaeological sites into account and ensure that impacts on known sites from vegetation clearance and planting are avoided or minimised. Only appropriate shallow rooting species should be planted on or in the near vicinity of the known archaeological sites.
3. Construction of the coastal walkway should avoid impacting on adjacent archaeological sites as far as possible. Any accessways from the walkway to the beachfront should be located away from the identified archaeological sites.
4. Consideration should be given to providing signage or other appropriate interpretation along the walkway (in consultation with Mana Whenua) to highlight the extant archaeological features and the history of the place.
5. Future development plans should take account of the locations of the recorded archaeological sites and ensure that they are avoided to the extent possible.
6. If any of the recorded sites cannot be avoided, an Authority must be applied for under Section 44(a) of the HNZPTA and granted by Heritage NZ prior to the start of any works that will affect them. (Note that this is a legal requirement).
7. Archaeological Authorities must also be obtained for planting, amenity and other works in the EPAN overlay along the coastal edge that have the potential to affect the recorded archaeological sites.
8. Due to the increased potential for additional unrecorded archaeological sites within the EPAN and coastal protection yard, authorities should be applied for to cover all amenity and planting works in these areas.
9. Archaeological investigation of sites that cannot be avoided, or sites exposed during future works, should be carried out under Authority from Heritage NZ to recover information relating to the history of the area and the results presented to Mana Whenua and the community.
10. Archaeological Management Plans must be prepared as part of Authority applications (this is a Heritage NZ requirement) and should be included within the CEMP.
11. The Archaeological Management Plans should include standard procedures required by Heritage NZ (see appended example), including for:
 - The temporary marking out or fencing off of known archaeological sites prior to the start of any works (including planting) in their vicinity to protect them from accidental damage from heavy machinery, amenity development works and inappropriate planting.
 - Pre-start meetings with contractors to brief them on the archaeological and cultural requirements.
 - Protocols for managing the discovery of previously unidentified subsurface archaeological remains, kōiwi tangata and taonga tūturu in consultation with Mana Whenua.
 - Identification of areas where archaeological monitoring of works is required.

- Procedures for the investigation and recording of any archaeological remains that cannot be avoided.
 - Reporting on the results of archaeological monitoring and investigation.
12. If kōiwi tangata are found, work must cease immediately within 20m of the remains and Mana Whenua, Heritage NZ, the NZ Police and Council must be contacted so that appropriate arrangements can be made from cultural and statutory perspectives.
 13. Potential effects on unrecorded sites away from the coastal edge (where the potential for sites to be present is lower) can be managed under the AUP Accidental Discovery Rule E12.6.1.

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1 INTRODUCTION

1.1 Purpose

This report has been prepared to inform the structuring planning process and private plan change to cover several properties at Beachlands, in East Auckland (Figure 1, Figure 2). The Beachlands South Structure Plan includes several properties and is shown in Table 1. The land is bounded by Jack Lachlan Drive to the north, Tui Brae residential development and the Pine Harbour Marina to the northwest, coastal marine area to the west, the Whitford-Maraetai Road and rural residential land to the east, and farmland to the south.

Beachlands South Limited Partnership has commissioned environmental impact assessments as part of the planning process for the Beachlands South Structure Plan and private plan change. The plan change area is currently zoned Rural – Countryside Living under the Auckland Unitary Plan (AUP) and the Partnership are seeking to rezone the land to a combination Business (Mixed Use, Local Centre and Light Industry), Open Spaces, various Residential zones and Future Urban.

This report assesses the potential effects of the Project on archaeological values and the significance of those effects. It also makes recommendations for management of the effects arising from future development of the plan change area.

This report does not include an assessment of Māori cultural values. Such assessments should be made by the tangata whenua. Māori cultural concerns encompass a wider range of values than those associated with archaeological sites. Consultation with Ngāi Tai ki Tāmaki and other iwi groups has been carried out and is ongoing. A Cultural Values Assessment has been prepared by Ngai Tai Ti Tamaki for the project and is provided with the application material.

This report has been prepared to inform the structure planning and as part of the required section 32 analysis accompanying a Plan Change application under the Resource Management Act 1991 (RMA); and to identify any requirements under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). Where it is considered that there will be potential adverse effects on archaeological values, recommendations are made for consideration in development of the structure plan and private plan change.

1.2 Project Description

The plan change area covers an area of over 300ha, most of which is currently occupied by the Formosa Golf Course in the north and a block of rural land, here called Ahuareka, in the south (Figure 1). The plan change (Figure 2) will create several sub-precincts with a range of urban zones covering residential, mixed business and amenity zones (Figure 2–Figure 3), which will require additional infrastructure including roading, utilities and landscaping. The Plan Change will implement the Structure Plan, with a range of live zonings and an area of future urban zoning.

Table 1. Plan change area within road boundaries (RPG Properties shaded)

Address	Lot and DP number	Area (Hectares)
110 Jack Lachlan Drive Beachlands	LOT 2 DP 501271	170.475
620 Whitford-Maraetai Road	LOT 100 DP 504488	79.9444
770 Whitford-Maraetai Road	LOT 10 DP 54105	6.8665
758 Whitford-Maraetai Road	LOT 9 DP 54105	6.1403
746 Whitford-Maraetai Road	LOT 8 DP 54105	5.7996
740 Whitford-Maraetai Road	LOT 7 DP 54105	5.1448
732 Whitford-Maraetai Road	LOT 6 DP 54105	5.0939
722 Whitford-Maraetai Road	LOT 5 DP 54105	4.9227
712 Whitford-Maraetai Road	LOT 4 DP 54105	4.7518
702 Whitford-Maraetai Road	LOT 1 DP 208997	2.1341
692 Whitford-Maraetai Road	LOT 1 DP 197719	1.7747
682 Whitford-Maraetai Road	LOT 1 DP 187934	1.2583
680 Whitford-Maraetai Road	LOT 26 DP 504488	12.8125
Total		307.1186

1.3 Methodology

The New Zealand Archaeological Association’s (NZAA) site record database (ArchSite), Auckland Council’s Cultural Heritage Inventory (CHI), AUP schedules and the Heritage New Zealand (Heritage NZ) New Zealand Heritage List were searched to determine whether any archaeological sites had been recorded on or in the immediate vicinity of the property (Figure 1). Literature and archaeological reports relevant to the area were consulted (see Bibliography). Early plans held at Land Information New Zealand (LINZ) and historic aerial photographs were checked for information relating to past land use.

The properties were surveyed extensively in the 1990s prior to the formation of the golf course (Felgate 1995) and much of the area was subsequently subject to significant earthworks. Additional survey was carried out at the southern end of the plan change area (Ahuareka, see below) in 2011-2012 relating to previous subdivision consents which resulted in additional sites being recorded, with some earlier sites being re-located and their site records updated.

The previous surveys are relied upon for the current project with some additional survey along the coastal margin to update and check the sites and further assessment of a recorded pā site.



Figure 1. Aerial imagery of the plan change area

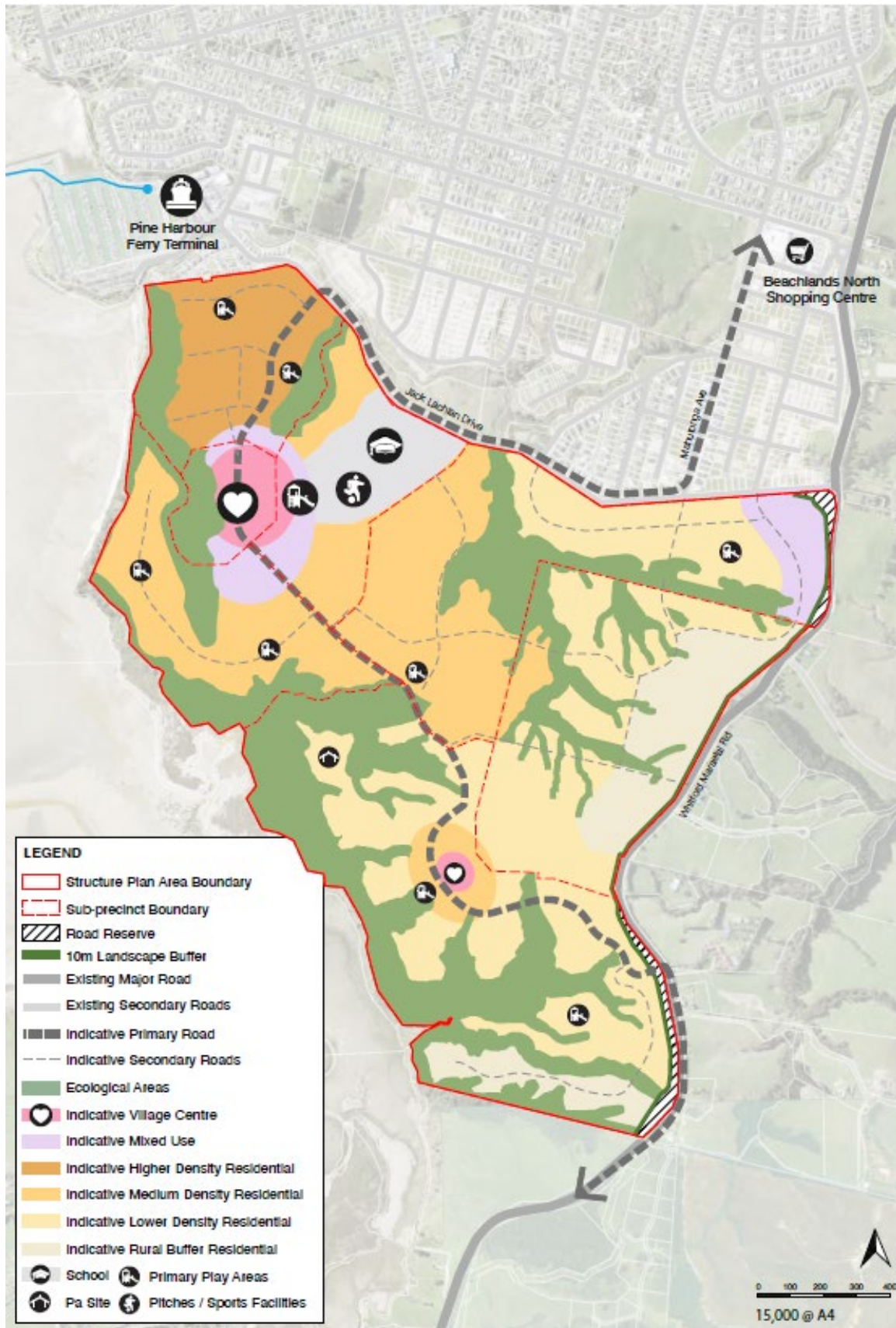


Figure 2. Proposed Structure Plan (December 2021)

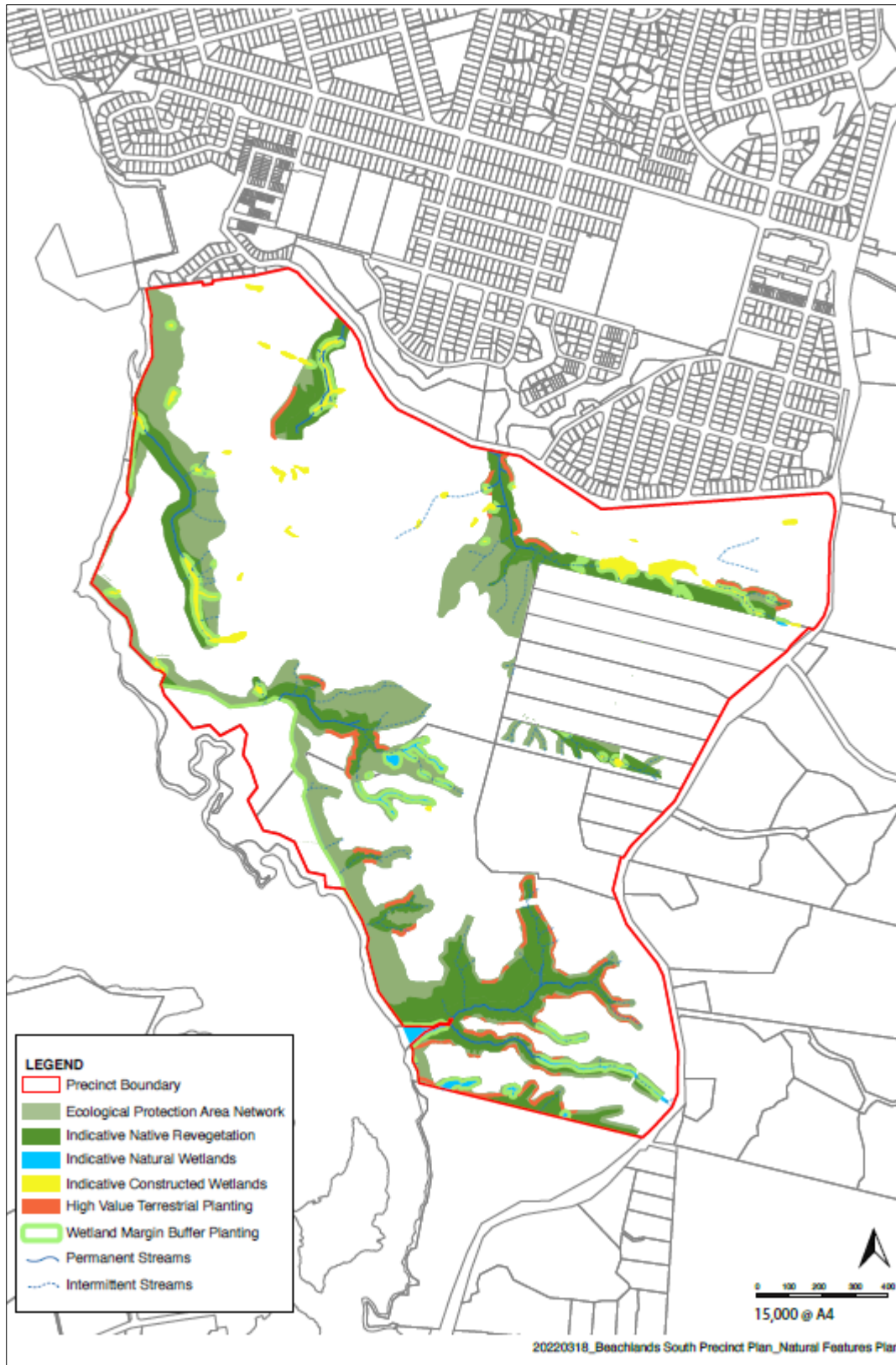


Figure 3. Proposed Natural Features Precinct Plan (March 2022)

2 STATUTORY AND POLICY REQUIREMENTS

2.1 Statutory Requirements

2.1.1 Resource Management Act 1991

Under the RMA archaeological and other historic heritage sites are resources that should be sustainably managed by ‘Avoiding, remedying, or mitigating any adverse effects of activities on the environment’ (Section 5(2)(c)).

Historic heritage is included in Section 6 of the RMA as a matter of national importance that must be recognised and provided for:

‘In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

.....

(e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) The protection of historic heritage from inappropriate subdivision, use, and development.

.....’

In Section 2 of the RMA historic heritage is interpreted as:

(a) Means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:

(i) archaeological:

(ii) architectural:

(iii)cultural:

(iv)historic:

(v) scientific:

(vi)technological; and

(b) includes:

(i) historic sites, structures, places, and areas; and

(ii) archaeological sites; and

(iii)sites of significance to Māori, including wahi tapu; and

(iv)surroundings associated with the natural and physical resources.

2.1.2 Auckland Unitary Plan

The AUP provides the relevant policies, objectives, schedules and rules relating to historic heritage. This includes the Accidental Discovery Rule (E12.6.1). Under the Accidental Discovery Rule works must cease within 20m of the discovery and the Council, Heritage NZ, Mana Whenua and (in the case of human remains) NZ Police must be informed. The Rule

would no longer apply in respect to archaeological sites if an Authority from Heritage NZ was in place.

2.1.3 Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA)

In addition to any requirements under the RMA, the HNZPTA protects all archaeological sites whether recorded or not, and they may not be modified or destroyed unless an Authority to modify an archaeological site has been issued by Heritage NZ (Section 42).

An archaeological site is defined by the HNZPTA Section 6 as follows:

‘**archaeological site** means, subject to section 42(3), –

(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)’

Under Section 42(3) an Authority is not required to permit work on an archaeological site that is a pre-1900 building unless the work will result in demolition of the whole of the building.

Under Section 43(1) a place post-dating 1900 (including the site of a wreck that occurred after 1900) that could provide ‘*significant evidence relating to the historical and cultural heritage of New Zealand*’ can be declared by Heritage NZ to be an archaeological site.

Authorities to modify archaeological sites can be applied for either in respect to archaeological sites within a specified area of land (Section 44(a)), or to modify a specific archaeological site where the effects will be no more than minor (Section 44(b)), or for the purpose of conducting a scientific investigation (Section 44(c)). Applications that relate to sites of Māori interest require consultation with (and in the case of scientific investigations the consent of) the appropriate iwi or hapu and are subject to the recommendations of the Māori Heritage Council of Heritage NZ. In addition, an application may be made to carry out an exploratory investigation of any site or locality under Section 56, to confirm the presence, extent and nature of a site or suspected site.

Under Section 52 of the HNZPTA, Heritage NZ may impose an Authority condition requiring that an archaeological investigation is carried out if this is ‘*likely to provide significant information in relation to the historical and cultural heritage of New Zealand*’. This provision allows the information contained within a site affected by development (and any associated artefacts) to be recorded and preserved, in mitigation of the modification of the site.

Under Part 4 of the HNZPTA, Heritage NZ has the power to list significant historic places and areas, wahi tupuna, wahi tapu and wahi tapu areas on the New Zealand Heritage List. The purpose of listing is to inform members of the public and landowners about the values of significant places and to assist in their protection under the RMA (Section 65). Heritage NZ would be considered an affected party in relation to any consent application affecting an item on the New Zealand Heritage List. The criteria used to assign the level of significance (Category 1 or 2) are set out in Section 66.

2.2 Statutory and Non-Statutory Guidelines

Appropriate management of historic heritage sites should be based on an understanding of their values and significance. The following policies and guidelines have been developed to assist in assessing heritage sites and determining appropriate management.

2.2.1 Regional Policy Statement

The Auckland Regional Policy Statement in the AUP sets out the criteria to be used in assessing the significance of historic heritage for scheduling purpose (Chapter B5.2.2). These are set out in Table 4, below, and are grouped under Historic, Social, Mana Whenua, Knowledge, Technology, Physical Attributes, Aesthetic and Context.

2.2.2 Heritage NZ Guidelines

Heritage NZ (2019: 9-10) has provided guidelines setting out criteria that are specific to the assessment of archaeological sites. These are:

- condition;
- rarity;
- contextual value;
- information potential;
- amenity value; and
- cultural associations.

2.2.3 Heritage NZ Policy Statement

In 2015 Heritage NZ issued a policy statement relating to the administration of the HNZPTA archaeological provisions (Statement of General Policy: The Administration of the Archaeological Provisions under the Heritage New Zealand Pouhere Taonga Act 2014). Of particular relevance to the proposed structure plan and plan change are the following policies:

1.1 HNZPT promotes the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand in carrying out its regulatory functions.

...

2.4 HNZPT promotes early involvement of iwi and hapū in proposals relating to archaeological sites to enable improved outcomes for avoidance and reduce the negative effects on sites of interest to Māori.

...

3.1 HNZPT takes into consideration the interests of applicants, landowners, iwi and hapū and those directly affected while achieving outcomes for the protection of archaeological sites.

3.2 When considering an application for an archaeological authority HNZPT takes into account the extent to which protection of the archaeological site limits the potential future use of the site in so far as those limits are identified in the application.

...

9.4 HNZPT evaluates the effects on historical and cultural heritage through the archaeological authority process on a case-by-case basis but does not support the building of structures on outstanding archaeological sites, including pā, other than in exceptional circumstances.

3 EXISTING ENVIRONMENT

3.1 Physical Landscape

The plan change area consists of the Formosa Golf Course located at 110 Jack Lachlan Drive constructed on the property in the 1990s and the sites at 620 (Ahuareka) and 712 Whitford-Maraetai Road (all of which are owned by BSLP) and the other rural-residential properties on Whitford-Maraetai Road listed in Table 1 of this report. Prior to development of the golf course the land was mostly in pasture and had been like that for much of the preceding century. The Waikopua Estuary provides the coastal frontage to the block. The Pine Harbour Marina is situated at the northern side of the old entrance of a creek into the estuary.

3.1.1 Geology

Clay soils dominate this part of Auckland and generally did not match the agricultural fertility of the volcanic soils to the west (Figure 4). They are associated with the East Coast Bays Formation fringed by mud/sand areas along the coastline.

3.1.2 Vegetation Cover

Today most of the properties are clear of vegetation with only small blocks of bush around some of the southern waterways and modern planting for the golf course and houses. However, bush including stands of kauri forest would have dominated the hillsides prior to settlement (Felgate 1995: 4), with forest resources complementing the easily accessible marine resources available to Māori.

3.1.3 Contour

Today most of the original rolling contour of the land within the golf course has been modified by earthworks, while the Ahuaraka block is in largely unmodified farmland descending from c.70m asl to c.20-39m asl on the coastal frontage (see below, and Figure 9).

3.1.4 Landscape Change

Changes in the last 50 years in the landscape have had a dramatic impact on the survivability of archaeological sites especially in the area of the golf course to the north. A review of historic aerial imagery shows how that development has impacted the land surface during that time.

Earthworks at the northwest corner of the plan change area are visible in 1987 (Figure 5). This included earthworks for the marina which were occurring at this time. However, by 1996 (Figure 6) when the earthworks for the golf course development were undertaken, the nature and extent of the modification of the landscape was far greater and it is unlikely archaeological features would have survived across those places where the topsoil and subsoil had been removed. Most of the golf course block was impacted except for the coastal margin and the southern area next to 620 Whitford-Maraetai Road (Ahuareka).

By 2005, some additional buildings for the golf course are visible in the south as well as other landscaping (Figure 7). In more recent times, new housing in the north was constructed (Figure 8–Figure 9). The effect on archaeological sites is discussed below.

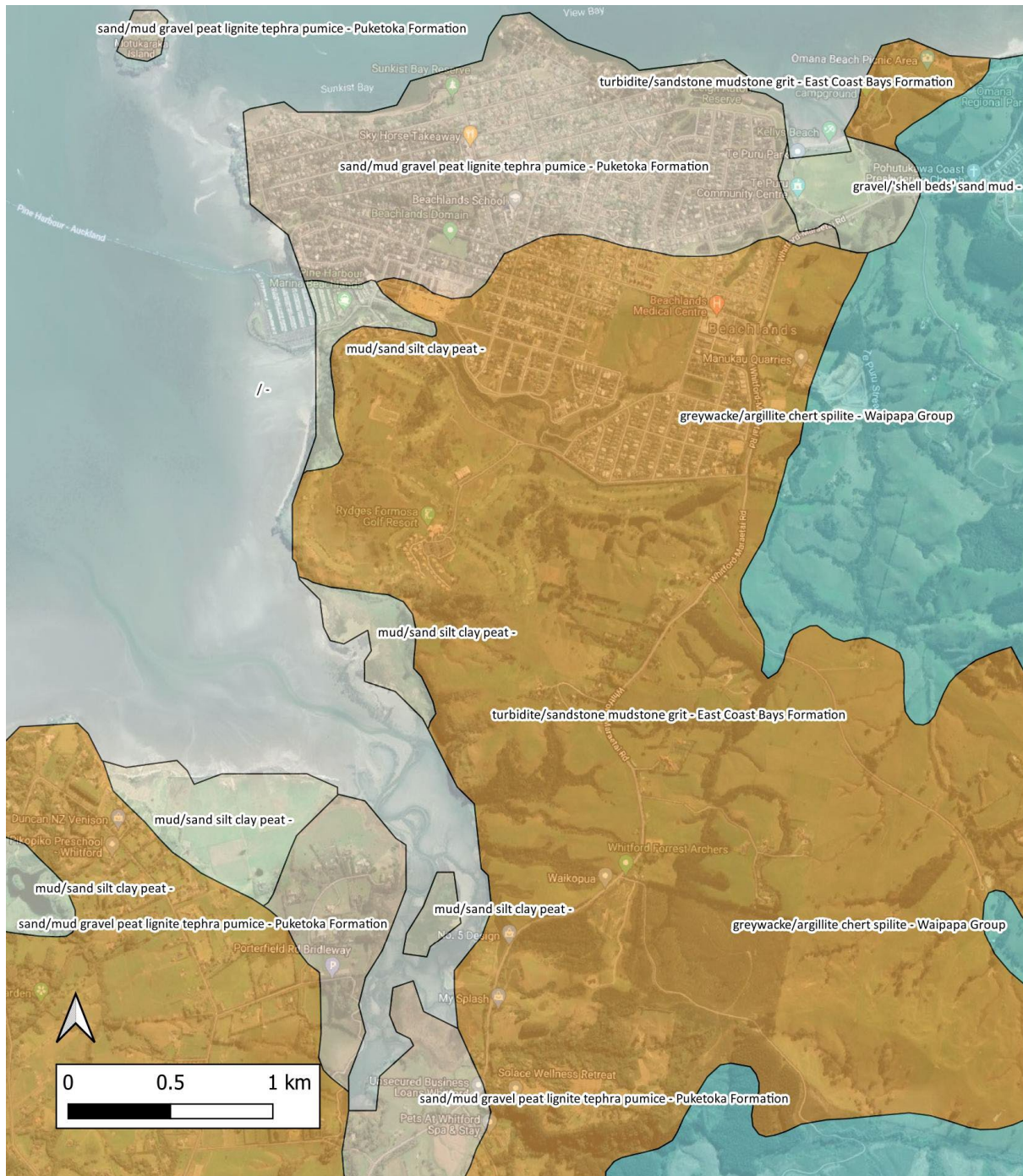


Figure 4. Geology of plan change area (Data source: GNS QMAP)



Figure 5. Aerial view of plan change area in 1987 (Retrolens.nz Photo SN8772)

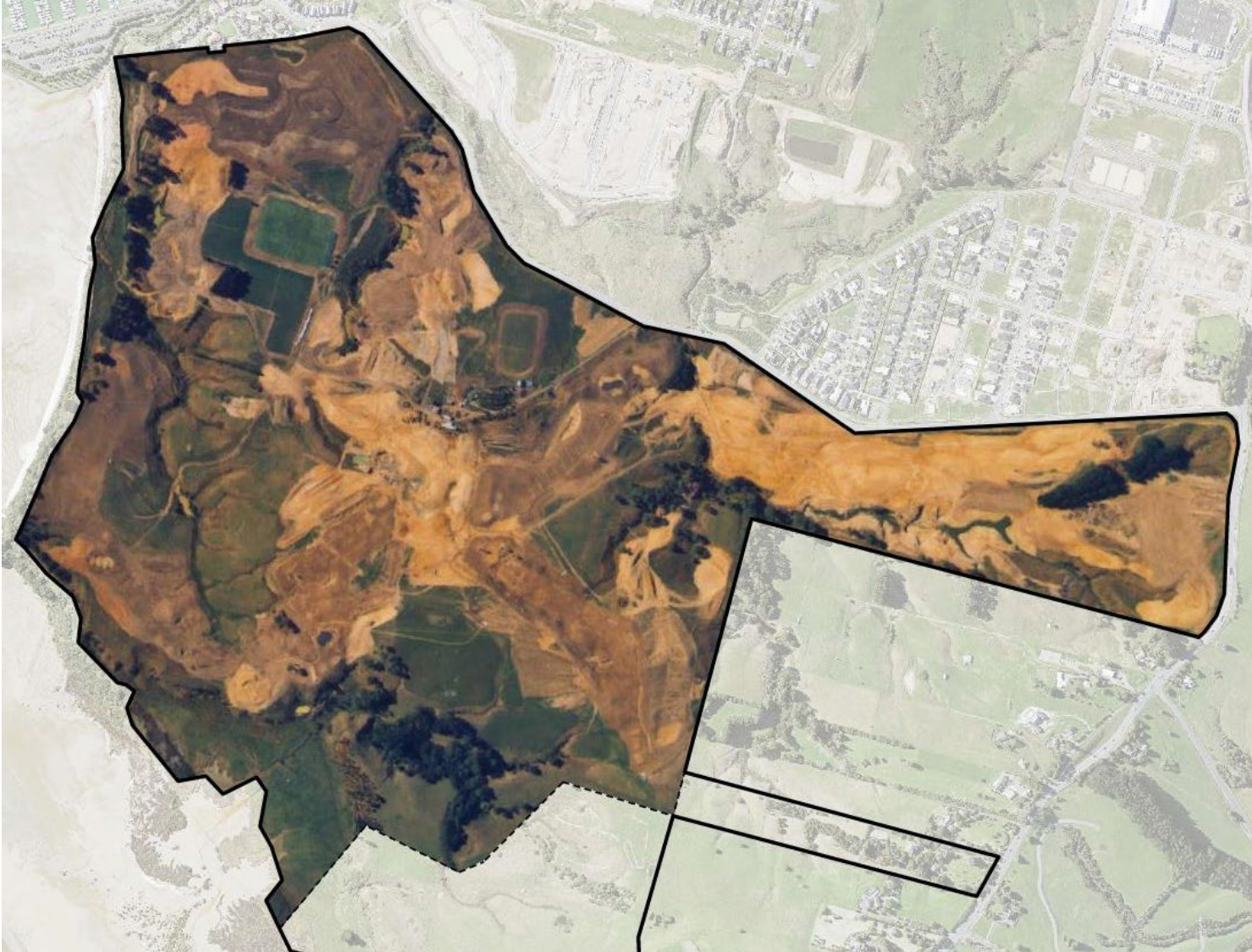


Figure 6. Earthworks for the Golf Course in 1996



Figure 7. Satellite Imagery of plan change area 2005 (Google Earth)



Figure 8. Google satellite view of golf course dating to April 2013



Figure 9. Modern Google Satellite image of plan change area

3.2 Historical Background

The historical background here is limited to providing a context for the archaeological sites.

3.2.1 Early Settlement

Māori occupation of the Tāmaki isthmus can be traced back over centuries and is evidenced by the numerous archaeological sites (namely middens, pits, terraces, and pa) and associated place names throughout the region. Several different iwi and hapū groups claim affiliation with the Auckland area including Ngāi Tai, Ngāti Whātua, Ngāti Pāoa, Te Kawerau ā Maki, and Te Wai-o-Hua, whose tribal territories commonly changed in response to warfare, migration or intermarriage.¹

Ngāi Tai traditions contain reference both to pre-Tainui and Tainui origins. Stephen Zister told the Waitangi Tribunal of a large Pohutukawa tree on the foreshore east of modern Howick named ‘Te Tuhi a Manawatare’. Ngāi Tai tradition says that Manawatare came from Hawaiki either by the waka Te Huruhuru-manu (Ngāi Tai ki Tāmaki Deed of Settlement 2015, p.8) or on the back of a taniwha, to Maraetai and Cockle Bay, where he marked the Pohutukawa with ochre as a guide to those following him (The Waitangi Tribunal, The Hauraki Report, Volume 1, 2006; p.35). Other sources link the ancestry back to peoples known as Tūrehu and Patupaiarehe, being led by Koiwiriki and his daughter Hinemairangi of the Hunua, Papakura, Maraetai and Pakuranga districts. Ōhinerangi, the large sacred stone on the beach at Maraetai between Pōhaturoa and Papawhitu Pā is named for Hinemairangi (Ngāi Tai ki Tāmaki Deed of Settlement 2015, p.7).

Ngāi Tai are also connected with the Tainui canoe through the ancestors Taihaua, Taikehu and Te Kete-ana-taua who settled in Tamaki (Rāwiri Taonui, ‘Tāmaki tribes - The tribes of Tāmaki’, Te Ara - the Encyclopedia of New Zealand, <http://www.TeAra.govt.nz/en/tamaki-tribes/page-3> (accessed 10 March 2022)). The Tainui canoe came to the Tāmaki area 25 generations ago and left people whose descendants still live there. The waka then voyaged to the eastern Bay of Plenty, where Torere, the daughter of its commander, Hoturoa, was left at the place named after her. Generations later, when bitter feuding broke out at Torere, the leaders there resolved to send three chiefly sisters, Te Raukohekohe, Motu-ki-tawhiti, and Te Kawenga, with others of their people, to find their kinsmen back in Hauraki and Tamaki. On arrival at the Maraetai-Wairoa area, they mingled and intermarried with Ngāti Maru, with the Tāmaki section of Ngāi Tai, and with the older Te Wai-o-Hua. Te Whatatau of Ngāi Tai of Tāmaki married two of the chiefly sisters from Torere; Te Raukohekohe, Motu-ki-tawhiti (The Waitangi Tribunal, The Hauraki Report, Volume 1, 2006; pp.35-37).

According to their oral traditions, Ngāi Tai ki Tāmaki have maintained customary interests and ahi kā in Tāmaki, Hauraki, and Tīkapa Moana (Hauraki Gulf) since time immemorial (Ngāi Tai ki Tāmaki Deed of Settlement Summary 2015). By the 18th century, Ngāi Tai had interests from Te Wai-o-Tāiki (Tāmaki River), eastwards beyond the Wairoa River, and inland to Te Ngaherehere-o-Kohukohunui (Hūnua Ranges). Interests included the Tāmaki towaka (portage) at Ōtāhuhu and the inner Gulf Islands of Rangitoto, Te Motutapu-a-Taikehu, Te Motu-a-lhenga (Motuihe), Motukorea, south and eastern parts of Te Motu Ārai-roa (Waiheke), and the islands to the east and south-east of Waiheke Island: Te Pounui-a-Peretū (Ponui), Taratoroa (Rotoroa), Pakatoa, Pākihi, and Kāramuramu. Southeast of the Wairoa River, Ngāi Tai and adjoining hapū had interests in lands between Mātaitai and Kawakawa Bay, and from Ōrere to Pūkorokoro (Ngāi Tai ki Tāmaki Deed of Settlement 2015, p. 9).

¹ While based on reliable documentary sources, this information should not be viewed as complete or without other context. There are a large number of iwi historically associated with the Auckland region and many other histories known to tangata whenua. See: D. Simmons, *Maori Auckland*, Auckland, 1987, pp.27-31.

Ngāi Tai also had interests on the isthmus west of the Tāmaki River at Taurere (Glendowie), Te Tauoma (Panmure), Maungarei (Mount Wellington) and Maungawhau (Mount Eden), and from Takapuna on the North Shore as far north as Whangaparāoa, Tiritirimatangi, Mahurangi and Te Arai. South of the Manukau Harbour, Ngāi Tai interests extended from Whātāpaka, Te Karaka and Papakura to Te Awanui-o-Taiehu and Tirikōhua near Tuakau. Hapū of Ngāi Tai maintained a long-standing presence on Aotea and parts of the Hauraki Peninsula, particularly from Moehau in the north to Whangapoua and Waiau, and in the southeast between Whangamatā and Te Ranga-a-Taiehu, near Katikati.

From around the mid-18th century to the early 19th century, long-standing patterns of tribal manawhenua in the Tāmaki, Tīkapa Moana and Hauraki districts were disrupted as disputes escalated to involve hapū and iwi from outside the region. Although tūpuna of Ngāi Tai such as Te Rangikaketū and Te Hehewa became involved in these events, they managed to avoid the fate of less-fortunate relatives, retaining their mana and passing it on to their descendants. While the traditions do not record Ngāi Tai suffering a calamitous defeat in this period, the population declined during the early 19th century due to introduced diseases and the direct effects of warfare, including the deprivations caused by having to shelter in the Hūnua bush during the musket wars (Ngāi Tai ki Tāmaki Deed of Settlement 2015, p. 9).

Before Te Tiriti o Waitangi was signed, Ngāi Tai ki Tāmaki rangatira, alongside rangatira of other iwi, were involved in land transactions in Tāmaki and the inner-Gulf islands. Ngāi Tai ki Tāmaki consider that their tūpuna did not intend to permanently alienate their ancestral lands through transactions in the late 1830s. Rather, Ngāi Tai ki Tāmaki view those transactions as attempts by their tūpuna to foster ongoing, mutually beneficial relationships with Europeans.

3.2.2 The Fairburn Purchase

Between 1836 and 1839 five iwi, including Ngāi Tai ki Tāmaki, negotiated transactions with a missionary for a large land block in Tamaki, known as the Fairburn Purchase. The block incorporated a significant amount of land in the Ngāi Tai ki Tāmaki rohe.

‘Beginning at ‘the Dragging Place at Otahuhu’, the boundary line ran southeast to Papakura, then towards modern Clevedon, thence down the Wairoa River to Umupuia, up the western shore of the Hauraki Gulf to the Tamaki River and thence to Otahuhu, where it ends’ (Stone 2001: 167).

Described as ‘...by far the largest pre-Treaty land “purchase” in Hauraki to be validated by the Land Claims Commission’ (L. Cotterall quoted in Monin 2001: 84), the Fairburn Purchase, known as ‘Tamaki’ in Old Land Claim file – OLC 589-590 (Tonson 1966: 50), came into being as the result of peace-making attempts by missionaries.

According to Stone (2001:165) the missionaries mistakenly believed that the underlying reason for the instability of the Tamaki region was the competition between Waikato and Thames tribes for the large area of relatively unpopulated borderland later incorporated in the ‘purchase’. Henry Williams argued that the territory should be ceded to missionaries and held in trust as a buffer between the contending parties, thereby removing any immediate obstacles to peace (Stone 2001: 165; Tonson 1966: 51). However, the main reason for sparse settlement of the area was regional instability resulting from almost two decades of musket wars (Stone 2001:165) and a fear, held by Hauraki Māori, of conflict with Waikato tribes from the Manukau Harbour (Monin 2001: 81). There were, in fact, not two but many rival claimants for the territory, including Ngāi Tai (Stone 2001:165).

On 22 January 1836, William Thomas Fairburn, a lay catechist with the Church Missionary Society (CMS), attended a peace-making meeting at Puneke, on the Tamaki River, between the Ngāti Paoa, Ngāti Tamatera, Waikato, and Ngāti Te Ata (La Roche 1991). As a result, the deed of sale for this

huge block of land, originally calculated as being 40,000 acres,² was ‘...signed by thirty-two chiefs ...and witnessed by Henry Williams, two other Pakeha and one Māori’ (Stone 2001: 167).

The land was acquired by a series of payments, almost exclusively in trade goods such as blankets, pipes, adzes, tobacco, garden implements, clothing etc, valued at £907.17.6 (Stone 2001; Tonson 1966). Having purchased this vast acreage, Fairburn now found himself in conflict with the CMS for the scale of his acquisition (Monin 2001).

So, on 12 July 1837, Fairburn signed an agreement promising to return one-third of the block back to its Māori owners once the boundaries had been surveyed (Stone 2001). In the 1840s Fairburn’s Purchase was examined by the Land Claims Commission and eventually he received several grants totalling 5,495 acres, slightly less than one-seventh of his original purchase. However, the ‘disallowed’ parts of the Purchase did not automatically revert to the Māori owners but became ‘Surplus Land’ at the disposal of the Crown. By 1854, much of the land between the Tamaki River and what is now Howick had been taken up by European settlers (Stone 2001; Te Warena Taua in La Roche 1991; Tonson 1966). Though various tribal groups claimed certain areas within the Fairburn Block, Ngāi Tai claimed Mana Whenua over the entire area. As a result, the Crown, represented by Land Purchase Officer John White, moved to complete the sale by paying the ‘Chiefs of Ngāti Tai Tribe’ £500 on 21 February 1854.

‘Ngāi Tai who then numbered under 100 people maintained their old kāinga at Maraetai – Umupuia and on the eastern side of the Wairoa River inland to Otau’ (Te Warena Taua in La Roche 1991: 36).

Settlement by European farmers began during the 1850s and 1860s. Having cleared the land, which was heavily forested with kauri trees, the majority of the early Turanga (Whitford) settlers proceeded to make a living from ‘... selling firewood, ... wheat, oats, hay, butter and cheese for the Howick and Auckland markets [and] ... flax for the Whitford, Clevedon and Auckland mills’ (La Roche 1991:210). Some farmers supplemented their income by selling kauri gum to be used in the manufacture of varnish. The timber from the felled trees was used to construct houses and schools in the area and for boat building (ibid: 205). By the end of the 19th century the largest holding in the area was L.D. Nathan’s Whitford Park (2,656 acres), which included a famous ostrich farm (La Roche 1991; Tonson 1966).

3.2.3 Information from Historical Plans/Photographs

One early plan dating from 1836 describes the general area as ‘Land with small hills’ (Figure 10) and the land appears to have been mostly still in bush or forest in the 1860s (Figure 11). SO 50579 dating to 1876 showed the survey of the main road through to Maraetai, probably indicative of the growth of farming in East Auckland, with the land blocks allocated to different settlers (Figure 12). Subsequent subdivision of the larger blocks in the 20th century indicates that the land was largely in scrub in the early 1920s (Figure 13). By the 1940s all the areas were under pasture (Figure 14 and Figure 15).

² In 1851 the land was estimated to be nearly 75,000 acres and a century later at 83,947 acres (Stone 2001:168).



Figure 12. Part of Roll 65 showing current plan change area owned by A.H. Russell (source: LINZ)

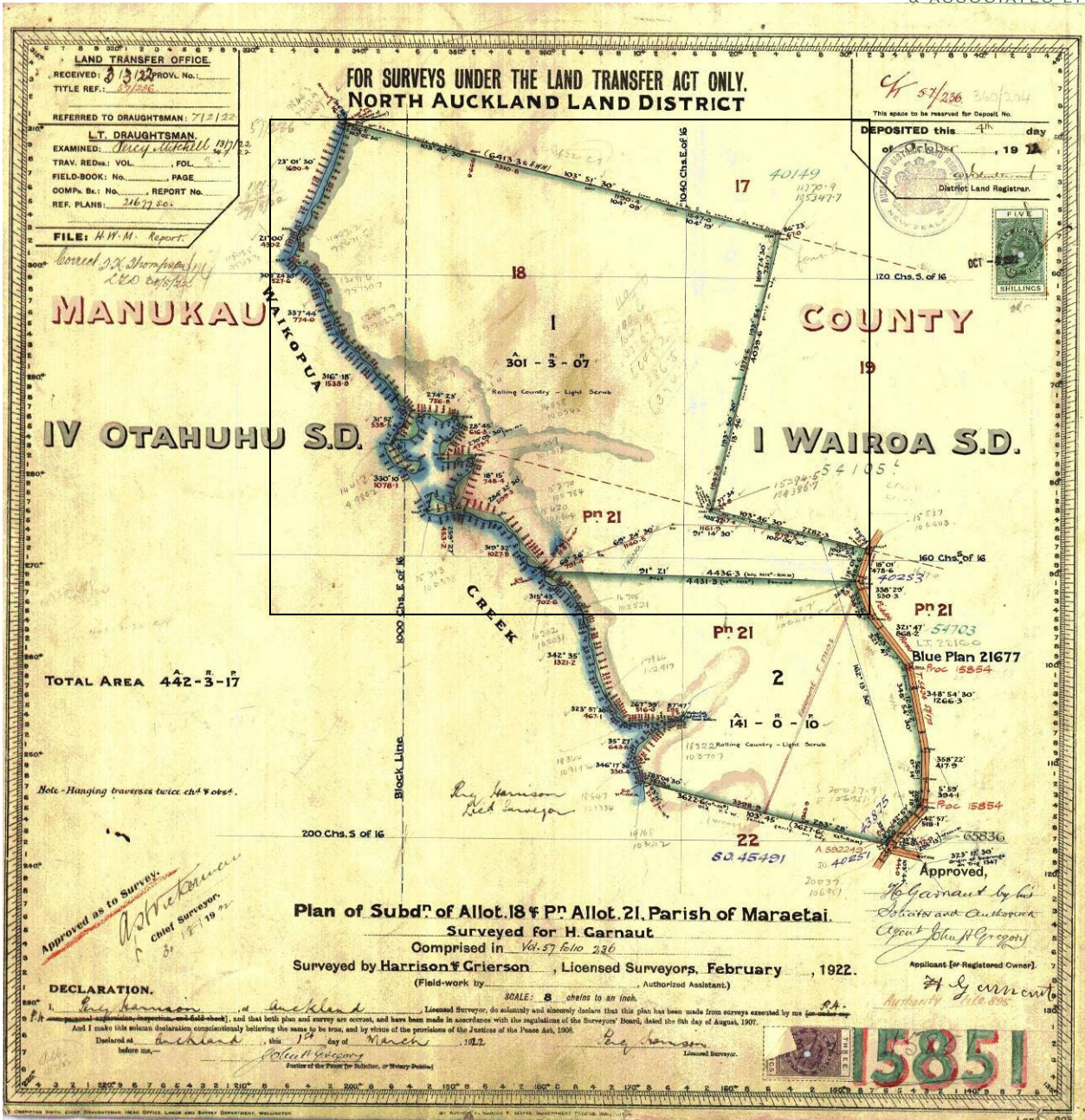


Figure 13. DP 15851 dated 1922, showing subdivision of current property. The land is described as ‘Rolling Country – Light Scrub’ (source: LINZ)



Figure 14. Close-up of topographic map of the Wairoa Survey District, dated 1941. (source: Sire George Grey Special Collections, Auckland Libraries, NZ Map 9295)



Figure 15. Beachlands and Maraetai settlement with farmland from Clifton Beach, with the Firth of Thames and Coromandel Peninsula beyond, East Auckland in 1956. (source: Whites Aviation Ltd. Ref: WA-40774-G. Alexander Turnbull Library, Wellington, New Zealand. <http://natlib.govt.nz/records/30115348>)

3.3 Archaeology in the Area

3.3.1 Introduction

The plan change area has been extensively surveyed in the past. Several projects including excavations have also occurred in Beachlands and on the northern boundary of the plan change area on Tui Brae Road. This section summarises work in the Beachlands area to the north and towards Whitford in the South. It then details the results of previous and current surveys within the plan change area.

Archaeological sites are recorded in both the NZAA's ArchSite database and in the Auckland Council's Cultural Heritage Inventory (CHI). An overview of the distribution of the archaeological sites is shown in Figure 16. While the archaeological sites are recorded in both databases, it is apparent that the databases often record different locations for the same site. The reasons for this relate to the long history of both databases (see Bickler 2018:60ff) and advances in the technology through that time which have meant that information is not always synchronised between them.

Details of each site are discussed further below but a few points are required to understand this data. Firstly, both databases primarily record the archaeological sites as point locations rather than showing the extent of the archaeological features that may have been recorded. Furthermore, those extents are typically based on visible elements or some limited testing (by probe).

Secondly, a few of the archaeological sites in the NZAA ArchSite database (e.g., R11/1438, R11/1439, R11/1621 and R11/1622) are shown positioned outside the plan change area and in the water. However, all the sites are coastal middens on the top of the ridge above the water.

For the most part the Auckland Council CHI location is considered more accurate. However, the recorded extents of these sites are shown in more detail below.

This information is based on previous survey results, a recent reassessment of the pā site R11/1619 in the Ahuareka block in August 2021 and a field visit to the golf course area on 15 December 2021 to assess the potential effects of an indicative coastal walkway proposed along the coastal margin of the plan change area.

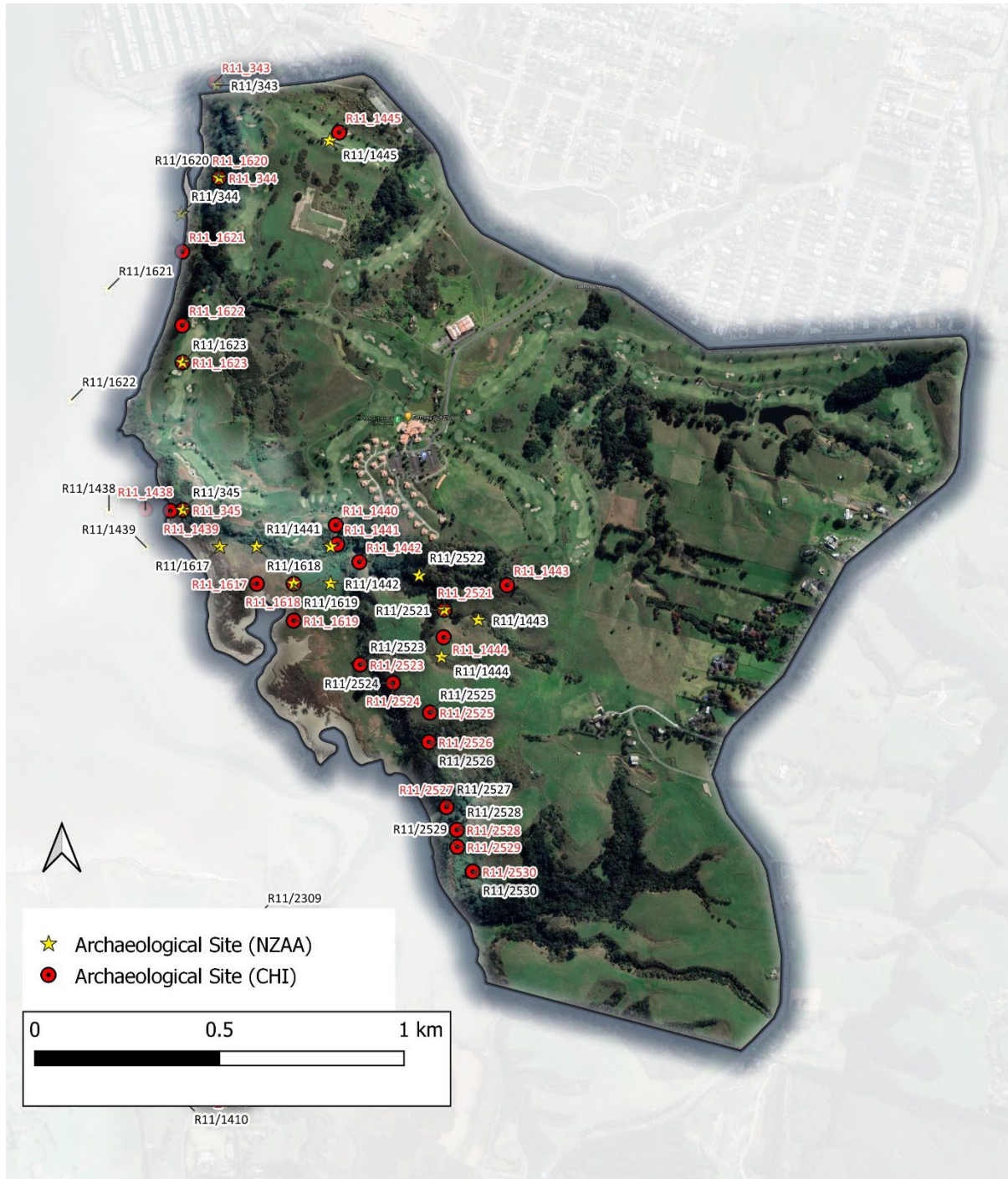


Figure 16. Archaeological site locations comparing NZAA ArchSite and Auckland Council CHI

3.3.2 The Wider Landscape

There have been numerous surveys around Whitford to the south and east (see Bibliography) and limited excavations in the Beachlands area (see e.g., Bickler and Clough 2006; Bickler et al. 2009). Those investigations have mainly related to midden deposits with little structural data. The sites where radiocarbon dates have been obtained for archaeological investigations are shown in Figure 17.

Plowman and Cable (2008) investigated a midden (R11/2366) in Shelly Bay Reserve in 2007 during a walkway upgrade. The midden comprised small quantities of very fragmented marine shell (mainly cockle, with minor inclusions of pipi, scallop, oyster, and speckled whelk), with minimal inclusions of small pieces of fire cracked rock, indicating shellfish processing and cooking activities. The midden was determined to be in secondary deposition, having eroded down the steep slope of the coastal cliff escarpment. Radiocarbon dating indicated the midden had originally been deposited in the mid-15th to early 16th century.

Another midden site (S11/559) was investigated in 2009 during the construction of the coastal walkway from Beachlands to Maraetai (Baquié 2011). The site was located near the bridge linking Te Puru Park to Omana Regional Park. The midden contained almost equal quantities of cockle and pipi with only one or two individuals of other shellfish species represented (scallop, blue mussel and speckled whelk). All the shellfish would have been locally available. The midden also contained fishbone, mainly undiagnostic, but snapper and jack mackerel were identified. A bone artefact was also recovered from the midden, identified as the point of a two-piece composite fishhook from the 'Classic' period of New Zealand pre-history. The dates obtained for the midden indicated a relatively late occupation probably between the late 1600s and c.1840 AD.

A midden sample from the same site was analysed by Mark Horrocks for plant microfossil evidence (Baquié 2011). Horrocks identified extremely abundant charcoal, puha/dandelion and especially bracken spores, as well as some hornwort spores and evidence of taro and European introduced pine, but no pollen from tall native trees. Starch residues like those of kumara were also identified. The results indicate an environment in which forest has been cleared and vegetation burnt off, as well as cultivation of taro and probably kumara. The charcoal identification largely supported the microfossil analysis – the charcoal consisted of coastal shrub and scrub species with pohutukawa and puriri, vegetation typical of coastal areas from which the forest had been cleared for some time.

Investigation of a small midden site (R11/2139) was carried out in 2006 during a residential subdivision development at the eastern end of Spinnaker Bay, Beachlands (Bickler and Clough 2006). The shell was predominantly cockle, with small amounts of pipi and a few scallops, but 20th century farming activities and geotechnical investigations had caused significant damage and there were no associated intact features. A sample sent for radiocarbon dating returned a date of around 1600 AD.

A limited investigation of a midden/terrace site (R11/342) on the Puriri Road Reserve walkway was carried out in 2006 during upgrade works (Bickler et al. 2009). Again, the midden was mainly composed of cockle, with reasonable amounts of pipi and rare occurrences of other species. A radiocarbon date suggested that the shell was deposited around 1560-1710 AD. No associated features were investigated.

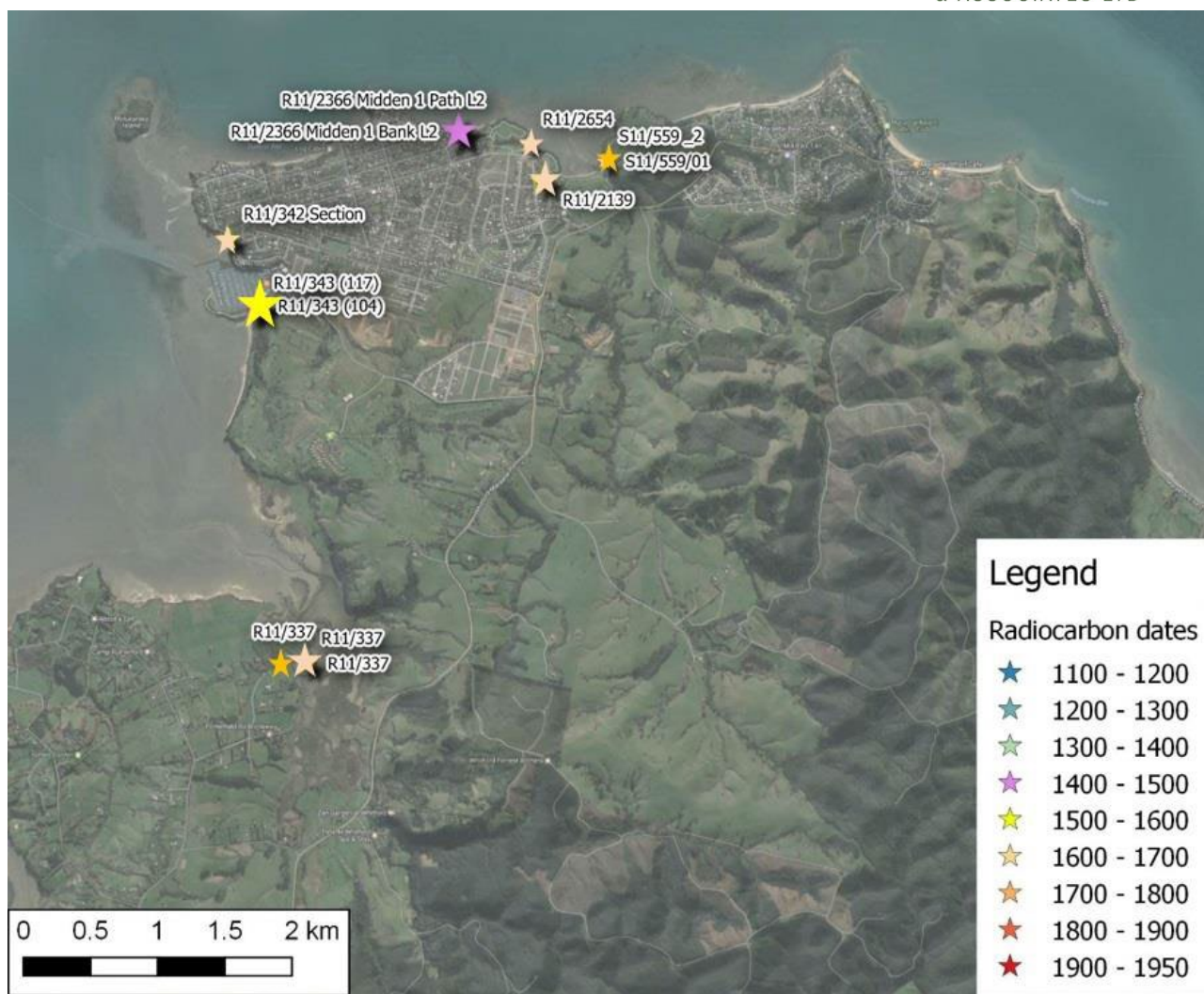


Figure 17. Calibrated radiocarbon dates from the wider Beachlands / Maraetai area, at 1 standard deviation

3.3.2.1 Tui Brae Excavation

During development of the Pine Harbour Marina in the 1980s, Foster (1986) undertook an investigation of site R11/343 to determine its extent and nature. This borders the plan change area in the northeast (Figure 16). Test pits were carried out across the site and determined its likely extent, although this was largely based on the distribution of shell midden.

Coster (1994) undertook a review of Foster's (1986) report and made several management recommendations for the site. In addition, he provided an overlay of Foster's work that seems to form some of the basis for subsequent protection of the site. In reviewing site R11/343, Coster (1994:3) remarked that the features associated with the site were relatively unimpressive and common in the area. However, the site did offer the possibility of additional features relating to the occupation of the headland, perhaps discoverable by area excavation.

Parts of R11/343 were covenanted during subdivision in 2006 to create the lots for 23 Tui Brae and 27 Tui Brae and, subsequently, a house was built at 23 Tui Brae. Earthworks for that house were monitored under NZHPT Authority No. 2004/223 to ensure that no archaeological deposits were impacted (R. Clough, pers. comm.; G. Walter, Heritage NZ, pers. comm. April 2015).

Subsequently a building for 27 Tui Brae was constructed, requiring a negotiation over the covenant and an Authority was granted for the ground works. The results of the archaeological excavation of site R11/343 (Shakles et al. 2017) exposed a total of 10 archaeological features relating to pre-European contact period Māori activity on the site (Figure 18). The two radiocarbon samples suggested that the main activity on the site occurred during the first quarter of the 16th century. No remains relating to historic Māori or 19th century European activity were exposed during the investigation. No artefacts were recovered during the investigation.



Figure 18. Northeast facing view looking across the northern midden deposit (context 104) during excavation. Scale: 2 x 1m (Shakles et al. 2017)

The features relating to Māori occupation of the site consisted of three distinct shell midden deposits with four associated earth ovens, a drain that was likely to have been associated with a living area situated beneath the garden of 23 Tui Brae, and three postholes of indeterminate function. These features are likely to have been related to sporadic seasonal occupation of the site by a small Māori group over a number of years. It is possible that that the site represented activity on the edge of a modest settlement such as a hamlet or a small kāinga, but if so, evidence of this is no longer apparent.

Analysis of shell midden samples provided evidence of the use of both coastal marine and estuarine environments in the procurement of shellfish, with cockle being the main species exploited.

The plant microfossil analysis illustrated that the site had been cleared of forest, with spores of bracken dominating the pollen assemblage, perhaps indicating the consumption of starch-rich bracken rhizomes on the site. Interestingly, puha pollen comprised 15% of the total pollen assemblage from the midden sample and indicated that shoots of this type of plant were being cooked and eaten, with the waste deposited as food scraps placed on the midden. Additionally, the phytolith analysis provided evidence for the presence of kumara on the site, likely as stored tubers.

3.3.3 The Golf Course Block

3.3.3.1 Previous Survey

This property was surveyed by Mathew Felgate in the 1990s (Felgate 1995) just before the Golf Course was created. Felgate summarised the archaeological work that had been undertaken up to that point, and the locations and extents of the recorded sites at that date are shown in Figure 19. Steven Edson had recorded several sites along the Turanga to Waikopua estuaries in 1976 which included:

- R11/343 – a pit and shell midden site at the NE corner of the plan change area, mostly within the Tui Brae (as discussed above).
- R11/344 (also recorded subsequently as R11/1620) – identified by a midden but also as a possible pā site; and
- R11/345 – coastal terraces with midden.

Six additional sites were identified by a resurvey by Sewell in 1987. She also updated the older Site Record Forms (SRFs). The additional sites included:

- R11/1617, R11/1621, R11/1622, R11/1623 – patches of midden.
- R11/1618 – terrace and midden site.
- R11/1619 – a small pā site at the southern end of the site that may have been part of a larger open settlement (Felgate 1995: 4-55).

Felgate's 1995 resurvey of the property, including some test pits and probing, allowed additional sites to be identified as well as an estimate of likely extents of the archaeological features (Figure 19). Felgate consolidated some of the previously recorded sites and identified seven additional sites:

- R11/1438 – shell midden eroding down spur with cut terrace.
- R11/1439 – shell midden eroding below possibly modified natural terrace.
- R11/1440 – four possible pits with associated midden.
- R11/1441 – midden on shallow terrace.
- R11/1442 – pits and terrace.
- R11/1443 – a possible terrace site.
- R11/1444 – possible pit (may be associated with gum digging).

Three of the sites (R11/1442, R11/1443 and R11/1444), close to the southern boundary of the golf course block, were re-surveyed by Barry Baquié in 2009 (Baquié et al. 2012) during his survey of the Ahuareka Block (Table 2). Baquié suggested that the sites R11/1441-1443 recorded by Felgate are probably part of the one site. While checking those sites he recorded two additional sites in the area (Table 2, Figure 16):

- R11/2521 – pits.
- R11/2522 – pit and terrace.

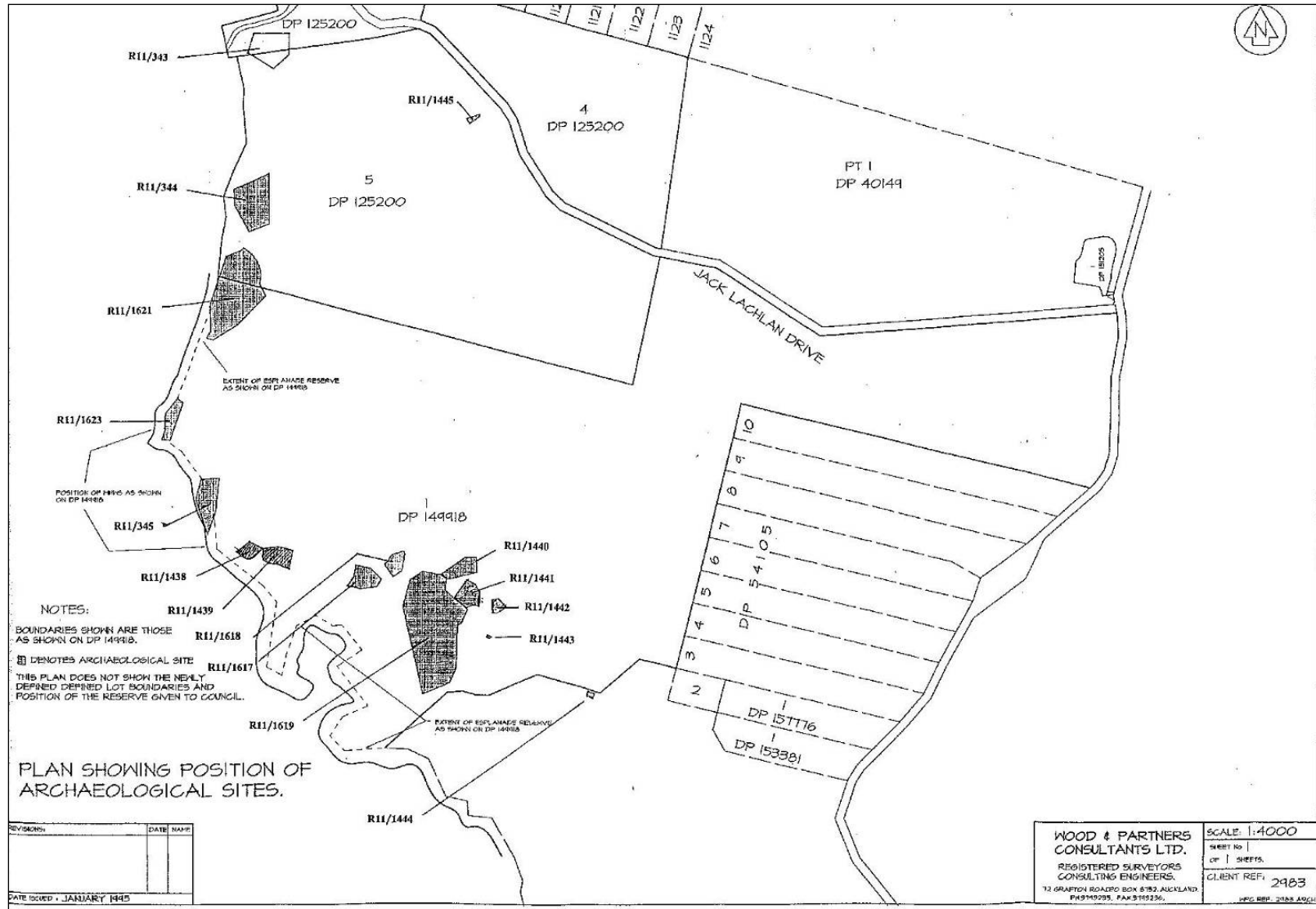


Figure 19. Location and extents of archaeological sites identified by Felgate in 1995 (Bioresearches 1995: 8)

Table 2. Re-surveyed sites in the Golf Course area in 2009 (? indicates possible archaeological feature)

R11	Site Type	Easting NZTM	Northing NZTM
1442	PITS/TERRACE/MIDDEN	1777655	5914102
1443	?TERRACE	1778055	5914039
1444	?PIT	1777883	5913898
2521	PITS	1777885	5913972
2522	PITS/TERRACE	1777817	5914065

3.3.3.2 Field Survey 2021

The sites along the coastal edge were revisited as part of the current plan change assessment on 15 December 2021, to determine the possible effects of an indicative coastal walkway proposed along the coastal margin of the plan change area (Figure 20). In addition, re-identifying some of the coastal sites was also undertaken as many of these sites had not been checked since the mid-1990s.

Conditions along the coastal margin made site identification difficult, with long grass, gorse and dense vegetation with wet ground conditions. As a result, the area along the southern end of the proposed walkway was not examined. Sites on the north-western side in the lower coastal margin near the water were also not checked as they were outside the structure plan and plan change area. However, the ridgelines were explored to re-identify sites that bordered the Golf Course.

The route from below the Golf Course villas along the ridge running alongside the fairways was probed and attempts were made to locate sites previously identified. Almost all sites that had been recorded were outside the fairways and in long grass and scrub with patches of gorse and as a result no sites were clearly identified, with the exception of sites R11/344 and R11/1440 and some patchy indications of midden associated with R11/343 near Tui Brae. However, for the purpose of this assessment the remaining sites are assumed to be still present in the general locations indicated in Figure 19.

The remains of a mountain-bike ramp and other earthworks were seen north of R11/344 in the northwestern corner, although obviously no longer used (Figure 21, Figure 26). However, this does suggest that activities in this coastal margin could potentially impact archaeological features in the future. Recommendations to address this particular matter are provided later in this report.

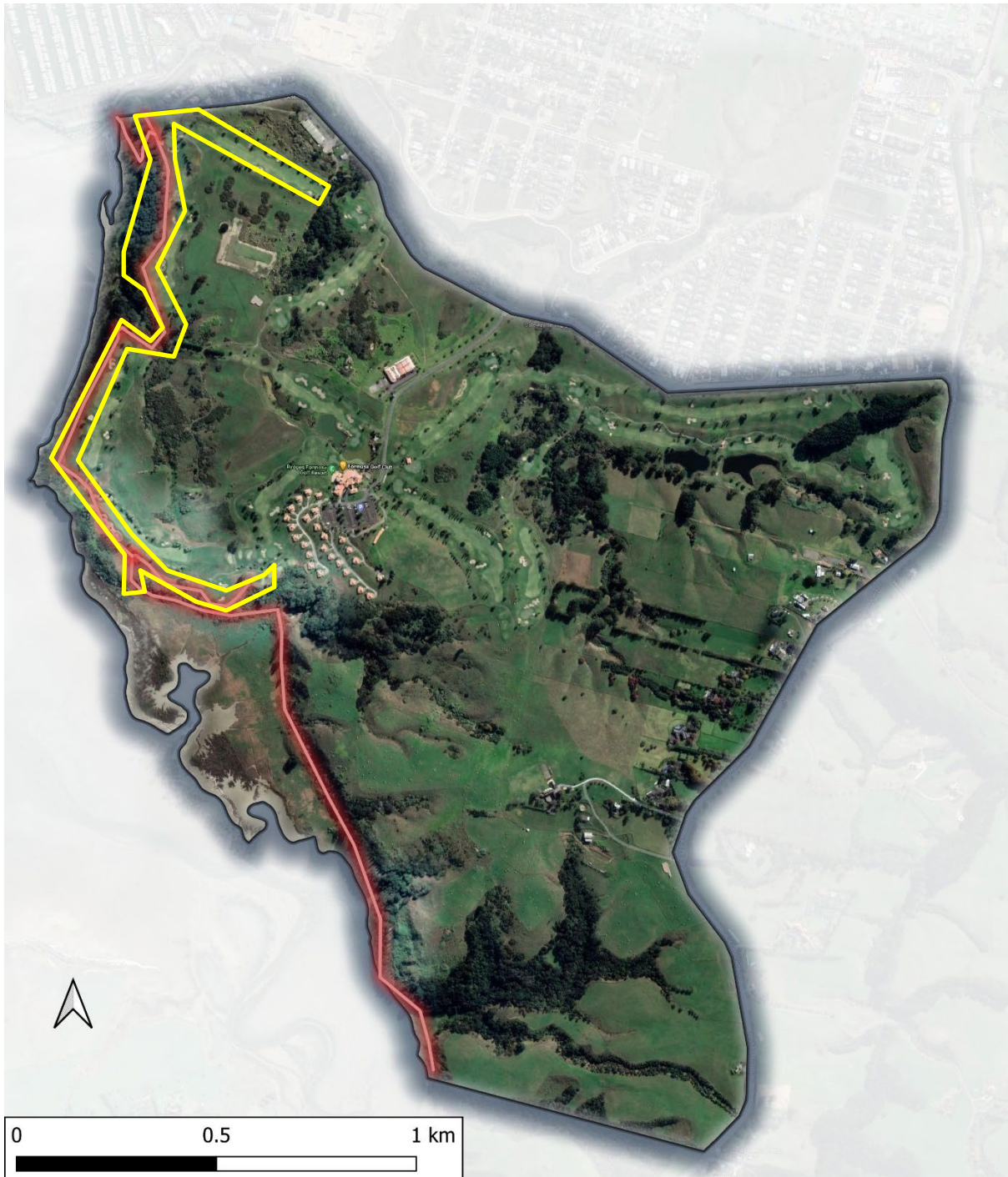


Figure 20. Structure Plan area showing indicative coastal pathway zone (pink) and surveyed areas (yellow)



Figure 21. Remains of bike ramps in northwest corner of the area (outside property)

3.3.3.3 Sites Revisited in 2009 and 2021

The sites revisited during the 2009 and 2021 surveys are summarised below. Due to dense vegetation cover in 2021 and the limited scope of the 2009 survey (restricted to areas immediately adjacent to the Ahuareka block), several of the coastal sites previously recorded in the Golf Course area could not be relocated.

R11/343 – Pit/Midden:

This site is mainly located in Tui Brae to the north and has been archaeologically investigated as described above and largely destroyed by residential development. Some patchy indications of midden associated with R11/343 near Tui Brae in the northeast corner were identified in 2021 (Figure 22).



Figure 22. View north towards area of R11/343 (Tui Brae)

R11/344 – Midden/Possible Pā:

This site in the northwest corner was re-identified in 2021. This had been described as a shell midden eroding across two knolls with a ‘causeway’ between them and possibly a pā. The knolls were identified, and shell was visible in the slopes despite the trees and scrub throughout the area (Figure 23–Figure 25). There was no indication of defensive features to suggest that the site was a pā, although the natural cliff faces would have provided some protection. However, the site was accessible from higher ground to the east. The vegetation cover has meant that much of the surface of the knolls has been heavily damaged and whether archaeological features are still intact is not known. However, it is likely that some of the site did extend to some of the neighbouring knolls as well and the area could have been a small kāinga (Figure 26). Midden site R11/1620 appears to relate to the same site.



Figure 23. View across to larger knoll of R11/344



Figure 24. Eroding shell in bank below knoll (R11/344)



Figure 25. Eroding shell in cut steps leading up to knoll (R11/344)



Figure 26. Re-surveyed area of R11/344 showing likely extents (blue), possible full extents (dotted lines), indicative location of coastal walkway (pink line) and location of old mountain bike ramp

R11/345 – Terraces/Midden:

No clear identification of R11/345, which had been described as a large area of eroding shell down the bank at the southwest corner of the block, associated with probable terraces, was found in 2021 although the likely area of features was explored (Figure 27).



Figure 27. Probe testing in the vicinity of R11/345

R11/1440 – Pits/Midden:

The area of R11/1440 (Figure 28) was able to be found in 2021 and it was possible that pit features were associated with soft ground that had larger weeds growing in them. No midden was found by probe.



Figure 28. Scrub in area of recorded site R11/1440

R11/1442 – Pits/Terrace/Midden:

The site was visited in 2009. The previous grid reference for this site and the site description were not clear and Baquié considered it possible that this site is the same as newly recorded site R11/2522 (see below).

R11/1443 – Possible Terrace:

This site was originally described in 1994 by Matt Felgate as being indistinct, in long pasture and measuring 8m x 4m with a 0.4m backscarp. During the 2009 survey the GPS grid location indicated an area with low pasture grass and indistinct surface formation which may have suggested a terrace at a previous time.

R11/1444 – Possible Pit:

The GPS grid location for this site was relocated during the 2009 survey and the area assessed for its state and condition. The possible pit site was a depression on a natural terraced area with a significant back slope on the spur. The indistinct pit measured approximately 3m x 2m as originally recorded by Matt Felgate in 1995.

R11/2521 – Pits:

Two pits each measuring 3m x 2m x 0.30m deep with the southern pit having a backscarp of 0.5m (Figure 29) were identified in the 2009 survey. Several kanuka (*Kunzea ericoides*) were noted nearby above the steep-sided slopes of the forked stream either side of the spur on which the pits are located. Pasture grasses covered the immediate area, although the gullies were bush clad. This may be part of R11/1442.



Figure 29. View northwards of two pits on end of flattish spur in 2009 (R11/2521)

R11/2522 – Pit and Terrace:

Recorded in 2009, these ground features are highly visible on a south-facing spur side overlooking a steep banked gully with a stream flowing westward into the Waikopua Creek. The flanks of the gully are bush clad with several radiata pines in the immediate vicinity of the ground features. The pit measured 3m x 2m x 0.5m deep, and the terrace was 4m x 3m with a backscarp of 1.2m.

Both sites (R11/2521 and R11/2522) are near to other sites recorded by Felgate, and located on spurs approaching the pā, R11/1619, which is located partially within the golf course block and partially within the Ahuareka block (see description in the next section).

3.3.4 620 Whitford-Maraetai Road (Ahuareka Block)

Eight new sites (R11/2523-2530) were recorded by Baquié during 2009 in the 620 Whitford - Maraetai Road block (Baquié et al. 2012). Sites in the neighbouring (golf course) block were also identified to check whether they overlapped into the property, as discussed above.

There was considerable confusion in the site records regarding the precise extent of pā site R11/1619, which was recorded by Sewell 235m westward and by Felgate 170m westward of the GPS location recorded for the site in 2009. The boundaries of the pā also extended into the 620 Whitford-Maraetai Road block in its southern aspect. A more detailed survey was carried on 12 August 2021 and LiDAR imagery was examined. The updated details of the pā are described below.

The new sites identified by Baquié et al. (2012) were mostly shell midden concentrated along the coast, but one (R11/2525) contained three pits and a terrace (described below). Their locations are shown in Table 3 (and see Figure 16). The relatively poor agricultural soils (for pre-European cultivation) made dense settlement impractical in this area, but the presence of the pā (R11/1619), the pit and terrace sites R11/2525 and R11/2522 in the immediate vicinity (the latter outside the Ahuareka block), and several other recorded pit and terrace sites in the golf course to the north are evidence of the general use of the area for settlement and agriculture.

The site of a former building was also recorded on the coast, but it is probably not pre-1900, and is therefore not an archaeological site as defined in the HNZPTA.

Table 3. Sites recorded during the 2009 survey

R11	Site Type	Easting NZTM	Northing NZTM
1619	PĀ (RIDGE)	1777704	5913998
2523	MIDDEN (SHELL)	1777657	5913824
-	BUILDING SITE HISTORIC	1777670	5913801
2524	MIDDEN (SHELL)	1777746	5913774
2525	PITS/TERRACE	1777846	5913694
2526	MIDDEN (SHELL)	1777843	5913614
2527	MIDDEN (SHELL)	1777891	5913438
2528	MIDDEN (SHELL)	1777919	5913376
2529	MIDDEN (SHELL)	1777920	5913330
2530	MIDDEN (SHELL)	1777962	5913263

The sites located within or partly within the Ahuareka block are described below.

R11/1619 – Pā:

This site was originally recorded by Brenda Sewell in 1987 and re-recorded by Matt Felgate in 1994. This site extends over a distance of 230m along the end of a ridgeline with a steep slope towards the Waikopua Creek to the west, and a similar steep gradient to the northeast into a ‘V’-shaped tributary gully. The northern end of the site drops down the spur line running off the end of the ridge, and towards the southern end of the site there is what appears to be the remnant of a ditch and bank defensive system.

This pā site is 30m above sea level (Figure 30). Beyond (to the northwest of) the ditch and bank feature the ground rises steadily into a grassed paddock. Within the pā are several suspected but probable features resembling terracing and shallow pits, which may be house sites. However tenuous these features may be, the slopes on the Waikopua Creek side and the stream gully side have slumped and scattered deposits of shell midden consisting mostly of cockle (*Austrovenus stutchburyi*) (Figure 31).

Two terraces occur on the western slopes (Figure 32), and a farm track has been cut around the northern end of the ridgeline providing access to the lower flats of the Waikopua Creek, now drained and in pasture.

Several concentrations of shell midden were observed towards the southern end of the site beyond the transverse ditch and bank above the eastern slopes of the Waikopua Creek, particularly where jutting promontories occurred (Figure 30–Figure 34). These deposits indicate the likelihood of significant occupation of the surrounding area by the occupants of the pā.

Modern LiDAR imagery of the pā site (Figure 35) shows the ditch clearly with other possible features around the highest part of the pā, which is currently planted. However, most features are not very distinct even up close.



Figure 30. Location and probable extent of the pā, R11/1619, with property boundary shown as red dashed line



Figure 31. Cockle (*Austrovenus stutchburyi*) midden slumped 1.5m below the surface, R11/1619



Figure 32. Terraced area of R11/1619 below the top of the pā, with remnant pines on the slope and Waikopua Creek flats below (to the north of the property)



Figure 33. Cockle midden on R11/1619, slumping and scattering downslope

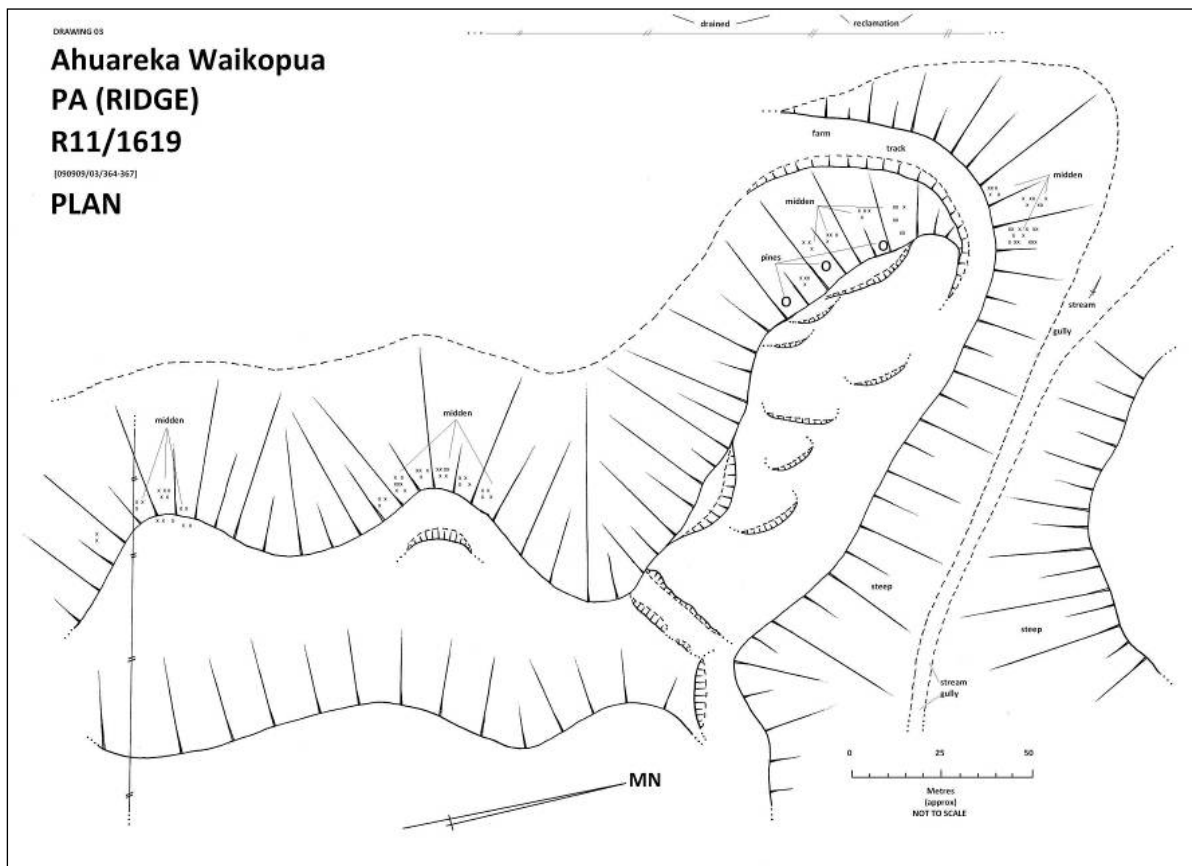


Figure 34. Plan of archaeological site R11/1619

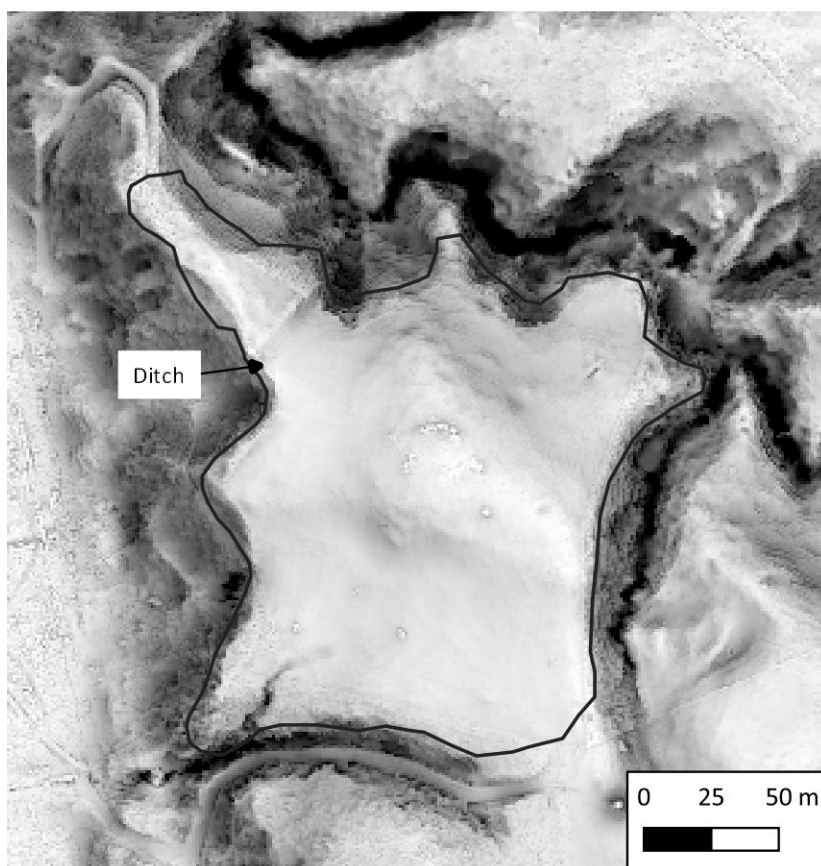
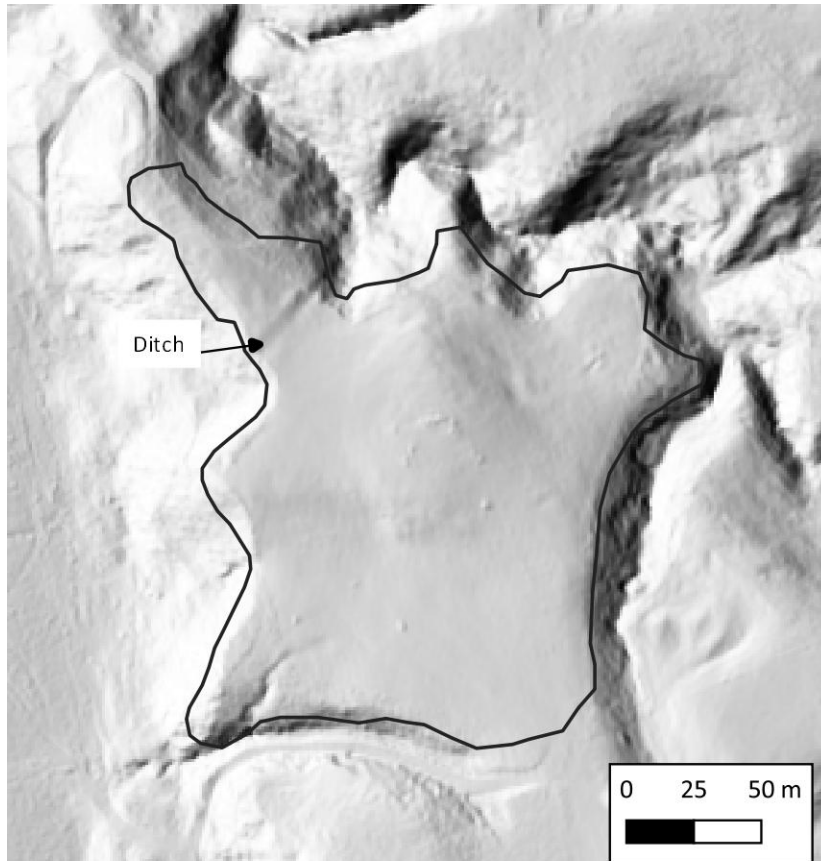


Figure 35. Hill shade (top) and Slope view (bottom) of R11/1619 based on 2013 LiDAR (source: Auckland Council)

R11/2523 Midden (Shell):

This shell midden, consisting mostly of cockle (*Austrovenus stutchburyi*) occurs 400mm below the surface and is visible in a tapering seam varying in thickness between 75mm and 100mm, extending over a distance of 4m. The deposit, located in a farm track cutting, is contained in a soil matrix with crushed, broken, and whole shell. The layer of soil above the deposit has the appearance of having been redeposited at some time in the past (Figure 36 and Figure 37), with a thin 100mm thick buried topsoil visible above the shell deposit.

Building Site (Historic):

The building site lies on a natural section of coastal platform below the steep eastern slope of the Waikopua Creek. A farm track has been cut to the north of the site and rises up to the upper areas of the farm. Westward of the site the lower reaches of the Creek have been drained and converted to pasture lands. The building belonged to grandparents of the farm owners and was probably post-1900 in date. The remnant foundations consist of shell mortar pieces scattered across an area of 10m x 5m (Figure 38 and Figure 39). The building was used as accommodation before adequate roading was in place and when access to the farming area was by boat (farm manager, pers. comm.).

To the south of the foundations cockle (*Austrovenus stutchburyi*) is scattered over 9m in cattle pugging. No source for the scatter was located.

R11/2524 Midden (Shell):

Cockle (*Austrovenus stutchburyi*) shell is scattered downslope over 48m in this vicinity. However, there was no visible intact source for the shell and probing failed to detect its origin. It may have been a result of the previous harvesting of the pines planted along the foreshore slope of the Waikopua Creek. Radiata pine stumps and token trees remain on the slope (Figure 40 and Figure 41).



Figure 36. Cockle (*Austrovenus stutchburyi*) midden R11/2523 located in farm track cutting; buried topsoil under clay fill

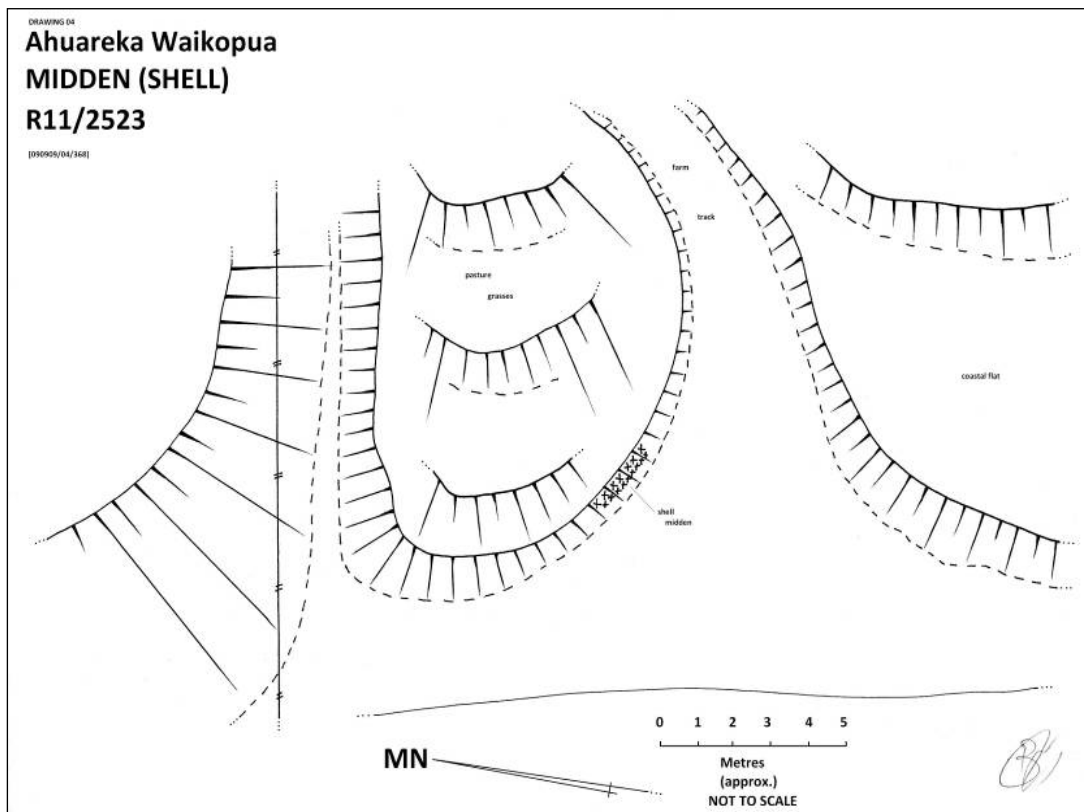


Figure 37. Plan of R11/2523



Figure 38. Remnant shell mortar foundations from former historic building

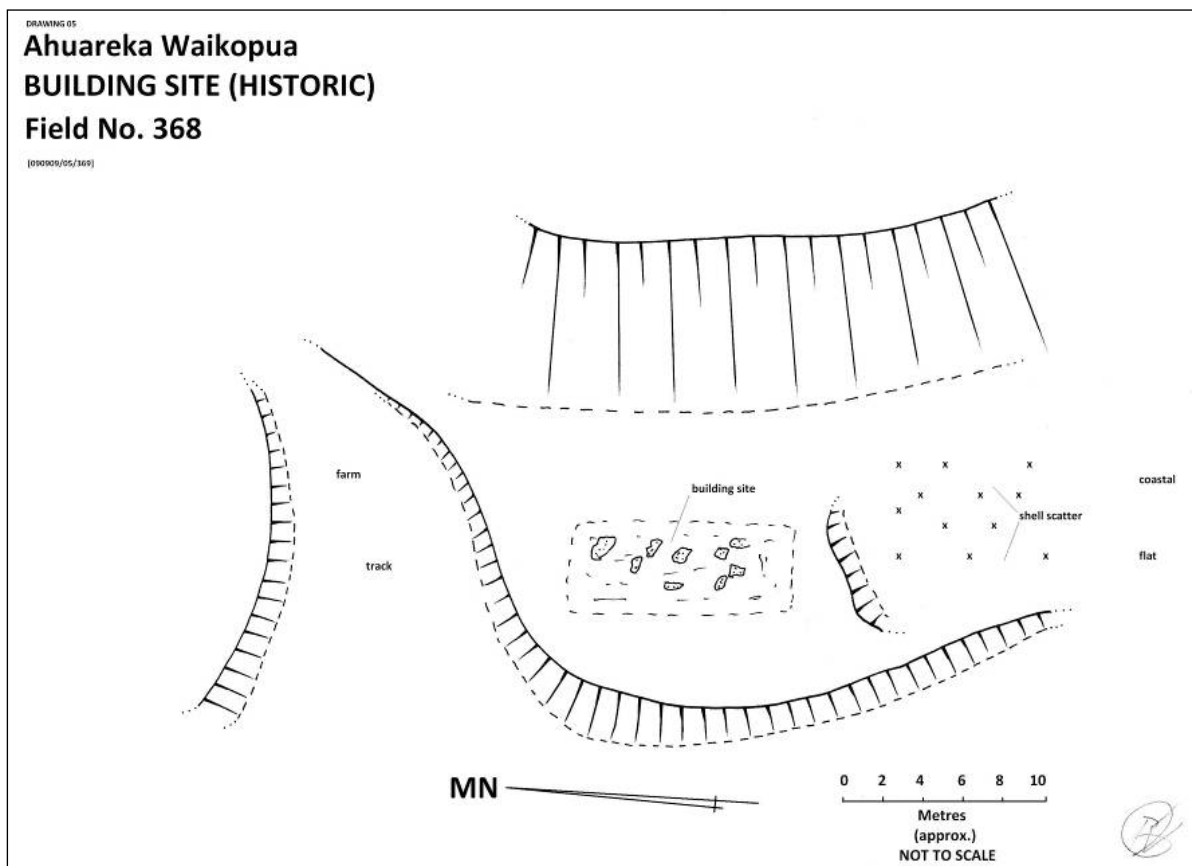


Figure 39. Plan of historic building site



Figure 40. Area at top of coastal slope where midden is scattered (R11/2524); view across reclaimed drained flats

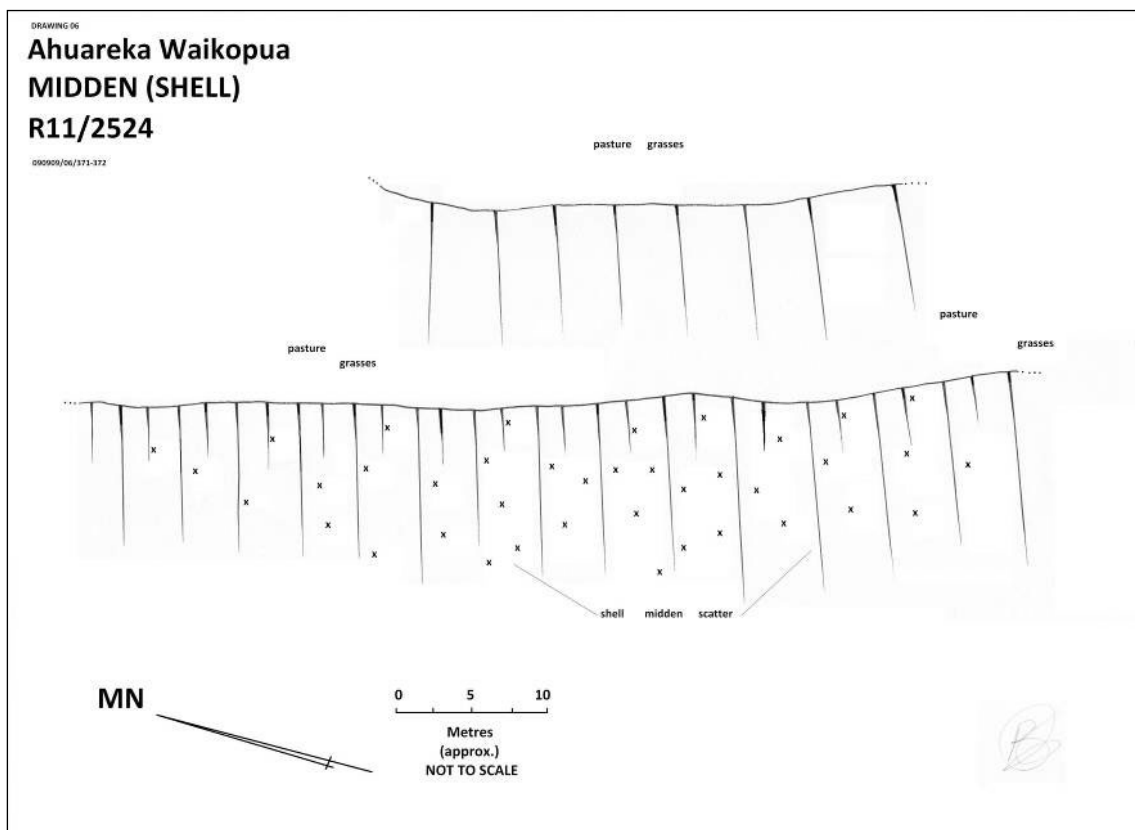


Figure 41. Plan R11/2524

R11/2525 Pits and Terrace:

Three pits and a terrace occur on a stunted headland spur of a small stream flowing into the Waikopua Creek. The terrace, measuring 10m x 6m with a 0.4m backscarp, lies near the crest of the foreshore slope some 30m asl (Figure 42). Another 35m inland and up a gradual slope is a small complex of three pits (Figure 43). These shallow depressions have the appearance of pits which have been filled in, yet have small backscarps due to the modified landscape. They measure 5m x 3m x 0.15m; 4m x 4m x 0.15m; and 5m x 2m with a backscarp of 1m. The last feature may have been a terrace used as a house site. The features extend over a distance of 54m (Figure 44).

R11/2526 Midden (Shell):

This small shell midden deposit was exposed around the roots of a radiata pine at approximately 25m asl. The deposit consisted of cockle (*Austrovenus stutchburyi*) shell; it measured 2m x 1m and was 0.3m thick (Figure 45 and Figure 46). It was in a dark soil matrix, the shell being predominantly whole. The site is on the southern side of a steep sided gully, with a small stream below flowing westward into the Waikopua Creek.

R11/2527 Midden (Shell):

This eroding deposit of cockle (*Austrovenus stutchburyi*) midden lies on a steep slope 8m asl and on the southern bank of a small stream which flows westward into the Waikopua Creek. It measures 4m in length and is up to 0.05m in thickness (Figure 47). The sides of the gully are covered with native bush and tree ferns although the area where the midden is eroding has little ground cover. No evidence of midden eroding from above was detected, and as this deposit is on a steep sided slope, its location would suggest slippage and slumping from above at some previous time (Figure 48).



Figure 42. Terrace R11/2525 lying beyond the pine in foreground and inland of the eroding slope crest



Figure 43. Three pits R11/2525 lying transversely across the spur line in the pasture grass on the near side of the fence

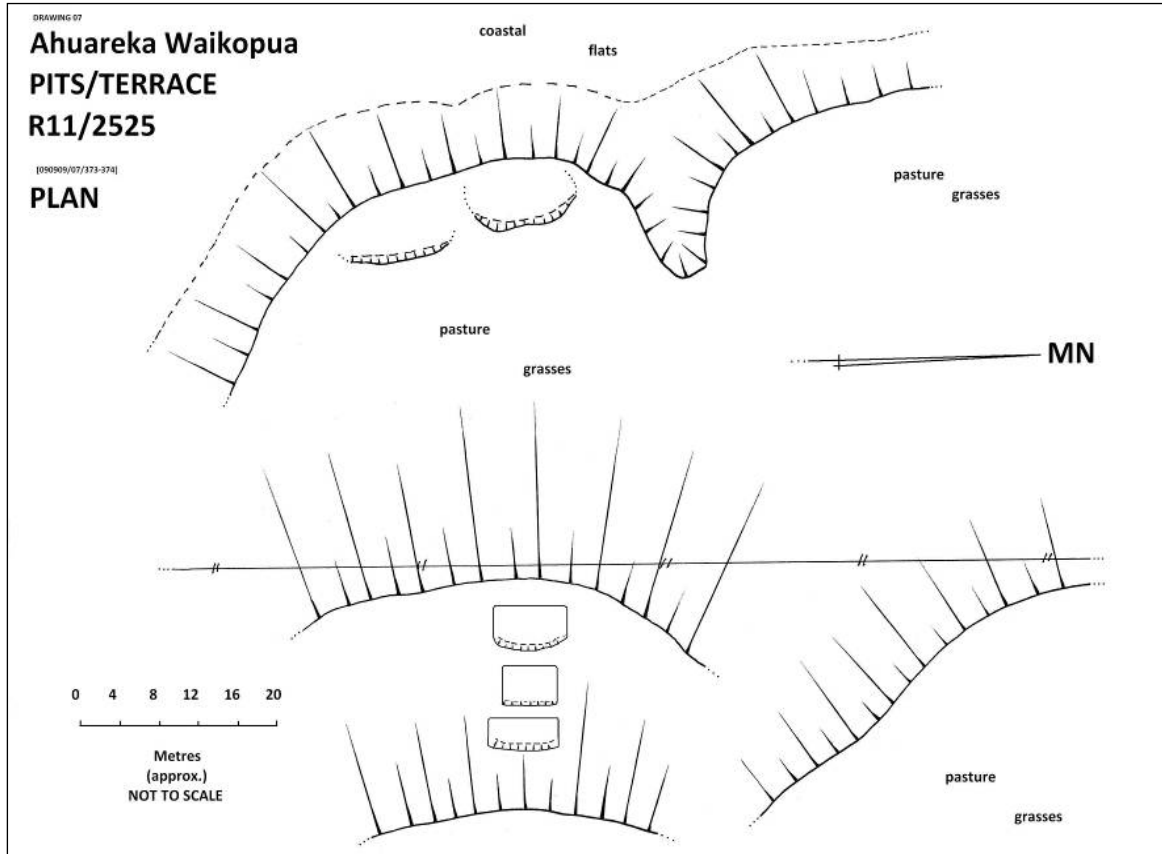


Figure 44. Plan of R11/2525



Figure 45. Cockle (*Austrovenus stutchburyi*) midden R11/2526 exposed around base of radiata pine

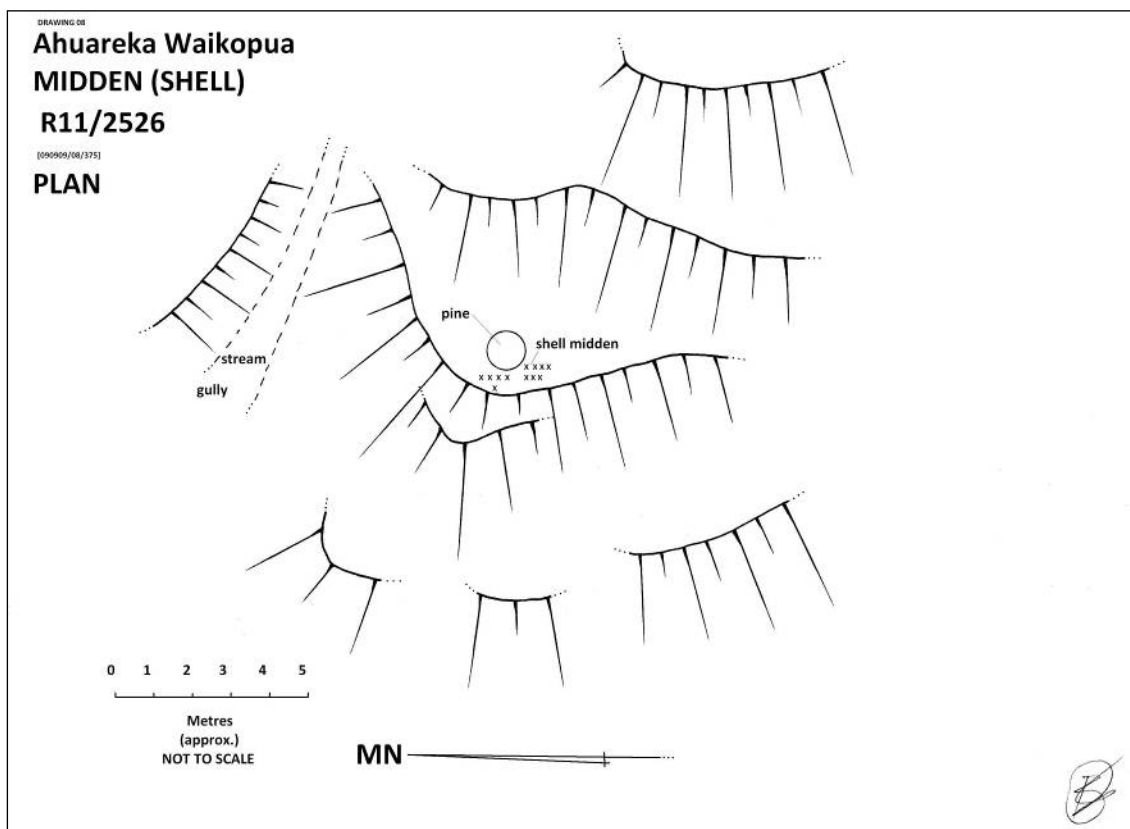


Figure 46. Plan of R11/2526



Figure 47. Shell midden deposit R11/2527 eroding above the small stream

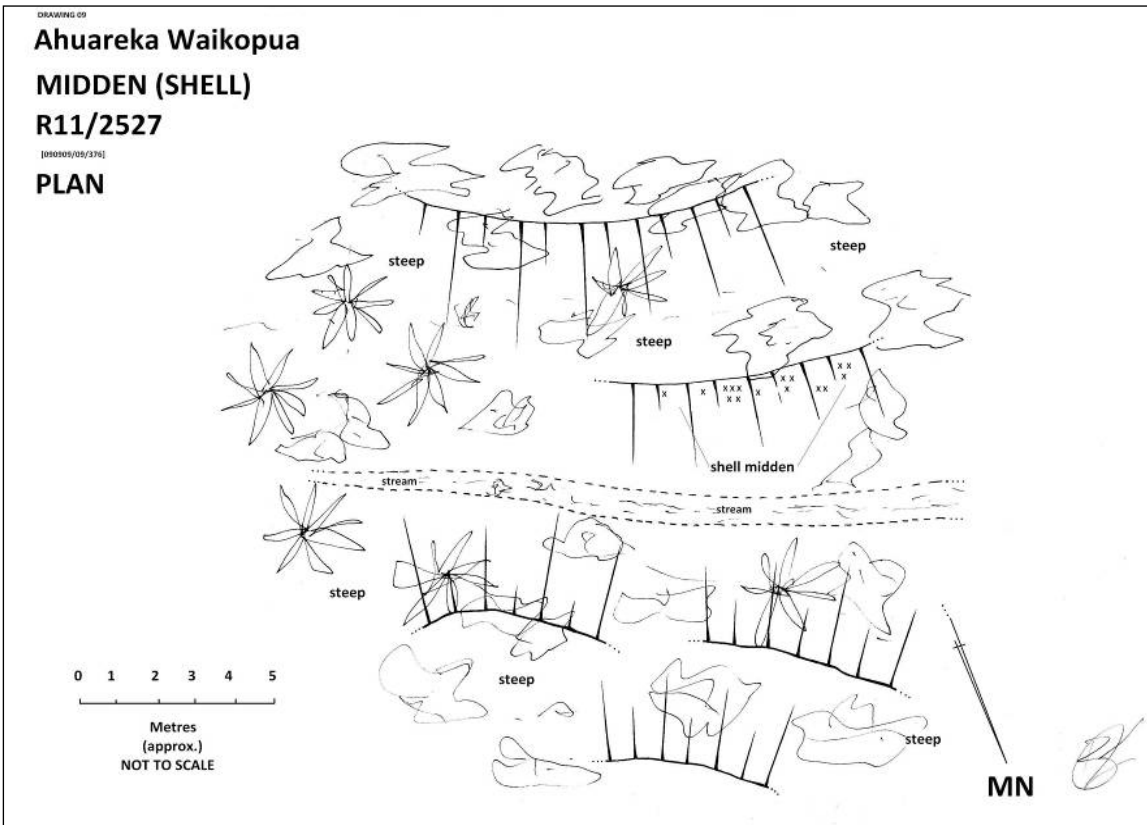


Figure 48. Plan of R11/2527

R11/2528 Midden (Shell):

Shell midden consisting of cockle (*Austrovenus stutchburyi*) and pipi (*Paphies australis*) is eroding in an exposure around the base of a pine tree located on the edge of a natural terrace 25m asl, and measuring 5m x 0.01m thick (Figure 49 and Figure 50). There is a pine plantation across the terrace, upper slopes, and lower slopes of the Waikopua Creek in this area. Another similarly sized deposit occurs 15m to the south along the top edge of the terrace.

R11/2529 Midden (Shell):

This site is located 25m asl on the edge of the natural terrace above the coastal flanks of the Waikopua Creek. The midden consists of cockle (*Austrovenus stutchburyi*) with some pipi (*Paphies australis*) in a dark soil matrix with most of the shell being whole. It measures 8m along the top of the slope and scatters downhill (Figure 51). The whole area is under radiata pine plantation (Figure 52).

R11/2530 Midden (Shell):

This area of midden lies 37m asl on the southern end of the natural terrace above the eastern flank of the Waikopua Creek. The southern end of the radiata pine plantation also occurs at this location. Up the spur line behind the site is a large flat area which would have been suitable for extensive occupation, but no surface indicators were observed. The site also lies on the northern headland of a significant set of tributary gullies and streams flowing into the Waikopua estuary. These gullies are presently covered with native bush and plantings. The midden consists of cockle (*Austrovenus stutchburyi*) and pipi (*Paphies australis*) shell in a dark soil matrix and extends along the edge of the terrace for 10m on the northern side of a small gully, and for 12m on the southern side (Figure 53). A fence line marks the southern boundary of the pine plantation, with native bush further southwards into the gully.



Figure 49. Cockle (*Austrovenus stutchburyi*) and pipi (*Paphies australis*) midden R11/2528 around base of pine

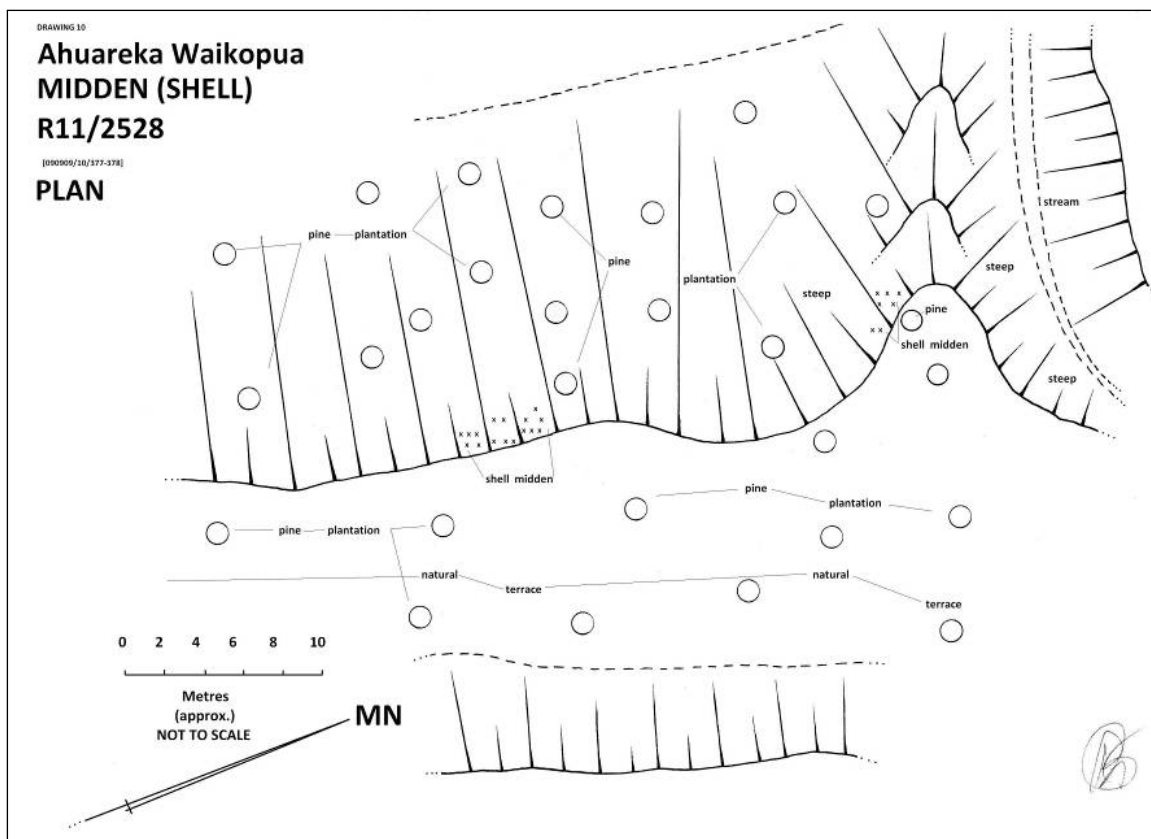


Figure 50. Plan of R11/2528



Figure 51. Cockle (*Austrovenus stutchburyi*) and pipi (*Paphies australis*) R11/2529 exposed under pine duff

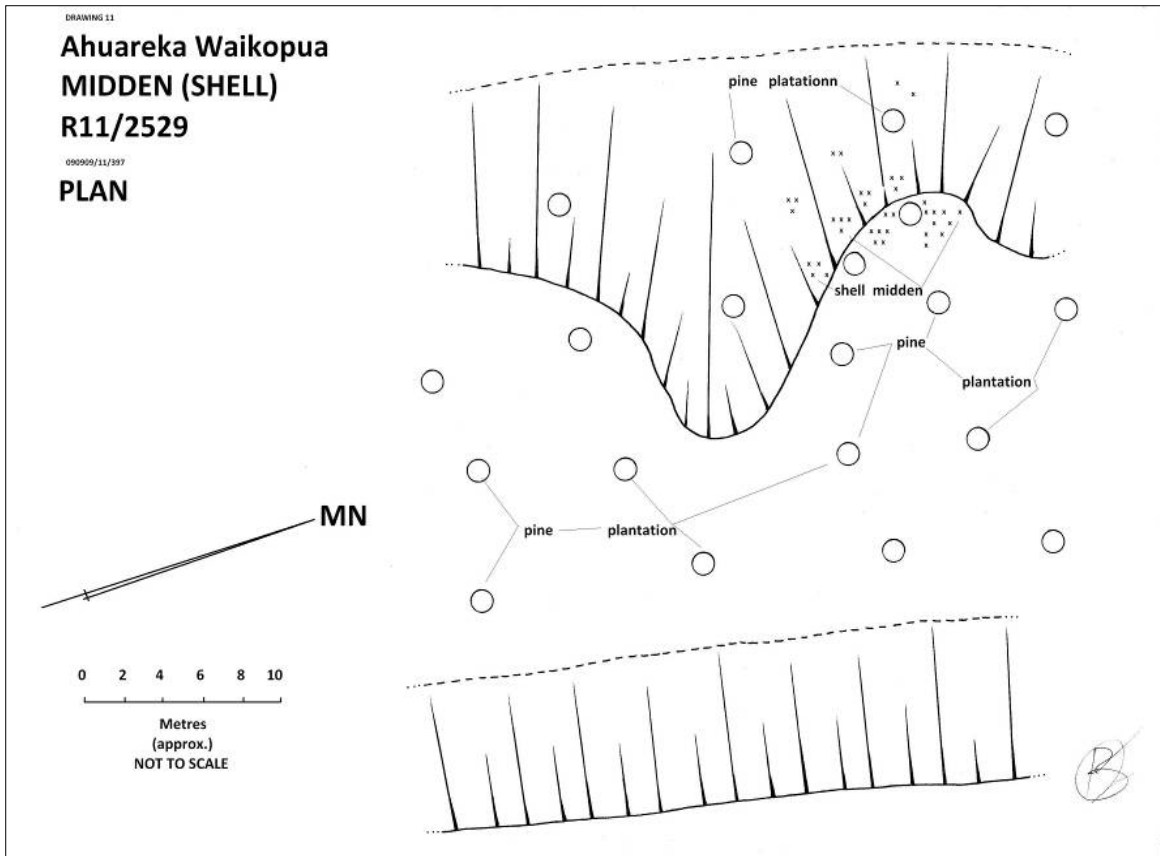


Figure 52. Plan of R11/2529

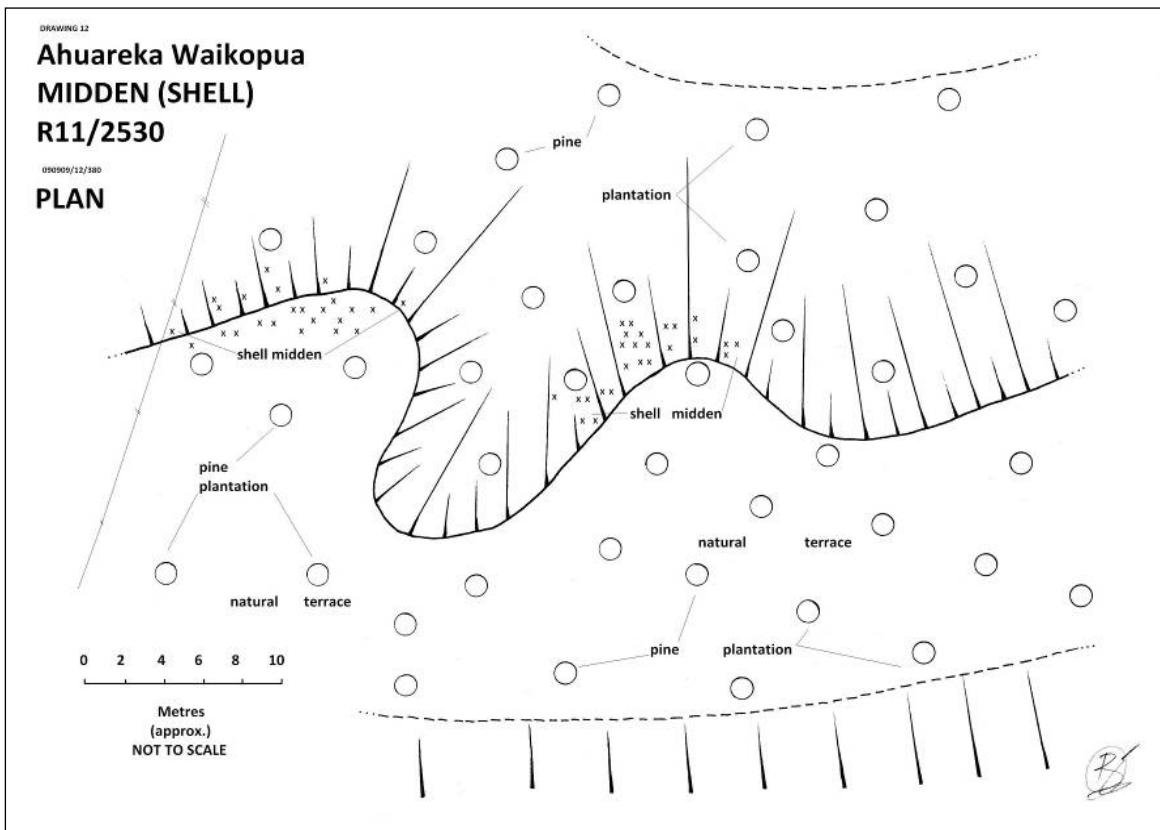


Figure 53. Plan of R11/2530

3.3.5 Summary

The results of the archaeological excavation of site R11/343 (the Tui Brae excavation) are likely to be representative of the types of sites within the plan change area. The archaeological remains of site R11/343 suggest a scenario of an advantageous site utilised seasonally and sporadically by Māori over a relatively short time in what is known as the early ‘Classic’ period. The site would have been attractive to Māori for its proximity to plentiful shellfisheries, with the stream at the base of the headland beneath the site providing a source of water, and where puha would have grown and supplemented the marine resources. The site also afforded fine views across the Hauraki Gulf to Motukorea, Rangitōtō, and Motutapu Islands. The site is close to access routes into the interior via the Waikopua and Turanga estuaries to the south and southwest, where good hunting grounds could also have been exploited (Shakles et al. 2017).

The sites within the plan change area that are still extant include similar features to those recorded at R11/343. They are likely to span a greater time period than the dates from R11/343 indicate and possibly include additional structural features indicative of whare, whare kai (cooking shelters) and wharepuni (sleeping huts). R11/1619, the pā, is more substantial and likely to have the best archaeological features. Preservation of this site would be the priority and it is noted that the proposed plan change has included specific provision for this as a standard in the proposed precinct provisions.

A summary of site extents is shown in Figure 54. This includes the current knowledge of the locations of the sites, although several of those in the northern Golf Course block have not been checked recently as they could not be relocated during the field survey due to dense vegetation cover. The map of those sites is based on georeferencing Felgate’s (1995) plan (Figure 19). There is some difference in the extents of R11/1619 but this is based on differences of recording and the additional southern extent. For current purposes the full extent is assessed.



Figure 54. Current extents of archaeological sites based on Felgate (1995), Baquié et al. 2012 and the 2021 surveys. The location of R11/1622 is not known exactly. R11/1620 is part of R11/344

4 ARCHAEOLOGICAL VALUES AND SIGNIFICANCE

4.1 Māori Cultural Values

This is an assessment of archaeological values and significance and does not include an assessment of Māori cultural values. Such assessments should only be made by the tangata whenua. Māori cultural concerns may encompass a wider range of values than those associated with archaeological sites.

The historical association of the general area with the tangata whenua is evident from the recorded sites, traditional histories and known Māori place names. A Cultural Values Assessment of the proposal has been prepared (Ngāi Tai ki Tāmaki 2022) and a Cultural Landscape Plan (see Figure 55) has been prepared.

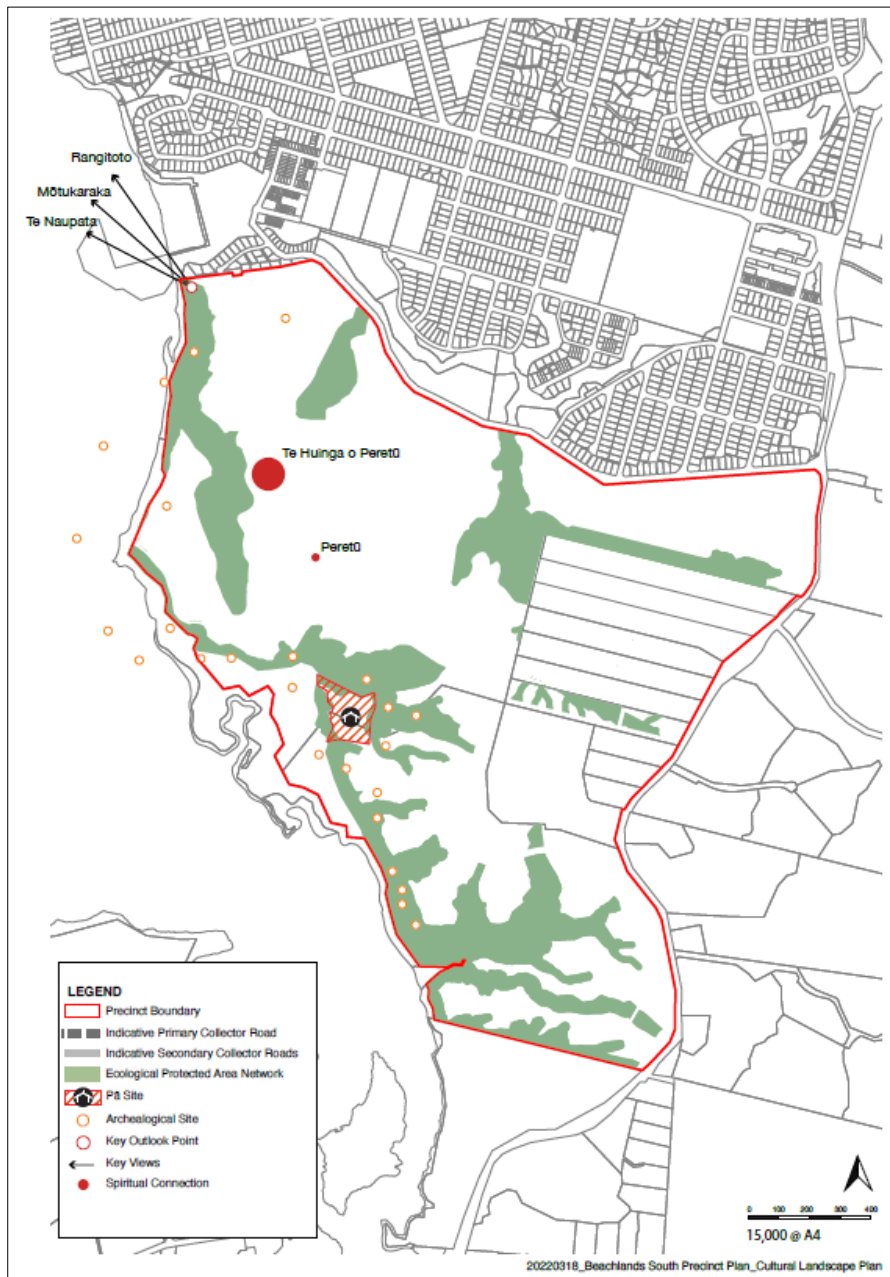


Figure 55. Cultural landscape plan [Note Archaeological sites as shown on Precinct Plan 4 are indicative only – Figures 56-58 of this report should be referred to for correct locations of archaeological sites.]

4.2 Archaeological Value and Significance

As noted above the Auckland Regional Policy Statement in the AUP (Chapter B5.2.2) identifies several criteria for evaluating the significance of historic heritage places. In addition, Heritage NZ has provided guidelines setting out criteria that are specific to archaeological sites (condition, rarity, contextual value, information potential, amenity value and cultural associations) (Heritage NZ 2019: 9-10). Both sets of criteria have been used to assess the value and significance of the archaeological sites (Table 4 and Table 5).

The archaeological value of sites relates mainly to their information potential, that is, the extent to which they can provide evidence relating to local, regional, and national history utilising 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. For example, generally pā are more complex sites and have higher information potential than small midden (unless of early date). Archaeological value also includes contextual (heritage landscape) value. Archaeological sites may also have other historic heritage values including historical, architectural, technological, cultural, aesthetic, scientific, social, spiritual, traditional and amenity values.

Overall, most of the coastal sites are of limited to moderate archaeological value based on their information potential and other criteria discussed (Table 4 and Table 5). The pā site, R11/1619 is of considerable/high value in terms of its information potential and rarity in the local context. The possible pā or kāinga R11/344 (= R11/1620) is also considered to have potentially high heritage value based on its information potential and contribution to the archaeological landscape.

None of the identified sites have been scheduled on the AUP as Historic Heritage Places or Sites and Places of Significance to Mana Whenua.

The site of a former accommodation building of presumed 20th century date it is likely to be of limited historic heritage value and probably not directly impacted by future development works, but Auckland Council may wish to see it recorded as part of any future development.

4.2.1 The Historic Heritage Landscape

The sites are the remains of an archaeological/historic heritage landscape that connects to the broader area of coastal oriented, pre-colonial Māori settlement.

Table 4. Assessment of the historic heritage significance of the sites in the project area based on the criteria in the AUP (Chapter B5.2.2)

Criterion	Comment	Significance evaluation
a) Historical: The place reflects important or representative aspects of national, regional or local history, or is associated with an important event, person, group of people or idea or early period of settlement	The sites are broadly representative of Māori settlement in the area but are not known to be associated with any particular person or group or to be of early date	Little

Criterion	Comment	Significance evaluation
within New Zealand, the region or locality		
b) Social: The place has a strong or special association with, or is held in high esteem by, a community or cultural group for its symbolic, spiritual, commemorative, traditional or other cultural value	The sites are not generally known to/held in high esteem by the public	Little
c) Mana Whenua : The place has a strong or special association with, or is held in high esteem by, Mana Whenua for its symbolic, spiritual, commemorative, traditional or other cultural value	To be determined by Mana Whenua	Not assessed
d) Knowledge: The place has potential to provide knowledge through scientific or scholarly study or to contribute to an understanding of the cultural or natural history of New Zealand, the region, or locality	The pā R11/1619 is a complex site in terms of the range of known and potential features it contains. The midden that may relate to a pā /kāinga R11/344 (=R11/1620) is also potentially complex. Both sites have considerable knowledge potential through archaeological investigation, including environmental analysis, radiocarbon dating and examination of subsurface features	Considerable
	R11/345 (terraces/midden), R11/1440 (pits/midden), R11/1441 (terrace/midden) R11/1442 (pits/terraces), R11/1618 (terrace/midden), R11/2521 (pits), R11/2522 (pit/terrace), and R11/2525 (pits/ terraces), are sites of moderate complexity in terms of the features they contain. They have moderate potential to provide knowledge through archaeological investigation including environmental analysis, radiocarbon dating and examination of subsurface features, but the current condition of some is unknown	Moderate
	R11/1443 (?terrace), R11/1444 (?pit), R11/1438 (midden/?terrace), R11/1439 (midden/?terrace), R11/1617 (midden), R11/1621 (midden), R11/1622 (midden) R11/1623 (midden), R11/2523 (midden) R11/2524 (midden), R11/2526 (midden)	Little to Moderate

Criterion	Comment	Significance evaluation
	<p>R11/2527 (midden), R11/2528 (midden) R11/2529 (midden) and R11/2530 (midden) are less complex sites with no known or confirmed associated features, and several are in unknown condition. These have low to moderate potential to provide knowledge through archaeological investigation including environmental analysis and radiocarbon dating. R11/343 (pit/midden) and R11/1445 (midden) have been largely destroyed and have little if any knowledge potential.</p>	
<p>e) Technology: The place demonstrates technical accomplishment, innovation or achievement in its structure, construction, components or use of materials</p>	<p>Only the pā, pit and terrace sites have structural earthwork components, but these are common site/feature types that do not demonstrate any particular technical accomplishment</p>	<p>Little</p>
<p>f) Physical attributes: The place is a notable or representative example of a type, design or style, method of construction, craftsmanship or use of materials or the work of a notable architect, designer, engineer or builder;</p>	<p>Sites vary in their attributes. Many of the midden are in unknown condition or destroyed, while the pā, pit and terrace features have good representative features</p>	<p>Little-Moderate</p>
<p>g) Aesthetic: The place is notable or distinctive for its aesthetic, visual, or landmark qualities</p>	<p>The pā R11/1619 occupies a high point and has some landmark qualities, but its archaeological features are not obvious</p>	<p>Moderate</p>
	<p>The other sites are generally only visible from close-up and do not have distinctive aesthetic or landmark qualities</p>	<p>Little</p>
<p>h) Context: The place contributes to or is associated with a wider historical or cultural context, streetscape, townscape, landscape or setting</p>	<p>The sites are all part of a wider historical and archaeological landscape, although this has been affected by golf course development as well as development in the surrounding area. Several of the sites are located in close proximity to the pā R11/1619 and are likely to be associated with it</p>	<p>Moderate</p>

Table 5. Assessment of the archaeological values of site(s) based on Heritage NZ criteria (Heritage NZ 2019: 9-10)

Value	Assessment
Condition	The sites vary in condition. R11/1619 (pā) is in good condition although many features are obscured and R11/344 (midden, possible pā /kāinga) is in good/fair condition. Midden sites R11/2521–R11/2530 are all in good condition, and R11/1440 (pits/midden) in fair condition, but the remaining sites are in unknown condition or, in the case of R11/1445 and R11/343, largely or probably destroyed.
Rarity	The site types are all common in the region especially on the coastal margin. However, the pā site, R11/1619 is important as there are few remaining extant pā in this locale.
Contextual value	The sites form part of a remnant archaeological landscape associated with Māori settlement in the Beachlands-Whitford area. Several of the sites are located in close proximity to the pā R11/1619 and likely to be associated with it
Information potential	The pā site R11/1619 and probably R11/344 have good information potential through archaeological investigation including environmental analysis, radiocarbon dating, and examination of subsurface features. Many of the remaining sites are in unknown condition, but some of the midden and pit/terrace sites will have extant features with information potential varying from low to moderate in terms of the information they could provide. Two sites (R11/343 and R11/1445) have been largely destroyed and have little information potential
Amenity value	The pā site R11/1619 has good amenity values as it has the potential to be protected within as public reserve with appropriate interpretation signage. Other sites along the coast have limited amenity value as most are only visible from close proximity, but have some potential to be presented as part of a coastal walkway with appropriate interpretation signage.
Cultural associations	The sites all have Māori cultural associations with the possible exception of R11/1444. The cultural significance of the sites is for Mana Whenua to determine.
Other	None

5 ASSESSMENT OF EFFECTS

5.1 Limitations

This is an assessment of effects on archaeological values and does not include an assessment of effects on Māori cultural values. Archaeological survey cannot necessarily detect wahi tapu and other sites of traditional significance to Māori, especially where these have no physical remains. A separate Cultural Values Assessment of the proposal has been prepared (Ngāi Tai ki Tāmaki 2022).

It should be noted that archaeological survey techniques (based on visual inspection and minor subsurface testing) cannot necessarily identify all subsurface archaeological features and cannot exclude the possibility that additional sites are present within the plan change area.

5.2 Effects of Proposal

5.2.1 Known Effects

The locations of archaeological sites have been identified and taken into account in the project planning of the Structure Plan and associated Plan Change (Table 6). Changes in project design or option choice have helped to avoid or reduce effects on archaeology, with the sites generally located within ecological areas that are not proposed for development, as shown in Figure 56 and Figure 57. The potential effects of future development resulting from the Plan Change on each of the sites are set out in Table 7.

The most significant site, the pā site R11/1619, is surrounded by the proposed Ecological Protected Area Network (EPAN). It is proposed that the site is protected from future development through appropriate planning provisions. The site has been identified in the Cultural Landscape Plan (Figure 55) and the following standards have been proposed to be read alongside the CLP:

‘I.7.10 Mana Whenua

Purpose: To recognise and protect important sites associated with the cultural landscape at Beachlands South.

- 1) No buildings or structures are permitted within the pa site and its surrounds as identified on Precinct Plan 4. Development that does not comply with this standard is a discretionary activity.
- 2) Any modifications to the pa site or earthworks within its surrounds as identified on Precinct Plan 4 is a discretionary activity.
- 3) Subdivision that results in the pa site as shown on Precinct Plan 4 extending across multiple contiguous lots is a discretionary activity.’

These standards, in combination with the archaeological provisions of the HNZPTA, should ensure the future protection of the pā. It should be noted that under the Heritage NZ 2015 *Statement of General Policy: The Administration of the Archaeological Provisions under the Heritage New Zealand Pouhere Taonga Act 2014*, policy 9.4, authorities to build structures on pā sites will only be granted in exceptional circumstances (see section 2.2.3 of this report).

The midden site R11/344 (=R11/1620), which is potentially a pā or kāinga site, is also located within the proposed EPAN which will be subject to protection via a covenant or other legal mechanism to the extent that no development will be permitted within this EPAN. The majority of the other recorded sites are also within the EPAN and would not therefore be affected by future development. However, vegetation removal and planting have the potential to damage archaeological sites, and an appropriate planting and vegetation management plan should be prepared that takes the locations of the archaeological sites into account. As heavy root growth damages subsurface archaeological remains, planting within or near archaeological sites should be restricted to appropriate shallow rooting species, and vegetation control should be undertaken using methods that do not impact on archaeological remains. Any adverse effects on the sites from vegetation management and planting under an appropriate plan would be minor.

The development of a coastal walkway as shown on Figure 59 has the potential to impact on some of the archaeological sites in the Ecological Area which are immediately adjacent to it (R11/345, R11/1438, R11/1439, R11/1617, R11/1618, R11/1621 and R11/1623). As the route is indicative it is likely that impact on most of these sites could be avoided during construction by defining the sites on the ground and making minor adjustments to avoid adverse effects on these sites. However, R11/1617 and R11/1618 are likely to be partially affected by the walkway. The current condition of these sites is unknown but based on earlier descriptions they are considered to be of low to moderate archaeological value.

Increased public access to the coastal area resulting from future development has the potential to increase the damage to sites that are already suffering from coastal erosion. However, the coastal walkway may also help to protect the nearby sites by establishing a defined route for public use which is considered to be positive outcome. Any access ways provided from the walkway to the beach should be designed to avoid impacts on the sites. There are also mitigation opportunities for interpretation of the archaeological landscape along the walkway in the form of signage or other media.

Three sites are located within the proposed residential zone areas and are likely to be affected by future development resulting from the proposed Plan Change. One of these sites is R11/343 on the northern boundary of the Residential THAB Zone in Marina Point, but the site has been largely destroyed within the Plan Change area and also on the adjacent property to the extent that it is of limited historic heritage significance/archaeological value. The others are R11/1443, a possible terrace site on the boundary of the Golf and Future Urban Zones, and R11/1444, a possible pit perhaps related to gumdigging within the Future Urban Zone. These two sites are also of limited historic heritage significance/archaeological value. Any future development affecting these sites would be subject to the separate authority process under the HNZPT Act to modify or destroy an archaeological site.

Any unavoidable impact on archaeological sites can be appropriately mitigated through the recovery of information relating to the area through archaeological investigation under an Authority from Heritage NZ under the HNZPTA. An Authority will be a requirement for any modification of archaeological sites during future development, including minor modification from planting.

Overall, the adverse effects of future development resulting from the Plan Change are likely to be minor subject to an appropriate vegetation management/planting plan for the EPAN containing archaeological sites, the recovery of information from any affected sites and the protection of the pa site R11/1619 through appropriate planning provisions.

Future development resulting from the proposed Plan Change will have no significant adverse effects on the wider archaeological/heritage landscape as the majority of the sites will remain in situ, and the surrounding landscape has already been modified through the creation of the golf course and residential development in the area.

5.2.2 Potential Effects

In any area where archaeological sites have been recorded in the general vicinity it is possible that unrecorded subsurface remains may be exposed during development, particularly along the coastal edges where sites have previously been recorded. This does not apply to the existing Formosa golf course area, where most of the higher and medium density residential development is proposed, because this was substantially earthworked in 1996 (as shown in Figure 6), which would have removed any archaeological sites that may once have been present.

The unmodified locations along the coastal edges that are within the EPAN have reasonable potential to expose additional unidentified archaeological sites during walkway construction and vegetation management/planting. Again, any unavoidable adverse effects on previously unidentified sites can be appropriately mitigated through the recovery of information relating to the area through archaeological investigation under an Authority from Heritage NZ under the HNZPTA.

An Authority is required for the modification of all archaeological sites whether previously recorded or not, and as on will be required for walkway development and planting in the vicinity of known sites, it is recommended that an Authority is obtained for all future walkway development and planting along the coastal edge within the EPAN.

Elsewhere within the Plan Change area the possibility of encountering unrecorded archaeological sites is provided for under the AUP OP Accidental Discovery Rule (E12.6.1). However, areas in the Community, Village Centre, Golf and Employment precincts as well as other areas where earthworks have been undertaken in the past, are unlikely to have any archaeological remains.

Table 6. Sites located within Plan Change area

Site Number	Description	Precinct
R11/343	Pit/midden	Marina Point/Outside
R11/344	Midden (possible pā)	Marina Point
R11/345	Terraces/midden	Coastal/Outside
R11/1438	Midden (possible terrace)	Coastal/Outside
R11/1439	Midden (possible terrace)	Coastal
R11/1440	Pits/midden	Coastal
R11/1441	Terrace/midden	Future Urban Zone
R11/1442	Pits/terraces	Future Urban Zone
R11/1443	Terrace	Future Urban Zone
R11/1444	Pit (Gumdigging?)	Future Urban Zone
R11/1445	Midden	Marina Point
R11/1617	Midden	Coastal
R11/1618	Terrace/midden	Coastal
R11/1619	Pā	Future Urban Zone
R11/1620	see R11/344	Marina Point

Site Number	Description	Precinct
R11/1621	Midden	Coastal
R11/1622	Midden	Coastal
R11/1623	Midden	Coastal
R11/2521	Pits	Future Urban Zone
R11/2522	Pit/terrace	Future Urban Zone
R11/2523	Midden	Future Urban Zone
R11/2524	Midden	Future Urban Zone
R11/2525	Pits/terraces	Future Urban Zone
R11/2526	Midden	Future Urban Zone
R11/2527	Midden	Future Urban Zone
R11/2528	Midden	Future Urban Zone
R11/2529	Midden	Future Urban Zone
R11/2530	Midden	Future Urban Zone

Table 7. Summary of Effects by Precinct (see Figure 56–Figure 58)

Precinct	Archaeological and Heritage Components	State	Potential Impacts
Marina Point	R11/343 (Part) – pit/midden	Largely destroyed within the plan change area	None or low: within Residential THAB Zone
	R11/344 (R11/1620) – midden (possible pā/kāinga)	Good/Fair	Low (subject to appropriate vegetation management/ landscaping): within Ecological Protection Area Network (EPAN)
	R11/1445 – midden	Probably destroyed	None or low (subject to appropriate vegetation management/ landscaping): within EPAN
Coastal	R11/1621 – midden	Part destroyed but possibly more features than recorded	Low (subject to appropriate vegetation management/ landscaping and avoidance by walkway works): within EPAN and outside Plan Change Area (PCA), adjacent to walkway, and marginally extending into Residential THAB Zone
	R11/1622 – midden	Unknown	Unknown (recorded location outside PCA on cliff edge)
	R11/1623 – midden	Unknown	Low (subject to appropriate vegetation management/ landscaping and avoidance by walkway works): recorded within EPAN and outside PCA, adjacent to walkway
	R11/345 – terraces/midden	Unknown	Low (subject to appropriate vegetation management/ landscaping and avoidance

Precinct	Archaeological and Heritage Components	State	Potential Impacts
			by walkway works): recorded within EPAN and outside PCA, adjacent to walkway
	R11/1438 – midden/?terrace	Unknown	Low (subject to appropriate vegetation management/ landscaping and avoidance by walkway works): recorded within EPAN and outside PCA, adjacent to walkway
	R11/1439 – midden/?terrace	Unknown	Low: coastal walkway impacts on part of recorded location within EPAN
	R11/1440 – pits/midden	Fair	Low (subject to appropriate vegetation management/ landscaping): within EPAN extending marginally within Residential MHU Zone
	R11/1617 – midden	Unknown	Low: coastal walkway impacts on part of recorded location within EPAN
	R11/1618 – terrace/midden	Unknown	Low: coastal walkway impacts on part of recorded location within EPAN, also extends marginally into Residential MHU Zone
Village Centre	None	Overall, these areas have previously been heavily modified and it is unlikely that features have survived here	None
Community			
Golf			
Employment			
Future Urban Zone	R11/1619 – pā	Good	None if protected by appropriate planning provisions
	R11/1441 – terrace/midden	Unknown	Low (subject to appropriate vegetation management/ landscaping): recorded location in EPAN
	R11/1442 – pits/terraces	Unknown	Low (subject to appropriate vegetation management/ landscaping): recorded location in EPAN
	R11/1443 – ?terrace	Unknown	Low: recorded location is on the boundary of Golf and Future Urban Zone; impacts from future development
	R11/1444 – pit (gumdigging?)	Unknown	Low: recorded location is within Future Urban Zone; impacts from future development

Precinct	Archaeological and Heritage Components	State	Potential Impacts
	R11/2521 – pits	Good	Low (subject to appropriate vegetation management/ landscaping): in EPAN
	R11/2522 – midden		
	R11/2523 – midden	Good	Low: (subject to appropriate vegetation management/ landscaping): in coastal protection yard
	R11/2524 – midden	Good	Low (subject to appropriate vegetation management/ landscaping and avoidance by future development): on boundary of EPAN and Future Urban Zone development area
	R11/2525 – pits/terraces	Good	Low (subject to appropriate vegetation management/ landscaping and avoidance by future development): on boundary of EPAN and Future Urban Zone development area
	R11/2526 – midden	Good	Low (subject to appropriate vegetation management/ landscaping): in EPAN
	R11/2527 – midden		
	R11/2528 – midden		
R11/2529 – midden			
R11/2530 – midden			

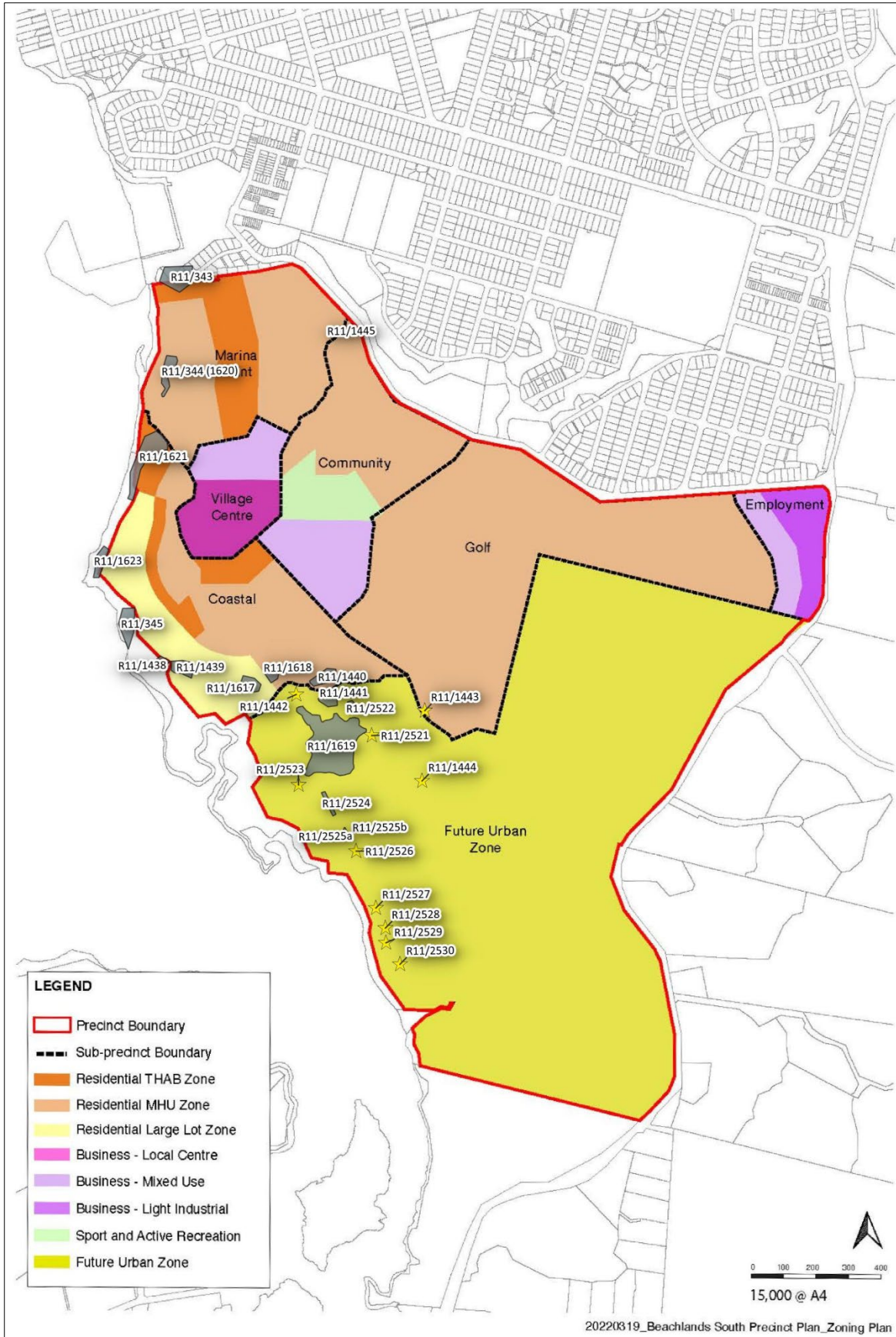


Figure 56. Overlay of archaeological sites and precincts

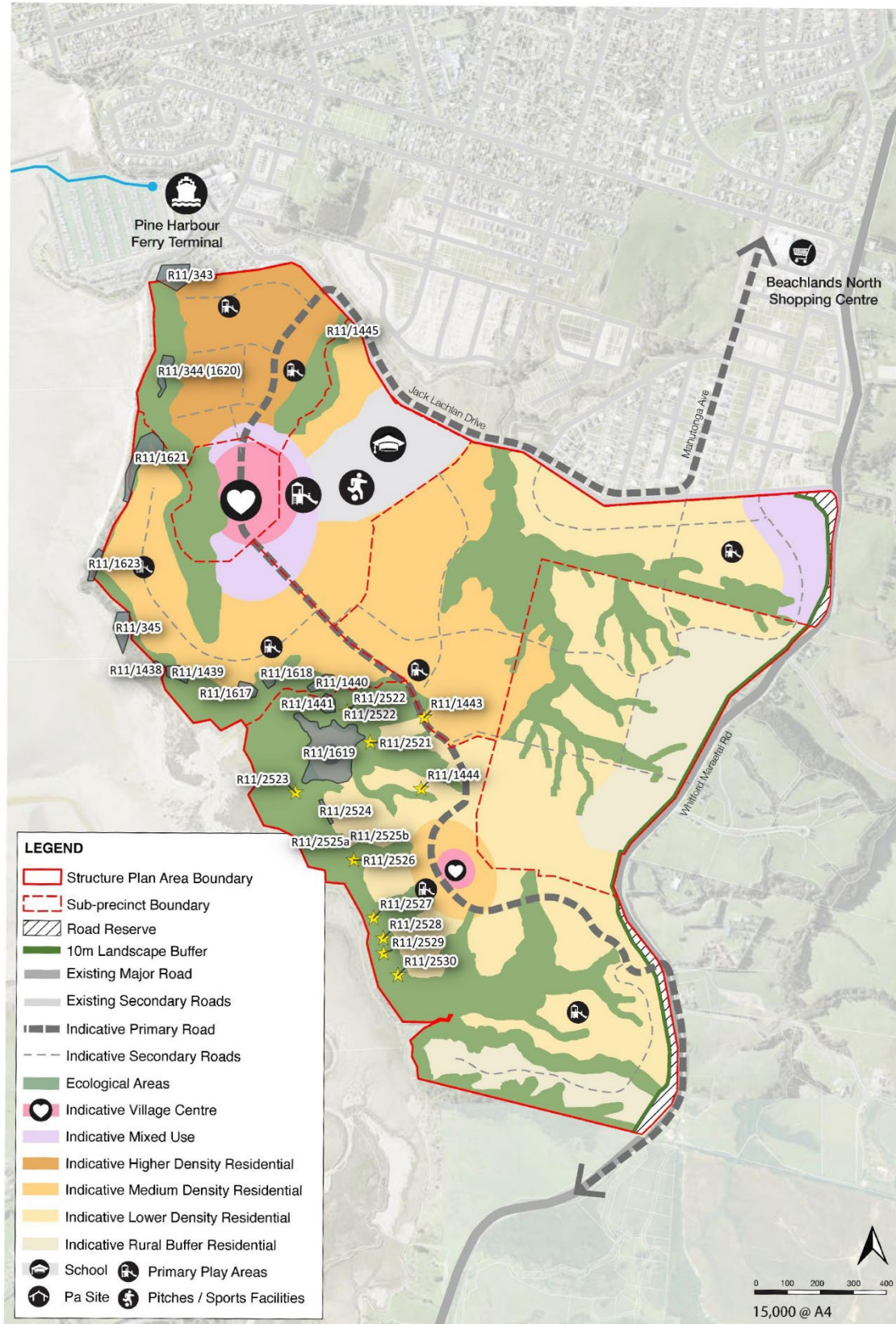


Figure 57. Overlay of archaeological sites on proposed Structure Plan

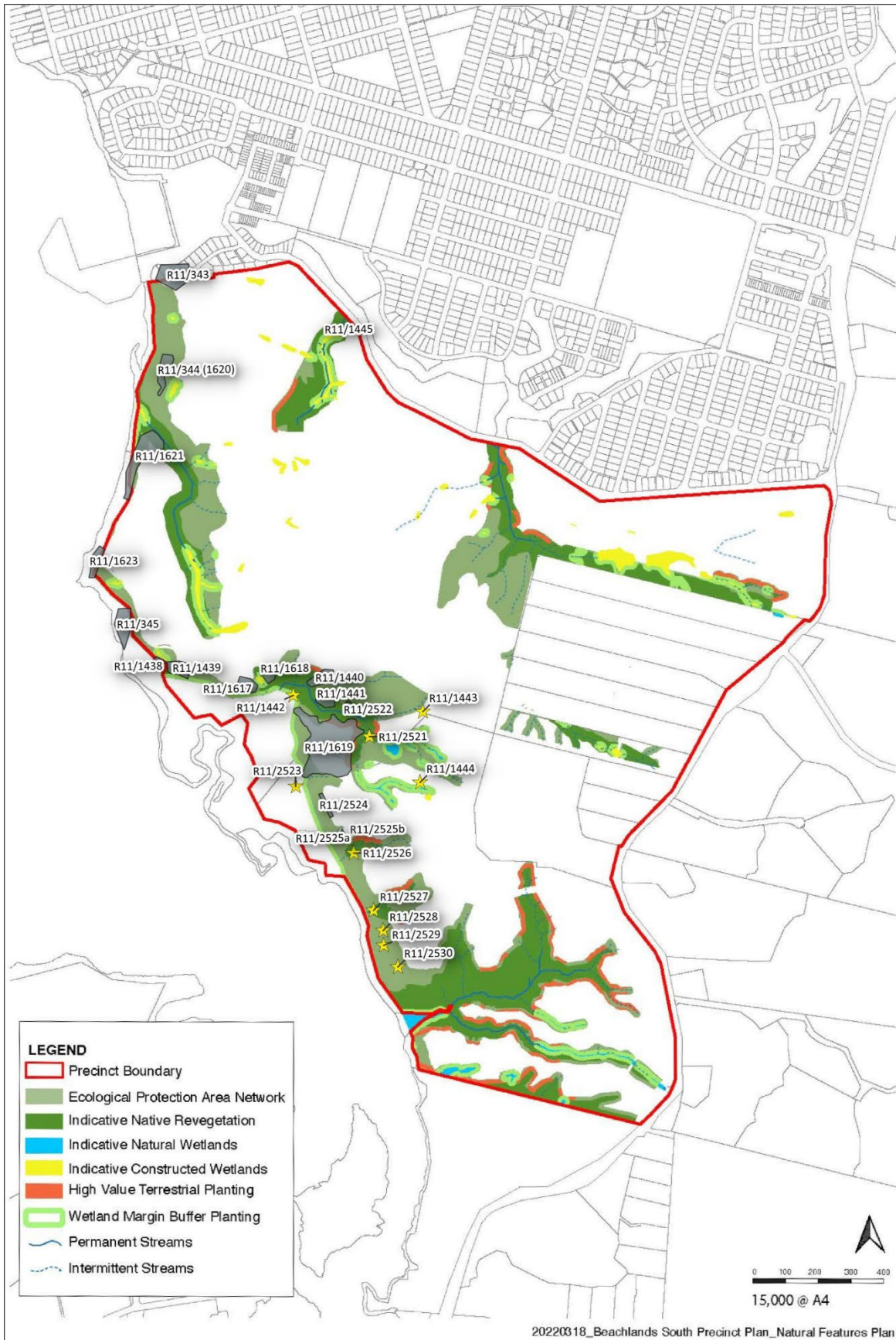


Figure 58. Overlay of archaeological sites on Natural Features Precinct Plan



Figure 59. Overlay of recorded site locations on aerial with indicative route of coastal walkway

6 MANAGEMENT AND MITIGATION OF EFFECTS

6.1 Management Approach

The following approaches are recommended to manage and mitigate potential effects on archaeological sites resulting from the proposed plan change.

6.1.1 Sites along the Coastal Margin

Most of the sites are located along the coastal margin. They may be located outside the footprint of developable areas but some sites could potentially extend into the development areas (excluding the area earthworked for the golf course). The majority of these sites will not be directly impacted by future residential development, being located within the EPAN and along the coastal edge where a 30m coastal protection yard is also proposed to be applied in the precinct provisions for the plan change. However, the proposed coastal walkway would partially impact on at least two of the sites and vegetation management and planting will be required which would have effects on archaeological sites both at the time of vegetation control and planting and through subsequent root growth.

As a result, it will be necessary for the presence of the sites to be acknowledged and where possible any work in their vicinity to either avoid or minimise effects on extant features. It is also recommended that a vegetation management and planting biodiversity management plan is prepared to ensure that methods of weed removal are adopted that do not damage archaeological sites, and that only appropriate shallow rooting plant species are planted on or in the near vicinity of archaeological sites. Any modification of sites from construction of the coastal walkway or planting would require an Authority under the HNZPTA.

Any unavoidable adverse effects from walkway construction or planting can be appropriately mitigated through limited archaeological investigation to recover information relating to the history of the area, under Authority from Heritage NZ (see below).

Subject to these measures, adverse effects on sites along the coastal margin are likely to be minor. In addition, there is an opportunity to highlight the heritage values of these sites for amenity purposes through information signage along the walkway.

6.1.2 Pā Site R11/1619 and Associated Sites

This is a significant site and should be the primary cultural and historic heritage focus of the plan change. It is in an area largely surrounded by the EPAN and can be protected from adverse effects through the proposed precinct provisions, including Precinct Plan 4: Cultural Landscape Plan and standard I.7.10 Mana Whenua, in combination with the archaeological provisions of the HNZPTA. As previously noted, it is Heritage NZ policy to grant authorities to modify pā sites only in exceptional circumstances (see 2.2.3 of this report, policy 9.4).

The sites neighbouring the pā to the north and east (R11/1440, R11/1441, R11/2522, R11/1442, and R11/2521), which are located within the EPAN, are identified in the Cultural Landscape Plan being prepared in consultation with Ngāi Tai ki Tāmaki. In combination with the archaeological provisions of the HNZPTA, which do not allow modification or destruction of archaeological sites unless an authority has been granted by Heritage NZ, and the recommended development of an appropriate vegetation management and planting

biodiversity management plan for the EPAN, these measures would provide an appropriate level of protection for the sites.

6.1.3 Sites that are Badly Damaged or in Areas that Cannot be Avoided

A few sites such as R11/343, R11/1445, R11/1443 and R11/1444 are in areas that either have caused them to be badly damaged or are in zones that mean that they cannot be avoided by future works (or not without more detailed investigations and development planning). In addition, R11/1621 may be more extensive than currently reported and extant features associated with the site may be located in and around the spur on which it sits, which has been modified substantially by the Golf Course. The site is mostly located within the EPAN overlay along the coastal edge, but extends marginally into the Residential THAB Zone, and archaeological investigation here may be productive.

Where effects on known archaeological sites cannot be avoided they should be mitigated through standard archaeological mitigation investigation and recording of any affected archaeological remains under Authority from Heritage NZ, to obtain information which will contribute to knowledge of the history of the area. This would adequately address the statutory requirements.

6.1.4 Discovery of Unidentified Archaeological Remains

The possibility of impacts on unidentified subsurface archaeological remains that may be exposed during development enabled by the Plan Change is already provided for under the Accidental Discovery Rule in the AUP (E12.6.1) or alternatively can be provided for under an Authority obtained from Heritage NZ prior to the start of works. The latter is recommended for all walkway and planting works in the EPAN overlay along the coastal edge, which has reasonably high potential for unidentified archaeological sites to be present.

The Accidental Discovery Rule requires work to cease within 20m of any archaeological remains – including kōiwi tangata (human remains) and taonga tūturu (artefacts) – that are exposed. The Auckland Council, Heritage NZ and Mana Whenua must then be informed and will determine the appropriate actions from statutory and cultural perspectives. If further works require the modification of an archaeological site, an Authority will be required under the HNZPTA.

The Accidental Discovery Rule will no longer apply in respect to archaeological sites if an Authority under the HNZPTA is in place. This will require consultation with Mana Whenua and the development of an Archaeological Management Plan (AMP) which will include protocols for the discovery of archaeological sites, kōiwi tangata and taonga tūturu, and require that any archaeological work is carried out in accordance with Māori tikanga. Discovery protocols may also be included in the conditions attached to the Structure Plan consent.

Work is likely to occur in phases so that any Authority application(s) should be focused on the relevant areas but guided by the research carried out for the Plan Change. Each Authority would require an AMP setting out appropriate procedures should unrecorded archaeological remains be discovered.

If the site(s) exposed cannot be avoided, any archaeological deposits and features would then be investigated and recorded in accordance with the conditions of the Authority to modify archaeological sites issued by Heritage NZ. The AMP(s) should be included in the Construction Environmental Management Plan (CEMP) for the project.

Training of contractors and subcontractors in the archaeological requirements of the project will also be required, and this is/should be provided for in the AMP contained within the CEMP.

6.2 Proposed Management and Mitigation Measures

The following recommendations are made to manage and mitigate potential adverse effects on archaeological values resulting from future development enabled by the Structure Plan and Plan Change:

1. The pā site R11/1619 and associated sites in close proximity possible (R11/1440, R11/1441, R11/2522, R11/1442, and R11/2521) should be protected through the proposed precinct provisions, including Precinct Plan 4: Cultural Landscape Plan and standard I.7.10 Mana Whenua, in combination with the archaeological provisions of the HNZPTA.
2. A Biodiversity Management Plan should be prepared for the EPAN overlay along the coastal edge which take the locations of the recorded archaeological sites into account and ensure that impacts on known sites from vegetation clearance and planting are avoided or minimised. Only appropriate shallow rooting species should be planted on or in the near vicinity of the known archaeological sites.
3. Construction of the coastal walkway should avoid impacting on adjacent archaeological sites as far as possible. Any accessways from the walkway to the beachfront should be located away from the identified archaeological sites.
4. Consideration should be given to providing signage or other appropriate interpretation along the walkway (in consultation with Mana Whenua) to highlight the extant archaeological features and the history of the place.
5. Future development plans should take account of the locations of the recorded archaeological sites and ensure that they are avoided to the extent possible.
6. If any of the recorded sites cannot be avoided, an Authority must be applied for under Section 44(a) of the HNZPTA and granted by Heritage NZ prior to the start of any works that will affect them. (Note that this is a legal requirement).
7. Archaeological Authorities must also be obtained for planting, amenity and other works in the EPAN overlay along the coastal edge that have the potential to affect the recorded archaeological sites.
8. Due to the increased potential for additional unrecorded archaeological sites within the EPAN and coastal protection yard, authorities should be applied for to cover all amenity and planting works in these areas.
9. Archaeological investigation of sites that cannot be avoided, or sites exposed during future works, should be carried out under Authority from Heritage NZ to recover information relating to the history of the area and the results presented to Mana Whenua and the community.
10. Archaeological Management Plans must be prepared as part of Authority applications (this is a Heritage NZ requirement) and should be included within the CEMP.
11. The Archaeological Management Plans should include standard procedures required by Heritage NZ (see appended example), including for:
 - The temporary marking out or fencing off of known archaeological sites prior to the start of any works (including planting) in their vicinity to protect them from accidental damage from heavy machinery, amenity development works and inappropriate planting.

- Pre-start meetings with contractors to brief them on the archaeological and cultural requirements.
 - Protocols for managing the discovery of previously unidentified subsurface archaeological remains, kōiwi tangata and taonga tūturu in consultation with Mana Whenua.
 - Identification of areas where archaeological monitoring of works is required.
 - Procedures for the investigation and recording of any archaeological remains that cannot be avoided.
 - Reporting on the results of archaeological monitoring and investigation.
12. If kōiwi tangata are found, work must cease immediately within 20m of the remains and Mana Whenua, Heritage NZ, the NZ Police and Council must be contacted so that appropriate arrangements can be made from cultural and statutory perspectives.
13. Potential effects on unrecorded sites away from the coastal edge (where the potential for sites to be present is lower) can be managed under the AUP Accidental Discovery Rule E12.6.1.

7 CONCLUSIONS

The proposed Structure Plan/Plan Change area includes 28 recorded archaeological sites within its boundaries. The sites identified consist of shell middens and some earthwork sites (pits and terraces) of pre-European Māori origin along the coastal margin, with evidence of larger open and defended settlement in the central-western area, and some other more ephemeral settlement associated with the midden.

A pā, R11/1619, is located in the Future Urban Zone of the Plan Change area. This site is of archaeological and cultural importance and should be preserved. The proposed precinct provisions including Precinct Plan 4: Cultural Landscape Plan and standard I.7.10 Mana Whenua, in combination with the archaeological provisions of the HNZPTA, should provide sufficient protection for the site.

The large majority of the sites are located within the EPAN overlay along the coastal edge, including several in close proximity to and likely to be associated with the pā, R11/1619. These would not be affected by future residential development resulting from the proposed Plan Change, though there are likely to be some impacts from a coastal walkway and planting which can be avoided or appropriately managed by recommended measures as set out above.

Subject to implementation of the proposed management and mitigation measures, adverse effects on archaeological values resulting from development enabled by the Plan Change are likely to be acceptable.

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APPENDIX A: SITE RECORD FORMS

APPENDIX B: EXAMPLE OF ARCHAEOLOGICAL MANAGEMENT PLAN PROCEDURES FOR AUTHORITY APPLICATION

Project Archaeologist

The 'Project Archaeologist' referred to in this plan is the archaeologist approved by Heritage NZ under section 45 of the HNZPTA.

Some of the archaeological work may be undertaken by other qualified archaeologists under the direction of the Project Archaeologist. The general term 'Archaeologist' is used to denote either the Project Archaeologist or a qualified archaeologist working under their direction.

Māori Cultural Values

Archaeological sites of Māori origin have cultural value to tangata whenua in addition to the archaeological values provided for in this plan.

Contact details for representatives of iwi that have an interest in the sites within the project area are provided in this document, as are protocols that must be adhered to if archaeological remains of Māori origin are exposed. In carrying out the requirements of the authority the archaeologists will be guided by the Iwi representatives in matters of tikanga. *[Refer to any cultural protocols separately agreed between applicant and iwi].*

XXX or their designated representative should ensure that the iwi representatives are informed at least 2 weeks before the start of the works requiring archaeological monitoring.

Site Management

Pre-Start Requirements

1. Prior to the start of earthworks, the Project Archaeologist will be called to meet the Contractor[s] on site to brief them on the archaeological requirements.
2. Archaeological site(s) XXX (Figure XXX) will be temporarily fenced off under archaeological supervision to ensure it is not impacted on during works.
3. The Archaeologist will ensure that the Contractor/Project Manager have a copy of the Authority and Archaeological Management Plan, and will provide confirmation to Heritage NZ that they have been received and understood, either by providing copies of both documents signed by the relevant parties, or by obtaining email confirmation from them, copied to Heritage NZ.
4. The Project Archaeologist must be given at least 2 weeks' notice by the Contractor that works are about to begin.

Earthworks Phase

1. Monitoring of all preliminary excavations required for the project in the areas shown on Figure XXX will be carried out by a qualified Archaeologist, to determine whether pre-1900 archaeological remains are present.
2. Monitoring will continue until the natural deposits have been reached (where excavations are continued to this depth), or until it becomes clear that the area has been modified to the point where no archaeology would be expected.

3. If in situ archaeological features or deposits are identified during monitoring, the Archaeologist will stop works in the immediate vicinity by notifying the Contractor.
4. Any in situ archaeological deposits or features exposed during monitoring, that cannot be avoided, will be investigated, recorded and sampled by the Archaeologist consistent with accepted archaeological practice and in accordance with the requirements of the Heritage NZ authority. Detailed notes of each feature and deposit will be made, photographs will be taken, and all subsurface features located will be detailed on the site plan. Stratigraphic drawings and photographs of features and deposits will be undertaken. Any artefacts will be retained for analysis and their positions marked on the site plan.
5. Additional Archaeologists will be brought to site as required to assist in the monitoring, and for the subsequent archaeological recording and sampling.
6. The Contractor will allow sufficient time and opportunity for the recording and sampling of any archaeological features or deposits encountered. The Archaeologist(s) will record the archaeological feature(s) or deposit(s) as quickly as possible so that earthworks may resume without undue delay.
7. If suspected archaeological deposits or features are identified at times or in areas where the Archaeologist is temporarily not present, the Contractor must stop works (within 10m) and follow the procedure set out below.
8. Heritage NZ will be advised by the Project Archaeologist if any significant archaeological features or deposits are exposed that were not anticipated. This will trigger the stand down procedure set out below.
9. Any significant archaeological features exposed will be retained in situ if feasible following investigation and recording.
10. If archaeological remains relating to Māori occupation are exposed, the Project Archaeologist will inform the appropriate Iwi representatives (if not present).
11. If human bone (koiwi tangata) or taonga (Māori artefacts) are encountered, the protocols set out below will be followed.

Procedures if Archaeological Sites are Exposed when the Archaeologist is not Present

If the Archaeologist is temporarily not present and remains are exposed that are potentially archaeological features or deposits (as described to the Contractor at the pre-start meeting), the following procedure should be adopted:

1. The Contractor will ensure that earthworks shall cease in the immediate vicinity (within 10m) while the Archaeologist is called in to establish whether the remains are part of an archaeological site as defined under the HNZPTA.
2. If the Archaeologist confirms that it is an archaeological site, the area of the site will be defined by the Archaeologist and excluded from earthworks.
3. The archaeological site will be investigated and recorded by the Archaeologist in accordance with accepted archaeological practice and the conditions of the authority.
4. Heritage NZ will be advised by the Archaeologist if any significant archaeological features or deposits that were not anticipated are exposed.
5. If the archaeological site relates to Māori occupation the appropriate Iwi representatives will be informed by the Archaeologist (if not present) prior to investigation.

6. If human bone (koiwi tangata) or taonga (Māori artefacts) are unearthed the protocols set out below will be followed.

Protocols Relating to Koiwi Tangata (Human Remains)

If bone material is identified that could potentially be human, the following protocol will be adopted:

1. Earthworks/investigation should cease in the immediate vicinity while an Archaeologist establishes whether the bone is human.
2. If it is not clear whether the bone is human, work shall cease in the immediate vicinity until the University's reference collection and/or a specialist can be consulted and a definite identification made.
3. If bone is confirmed as human (koiwi tangata), the Archaeologist will immediately contact Iwi representatives (if not present), Heritage NZ and the NZ Police.
4. The site will be secured in a way that protects the koiwi as far as possible from further damage.
5. Consultation will be undertaken with all Iwi representatives as outlined in the authority, the Heritage NZ Regional Archaeologist and the authority holder to determine and advise the most appropriate course of action. No further action will be taken until responses have been received from all parties, and the koiwi will not be removed until advised by Heritage NZ.
6. The Iwi representatives will advise on appropriate tikanga and be given the opportunity to conduct any cultural ceremonies that are appropriate.
7. If the Iwi representatives are in agreement and so request, the bones may be further analysed by a skilled bio-anthropological specialist prior to reburial, in line with the *Heritage NZ Guidelines Koiwi Tangata Human Remains* (2014).
8. Activity in that place can recommence as soon the bones have been reinterred or removed and authorisation has been obtained from Heritage NZ.

Protocols Relating to Taonga (Māori Artefacts)

Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975. Taonga may be found in isolated contexts, but are generally found within archaeological sites. If taonga are found the following protocols will be adopted:

1. The area containing the taonga will be secured in a way that protects the taonga as far as possible from further damage, consistent with conditions of the Authority.
2. The Archaeologist will then inform Heritage NZ and the Iwi representatives so that the appropriate actions (from cultural and archaeological perspectives) can be determined.
3. These actions will be carried out within the stand down period specified below, and work may resume at the end of this period or when advised by Heritage NZ or the Archaeologist.
4. The Archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Protected Objects Act 1975. This can be done through the Auckland War Memorial Museum.

The Ministry for Culture and Heritage, in consultation with the tangata whenua, will decide on custodianship of the taonga (which may be a museum or the iwi whose claim to the artefact

has been confirmed by the Māori Land Court). If the taonga requires conservation treatment (stabilisation), this can be carried out by the Department of Anthropology, University of Auckland (09-373-7999) and would be paid for by the Ministry. It would then be returned to the custodian or museum.

Post-Earthworks Phase

1. Any artefacts recovered and samples taken will be analysed and recorded by the appropriate specialists.
2. Any Māori artefacts will be notified to the Ministry for Culture and Heritage in accordance with the Protected Objects Act 1975.
3. The Project Archaeologist will provide a report to Heritage NZ within 20 days of the completion of archaeological work. This may be the final report if no or limited archaeological remains are found.
4. If more extensive remains requiring detailed analysis are found, the Project Archaeologist will complete a full monitoring report within 12 months of the end of the archaeological work, and will provide it to Heritage NZ, Iwi and other parties identified in the Authority.

Archaeological Team and Other Contacts

Archaeological Team

TBA

Contact Details

TBA

Stand Down Periods

Depending on what is revealed by the earthworks, stand down periods may be required at various stages to allow for archaeological work to be carried out or for consultation with the appropriate parties.

Stand down will require earthworks to cease only in the immediate vicinity of the feature or find, and work may proceed in other areas. The following maximum stand down periods will apply, but earthworks may be resumed earlier if the required work has been completed.

Timeframes need to be flexible enough to ensure that archaeological works are completed as necessary to ensure that the conditions of the authority are met.

Trigger	Stand Down Period	Requirements	Release
Archaeological feature, deposit or artefacts	Up to <i>XXX</i> days within each area where remains are found, but work may continue in areas where no remains are identified	Sufficient time must be allowed for the Archaeologist to investigate and record the remains.	Work resumes when the Archaeologist advises the Contractor that work is completed
Significant archaeological feature, deposit or artefacts ³	Up to 3 days for a response from Heritage NZ, and up to 3 days for any detailed investigation required	The likely requirement is a mitigation investigation and/or recording by standard archaeological techniques, but this will be advised by Heritage NZ.	Work resumes when the Archaeologist advises the Contractor that work is completed
Human bone found	As agreed between the project manager, Heritage NZ and Iwi	Heritage NZ and NZ Police to be satisfied that koiwi identification is correct. Iwi representative(s) to organise reinterment or removal of bones from site and appropriate cultural ceremonies.	Work resumes following reinterment or removal of bones from site and when authorisation from Heritage NZ has been received.
Taonga, or archaeological remains of Māori origin found that were not anticipated	Up to 3 days	Heritage NZ and Iwi representative(s) to be consulted on appropriate action. Archaeological recording as required	Work resumes when the Archaeologist or Heritage NZ advises the Contractor that work is completed

³ i.e. with the potential to provide significant information through detailed investigation

Applicant's and Contractor's Responsibilities

Authority Holder's Responsibilities

XXX or their designated representative has the following responsibilities:

1. To advise Heritage NZ of the start and finish dates of any required archaeological work.
2. To ensure that sufficient time is provided to carry out any archaeological investigations required.
3. To provide sufficient site security to ensure that archaeological material on site is protected from unlawful excavation or removal.
4. To ensure that a copy of the archaeological Authority is kept on site and its contents are made known to all contractors and subcontractors.
5. To ensure that a copy of this Archaeological Management Plan is kept on site and its contents are made known to all contractors and subcontractors.
6. To ensure that the conditions and protocols outlined in the Authority and this document are observed by Contractors and subcontractors.
7. To provide a safe environment for the archaeologists to carry out their work.

Contractor's Responsibilities

The Contractor's responsibilities are as follows:

1. To meet the Project Archaeologist on site prior to the start of works for a briefing on the archaeological requirements.
2. To provide the Project Archaeologist with 2 weeks' notification that project earthworks are about to begin, and to ensure that an Archaeologist is present when earthworks begin in the areas requiring monitoring shown in Figure 1.
3. To comply with the protocols above if archaeological sites, koiwi or taonga (pp.XXX) are exposed.
4. To allow the Archaeologists sufficient time to investigate and record any archaeological remains before resuming works in the immediate vicinity.
5. To ensure a safe working environment for the Archaeologists.

Dispute Resolution

Disputes fall into a number of categories but are usually the result of poor communication between the developer, subcontractors, Iwi representatives and the project archaeologists. Most can be avoided if sufficient detail of the archaeological issues and responsibilities is outlined in the tender document or work management documentation.

Common examples of a dispute are: that the subcontractors consider that the archaeologists are causing unacceptable delays, or that the archaeologists feel they have insufficient time to fulfil the obligations of the authority. In the event of a dispute relating to the Authority investigation the following procedure for resolution should be followed:

1. If the dispute relates to archaeological issues, a meeting between the Authority holder (or designated representative), Contractor or subcontractor and Archaeologists should be convened as soon as possible to attempt to resolve the dispute.

2. If the dispute relates to cultural issues, a meeting between the Authority holder (or designated representative), Contractor or subcontractor, Iwi representatives, and Archaeologists should be convened as soon as possible to attempt to resolve the dispute.
3. If the dispute cannot be resolved a further meeting of all parties with representatives of Heritage NZ will be arranged within 1 working day to resolve the dispute. Heritage NZ has ultimate responsibility for resolving issues relating to the conditions of the Authorities it issues.

Taonga tūturu (Māori artefacts) recovered from archaeological investigations are often deposited in local or national museums following archaeological analysis, and with the agreement of iwi. On other occasions iwi may prefer to retain ownership of artefacts and disputes can arise between different iwi with an interest in the area. Any disputes relating to the long term ownership and custody of taonga tūturu should be dealt with through the statutory processes of the Protected Objects Act 1975. The provisions of the Act require that all taonga tūturu are notified to the Ministry for Culture and Heritage within 28 days of the completion of archaeological fieldwork. Under s.11 and s.12 of the Act the Ministry for Culture and Heritage must notify all parties that have an interest in the taonga, and if competing claims for ownership are made and cannot be resolved the matter may be referred to the Māori Land Court for resolution.